

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

January 2, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**010219.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Eggert, the minutes of the Regular Meeting of December 19, 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)

1/2/19 Mike Ulrich, Ulrich Sign Co. – withdrawing his application for a special use permit for a billboard at 616 West Ave.  
Referred to the Committee of the Whole.

**Notice of Claim:**

12/28/18 The Hartford Insur. Co., Subrogation Claim for Brigitta Alderete, 99 Garden St.  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**010219.2**

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 2, 2019 as follows:

General Fund	Fund A	\$ 43,956.35
Sewer Fund	Fund G	\$ 51.04
Capital Projects	Fund H	\$ 80,504.18
Payroll	Pay Date 12/20/18	\$473,703.78

Seconded by Alderman Eggert and adopted. Ayes 6.

### **010219.3**

By Alderman Oates:

Whereas, the City Council has approved a capital plan for the design and construction of a disc golf course 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; and

Whereas, Western New York Disc Golf Club has completed the design; and

Whereas, the purchase and installation of the equipment totals \$15,870 to be paid from the Outwater Trust;

Now, therefore, be it

Resolved, that the Common Council, as trustee of the Outwater Park Trust, hereby authorizes the disbursement of \$15,870 from the Outwater Park Trust to the City's Capital Fund for this improvement to Outwater Park; and Be it Further

Resolved, that the Capital Budget is hereby amended accordingly.

Seconded by Alderman Devine and adopted. Ayes 6.

### **010219.4**

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 2019, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman Farrell and adopted. Ayes 6.

### **010219.5**

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2019 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00.

Seconded by Alderman Abbott and adopted. Ayes 6.

### **010219.6**

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 Sabrina Stanton for the position of Real Property Appraisal Technician (Assessment) effective January 4, 2019, 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 Sabrina Stanton shall be exempt from said residency requirement for the position of Real Property Appraisal Technician for the City of Lockport Assessment Department.

Seconded by Alderman Oates and adopted. Ayes 6.

**010219.7**

### **ADJOURNMENT**

At 5:42 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, January 16, 2019.

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 16, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

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

### **INVOCATION**

### **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

**011619.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of January 2, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

### **Appointments:**

1/2/19 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments:

#### **For the term of one year expiring on December 31, 2019:**

President of the Common Council	Mark S. Devine
Corporation Counsel	Allen D. Miskell
Deputy Corporation Counsel	David J. Haylett, Jr.
Deputy Corporation Counsel	Jason J. Cafarella
Traffic Advisory Committee	David J. Haylett, Jr.

#### **2019 Common Council Standing Committees:**

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

**Public Health & Safety Committee-** Alderman Eggert, Chairman  
Members: Aldermen 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  
City Engineer

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

**Washington Hunt Committee-** Mayor Roman, Chairman

Members: Aldermen Wohleben and Abbott

**Commissioner of Deeds:**

For the term of two years expiring on December 31, 2020

Paul M. Beakman Jr, 104 Caledonia St, Lockport, NY 14094  
Amy S. Bonnett, 97 Webb St., Lockport, NY 14094  
Mark S. Devine, 110 Corinthia St., Lockport, NY 14094  
Roxanne M. Devine, 114 Maple St., Lockport, NY 14094  
Erik A. Herbert, 1049 E. Thomas Fox Dr., N. Tonawanda, NY 14120  
Amanda J. Irons-Rindfleisch, 5785 Tonawanda Creek Rd., Lockport, NY 14094  
Thomas E. Lupo, 17 Bobolink Ln., Lockport, NY 14094  
Anita Mullane, 93 Lindhurst Dr., Lockport, NY 14094  
Anthony J. Nemi, 67 S. New York St., Lockport, NY 14094  
Douglas C. Nicholson, 22 Roosevelt Dr., Lockport, NY 14094  
Jean A. Page, 532 Irving St., Lewiston, NY 14092  
Kevin W. Pratt, 97 Adam St., Lockport, NY 14094  
Cynthia R. Ransom, 7900 Buffalo Ave., Niagara Falls, NY 14304  
Christopher W. Robbins, 1507 100<sup>th</sup> St., Niagara Falls, NY 14304  
Michelle M. Roman, 30 Cherry St., Lockport, NY 14094  
William C. Rutland, 5798 Locust St., Lockport, NY 14094  
Carla L. Speranza, 6438 Lincoln Ave., Lockport, NY 14094  
Wendy Guild-Swearingen, 3705 N. Creek Rd., Youngstown, NY 14174  
Ryan J. Undercoffer, 655 Orchard Pkwy., Niagara Falls, NY 14301  
Kevin M. Watier, 784 East Ave., Lockport, NY 14094

1/2/19 Charles J. Morello, Sr., 643 Market Street, Lockport, NY – appointed as a member of the Fire Board. Said term expires December 31, 2022.  
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)

11/26/18 Ed Sandusky, Vice President of Optimist Club of Lockport – request permission to conduct the 44<sup>th</sup> annual Lockport Optimist Outdoor Arts & Craft Festival on June 29<sup>th</sup> & 30<sup>th</sup>, 2019.  
Referred to the Committee of the Whole.

10/4/18 Ann Murphy, Owner Shamus Restaurant, 98 West Avenue, Lockport, NY – request permission to conduct the Shamus 2<sup>nd</sup> annual St. Patrick's Party on March 16, 2019.  
Referred to the Committee of the Whole.

8/17/18 Ken Genewick, Co-Race Director, Great Lakes Racing LLC, Lockport, NY – request permission to conduct the 10<sup>th</sup> annual Beast of Burden Ultra Marathon Race Series on Feb. 16<sup>th</sup> & 17<sup>th</sup> and Aug. 10<sup>th</sup> & 11<sup>th</sup>, 2019.  
Referred to the Committee of the Whole.

12/7/18 Jeff Tracy, Race Director, Score This!!! – on behalf of the Historic Palace Theater requests permission to conduct the 48<sup>th</sup> annual Lockport 10 Open Road Race on Feb. 9, 2019. Referred to the Committee of the Whole.

1/3/19 Rachel Zwitzer, Brand Ambassador of Soccer Shots Buffalo – request permission to use Altro Park for their upcoming 2019 season. Referred to the Committee of the Whole.

**Notice of Defect:**

1/4/19 7 Lakeview Pkwy – trees  
Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**011619.2**

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 January 16, 2019 as follows:

General Fund	Fund A	\$ 205,306.48
Water Fund	Fund FX	\$ 30,559.61
Sewer Fund	Fund G	\$ 80,826.66
Capital Projects	Fund H	\$ 311,490.22
Refuse Fund	Fund CL	\$ 94,301.25
Self Insurance	Fund MS	\$ 86,939.60
Payroll	Pay Date 1/3/19	\$ 450,072.15

Seconded by Alderman Farrell and adopted. Ayes 6.

**011619.3**

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>
Thomas M. LaSpada	20	Heavy Equip. Operator
Megan K. Brewer	10	Inspection Data Coord/Zoning Officer
Tricia K. Vosburgh	10	Police Officer

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.4**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of February 6, 2019 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 Ahmed Eldhany, for approval for an auto sales and repair shop to be located at 32 South Niagara Street, situated in a I-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 6.

**011619.5**

By Alderman Eggert:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 44<sup>th</sup> Annual Lockport Optimists Arts and Craft Festival on June 29<sup>th</sup> and 30<sup>th</sup> 2019 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 and Market Street from Main Street north to Chestnut 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 28<sup>th</sup> and 29<sup>th</sup> subject to the approval of the Chief of Police.

Seconded by Alderman Farrell and adopted. Ayes 6.

**011619.6**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct their second annual St. Patrick's Day Event on March 16, 2019, 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 crafts, 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.

**011619.7**

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 16, and Saturday, August 10, 2019, 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.

**011619.8**

By Alderman Eggert:

Resolved, that pursuant to their request, Score This!!! is hereby granted permission to conduct the Lockport 10 Open Road Race. Closing Market Street during the race and closing East Avenue from Washburn Street to Elm Street at the beginning and end of the race on Saturday, February 9, 2019, 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 Oates and adopted. Ayes 6.

**011619.9**

By Alderman Oates:

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 27, 2019 through October 24, 2019, 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 Abbott and adopted. Ayes 6.

**011619.10**

By Alderman Oates:



Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Relay for Life Mother's Day Canal Walk on Sunday, May 12, 2019 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 Abbott and adopted. Ayes 6.

#### **011619.11**

By Alderman Devine:

Whereas, on January 2016 the City of Lockport issued a Request for Qualifications (RFQ) from qualified Professional Engineering Firms to provide consultant engineering services for municipal engineering projects; and

Whereas, the Mayor appointed a committee to review the engineering firms proposals and determined that each of the following firms were qualified in their areas of expertise to perform engineering work for the City of Lockport: AECOM, Technical Services, Inc.; Erdman Anthony Engineering Infrastructure Solutions; CHA Design Construction Solutions.; Barton & Loguidice, D.P.C.; Clark Patterson Lee Design Professional; EI Team, Architecture, Engineering, Planning, and Construction; GHD Consulting Services Inc.; KHEOPS Architecture, Engineering, and Survey; and Nusbaumer & Clarke, Inc.; and

Whereas, on April 2016, the Common Council resolved on resolution 042016.9 to pre-qualify said engineering firms and authorized the City Engineer to request proposals for engineering projects from any or all of the firms based upon the firms' level of expertise and the nature of engineering work needed; and

Whereas, the City wishes to allow the ability to continue soliciting formal proposals and utilizing the most qualified engineering firm for specific projects that arise from time to time; and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to execute agreements with any of the above-mentioned engineering firms for engineering studies and infrastructure projects that the City plans from time to time; and be it further

Resolved, that said authority shall be limited to the boundaries imposed by project resolutions or budgetary appropriation.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **011619.12**

By Alderman Devine:

Whereas, on resolution 042016.4 dated April 20, 2016, the Common Council authorized the Mayor to enter into a contract with Nussbaumer and Clarke, Inc. to provide General Engineering Support Services on as-needed or "on-call" basis, and

Whereas, per Engineering Department request, Nussbaumer & Clarke, Inc. has submitted a proposal to amend the original contract dated April 20, 2016 for supporting the City as Retained Engineer for Fiscal Year 2019,

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign an amendment to the original contract between the City and Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, New York.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.13**

By Alderman Oates:

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 13 West Main Street Renovation Project, and

Whereas, the Common Council of the City of Lockport has considered the 13 West Main Street Renovation Project at 13 West Main Street, 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 13 West Main Street Project at the 13 West Main Street, Lockport, New York 14094 will not result in any large and significant 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 Eggert and adopted. Ayes 6.

**011619.14**

By Alderman Abbott:

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 Niagara County and the City of Lockport; 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 § 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 several anticipated benefits of a one (1%) percent Bed Tax increase include:

1. Promote Tourism by the ease of transportation to and from all tourists' sites in the City of Niagara Falls, Town of Lewiston, Village of Youngstown and, in the future, the City of Lockport and the 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 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, that the Shuttle will promote; now, therefore be it

Resolved, 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 one (1%) percent designated specifically to the Discover Niagara Shuttle; 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 Lockport residents, Niagara County residents, and visitors to have convenient comfortable transportation between Niagara County attractions; and be it further

Resolved, that City of Lockport Common Council respectfully requests the New York State Senate and Assembly to submit companion Bills that would pave the way for a 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 Wohleben and adopted. Ayes 6.

#### **011619.15**

By Alderman Eggert:

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

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

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

Resolved, that salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2019; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$29,957.00 for the year 2019.

Seconded by Alderman Oates and adopted. Ayes 6.

**011619.16**

By Alderman Eggert:

Resolved, that pursuant to their request, Lockport New Beginnings is hereby granted permission to use the Lockport City Council Chambers on Saturdays from 12-1:30 p.m. to conduct their "Young Men and Women of Character Program" beginning January 26<sup>th</sup> through May 4<sup>th</sup>, 2019.

Seconded by Alderman Abbott and adopted. Ayes 6.

**011619.17**

By Alderman Oates:

Whereas, a retaining wall located along the City of Lockport right of way in the vicinity of 210 Market Street failed and the City requested that its Consulting Engineer Nussbaumer & Clarke, Inc. examine the failed wall; and

Whereas, Nussbaumer determined that the wall had reached the end of its service life and should be replaced to maintain the integrity of Market Street and under laying utilities. Per the City's Engineering Department request, Nussbaumer prepared design documents to obtain a contractor for construction of a new wall; and

Whereas, the City publicly advertised a Notice to Bidders and accepted bids from contractors on December 7, 2018 at 11:00 a.m. which were publicly opened and read as follows: NFP & Sons, Inc., \$203,500.00; 4th Generation Construction, Inc., \$239,325.00; Nichols, Long & Moore, \$276,783.00; Scott Lawn Yard, \$331,310.00; and Edbauer Construction, \$355,000.00; and

Whereas, the Engineering Department has reviewed the contractor bids and recommends awarding the project to the low bidder NFP & Sons, Inc., for a total amount of \$203,500.00 that includes Bid Alternate #1; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with NFP & Sons, Inc., 7311 Ward Road, North Tonawanda, NY 14120 in the amount of \$203,500.00 to replace the failed retaining wall located along the City's right of way in the surrounding area of 210 Market Street, project to be charged to Capital Projects; and be it further,

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare a bond ordinance in an amount equal to the project cost.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**011619.18**

By Alderman Eggert:

Whereas, the City of Lockport believes in the right of all of its employees to receive a living wage; and

Whereas, State of New York has enacted the Minimum Wage Act (Article 19 of the New York State Labor Law); and

Whereas, the current effective minimum wage under such law is \$11.10 per hour, with future scheduled increases; now therefore be it

Resolved, the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees, the rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

Seconded by Alderman Abbott and adopted. Ayes 6.

**011619.19**

**ADJOURNMENT**

At 5:59 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 6, 2019.

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

February 13, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

**INVOCATION**

**STATE OF THE CITY**

**RECESS**

Recess for public input.

**021319.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of January 16, 2019 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 property at 32 S. Niagara Street for an auto sales and repair shop.

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

1/8/19 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.

### **FROM THE MAYOR**

#### **Appointments:**

1/16/19 Greg Zakrzewski, 5715 Royalton Center Road, Gasport, NY – appointed as a member of the Plumbing Board. Said term expires December 31, 2021.  
Received and filed.

1/18/19 Mayor Michele M. Roman – recommendation that Anthony J. Sammarco, 8 Harding Avenue, Lockport, NY be appointed as member of the Lockport Community Cable Commission. Referred to the Committee of the Whole.

1/25/19 Carrie A. Gugliuzza, 7158 Northview Drive, Lockport, NY – appointed as Program Coordinator, Community Development, effective January 23, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

1/25/19 Anthony J. Cercone, 243 South Niagara Street, Lockport, NY – appointed as Public Works Mechanic, Highways and Parks, effective January 23, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

1/28/19 Joelle Waters, 81 Corinthia Street, Lockport, NY - appointed as a member of the Youth Board. Said term expires December 31, 2021.  
Received and filed.

1/29/19 Adam J. Heiman, 727 Walnut Street, Lockport, NY – appointed as WWTP Operator Trainee, Wastewater Department, effective January 30, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

1/31/19 Under and by virtue of the of the authority conferred on me by the Charter of the City of Lockport, New York, I, Michelle M. Roman, Mayor of said City, do hereby make the following appointment:

#### **Commissioner of Deeds:**

For the term of two years expiring on December 31, 2020

Molly A. Lawson, 24 Grosvenor Street, Lockport, NY  
James G. Budde, 7665 Highland Drive, Gasport, NY

**Tree Advisory Committee:**

Steven P. Allore, 154 Locust Street #2, Lockport, NY  
Rebecca L. Wilson, 56 High Street, Lockport, NY

**Environmental Advisory Committee:**

For the term of three years expiring on February 1, 2021

Joyce A. Hagen, 22 Fairway Drive, Lockport, NY

Received and filed.

**FROM THE CITY CLERK**

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

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

1/7/19 Katie Constantino, Catholic Charities – request permission to conduct a “Healthy Baby Festival” at Altro Park on July 29, 2019.  
Referred to the Committee of the Whole.

1/10/19 Neal Turvey, Niagara Jr. Thunderwolves – request permission to conduct the 2019 Youth Baseball Tournaments in Outwater Park.  
Referred to the Committee of the Whole.

1/29/19 Richelle J. Pasceri, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President’s Birthdays:

Monday, February 11<sup>th</sup>

Monday, February 18<sup>th</sup>

There will be no change in the garbage pickup schedule.

1/28/19 Richelle J. Pasceri, City Clerk – notification of bid received on January 25, 2019 for Municipal Building Entrance Door Replacement are as follows:

Cavlee Development, Inc.	\$39,980.00
Lockport, NY	

1/28/19 Richelle J. Pasceri, City Clerk – notification of bids received on January 25, 2019 for Engineering Services for evaluation of Gulf Interceptor Sewer are as follows:

Nussbaumer & Clarke, Inc. Lockport, NY	\$20,700.00
Barton & Loguidice Tonawanda, NY	\$35,000.00

Referred to the Committee of the Whole.

**Notice of Defect:**

2/7/19 340 Green Street – tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

1/15/19 Eugenio Antongiorgi, 472 Prospect Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**021319.2**

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 February 6 & 13, 2019 as follows:

2018 Expenses

General Fund	Fund A	\$ 65,463.33
Water Fund	Fund FX	\$ 19,509.35
Sewer Fund	Fund G	\$ 16,803.73
Capital Projects	Fund H	\$ 76,914.76

2019 Expenses

General Fund	Fund A	\$ 130,518.58
Water Fund	Fund FX	\$ 1,926.60
Sewer Fund	Fund G	\$ 9,610.40
Refuse Fund	Fund CL	\$ 386.45
Self Insurance	Fund MS	\$ 53,416.95
Worker's Comp	Fund S	\$ 13,725.00
Payroll	Pay Date 1/17	\$ 608,864.12
Payroll	Pay Date 1/31	\$ 569,067.39

Seconded by Alderman Farrell and adopted. Ayes 6.

**021319.3**

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>
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Rodney Peters	20	Police Lieutenant
Nicholas A. Rubert	20	Municipal Worker
Kevin L. Schrader	20	Police Detective
Randy S. Szymanski	15	Municipal Worker

Seconded by Alderman Oates and adopted. Ayes 6.

#### **021319.4**

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 13<sup>th</sup> through September 9<sup>th</sup>, 2019 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, 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 Oates and adopted. Ayes 6.

#### **021319.5**

By Alderman Farrell:

Resolved, that pursuant their request, Catholic Charities of Buffalo, NY is hereby granted permission to hold a free Healthy Baby Festival to celebrate World Breastfeeding Week at Altro Park on July 29, 2019 from 11 a.m. – 1 p.m. Permission is subject to Catholic Charities filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **021319.6**

By Alderman Devine:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their 2019 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 Abbott and adopted. Ayes 6.

By Alderman Farrell:

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

Seconded by Alderman Eggert and adopted. Ayes 6.

**021319.7**

By Alderman Oates:

WHEREAS, the Town of Lockport (the "Town") was the recipient of New York State administered Grant #664ED431-02 from the New York State Housing Trust Fund Corporation represented by the Governor's Office for Small Cities through the Community Development Block Grant (CDBG) Program (the "CDBG Grant"), and

WHEREAS, the use of the CDBG Grant by the Town resulted in the generation of Program Income, as defined in the CDBG regulations ("Program Income") which is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter "HUD") and the New York State Office of Community Renewal (hereinafter "OCR") regarding its use, and

WHEREAS, OCR has notified the Town and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019, and

WHEREAS, any proposed use of Program Income prior to March 31, 2019 must be approved by OCR, and

WHEREAS, the City of Lockport (the "City") has been systematically evaluating its combined sewer system to reduce inflow and infiltration and to improve conveyance to the City's wastewater treatment plant ("WWTP") and wishes to evaluate the condition and flow of the Gulf Interceptor Sewer, which carries combined flows from the western portion of the City and the adjacent portion of the Town to the WWTP, for the purpose of obtaining recommendations regarding the reduction of inflow and infiltration and the improvement of conveyance of the Gulf Interceptor Sewer in order to improve water quality conditions and protect public health, and

WHEREAS, the City has requested that the Town provide funding for an engineering study and monitoring of the Gulf Interceptor Sewer, which would constitute an eligible use of CDBG Program Income, and

WHEREAS, the Town proposes to provide the Program Income to the City in the form of a grant to fund a CDBG-eligible engineering study and monitoring of the Gulf Interceptor Sewer.

NOW, THEREFORE, BE IT

RESOLVED, that, subject to the approval of OCR and the Town's adoption of an authorizing resolution, the City receive a grant of Program Income in an amount not to exceed \$83,295.00, less eligible administrative expenses of the Town, from the Town (the "Grant") to be used to fund a CDBG-eligible engineering study and monitoring of the Gulf Interceptor Sewer, and be it further

RESOLVED, that the City enter into a Grant Agreement with the Town which shall provide for the disbursement and use of the Grant proceeds in a manner consistent with CDBG program requirements and applicable statutes, rules and regulations, such Grant Agreement to be subject to the approval of the Corporation Counsel, and be it further

RESOLVED, that following the Corporation Counsel's review, the Mayor be, and hereby is, authorized to execute the Grant Agreement with the Town and such other documentation as is required to effectuate the actions approved in this Resolution.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**021319.8**

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 18, 2019.

Seconded by Alderman Abbott and adopted. Ayes 6.

**021319.9**

By Alderman Devine:

WHEREAS, the City entered into an agreement with National Water Main Cleaning Company on September 7, 2018, under resolution No. 090518.8, to perform sewer rehabilitation work on various streets of the City of Lockport; and

WHEREAS, the Engineering Department and the Department of Highways and Parks have determined that sections of sanitary sewers on Tudor Lane (from the Villager Apartments to Tudor Lane), Park Lane Circle (from the Park Lane Apartments to Park Lane Circle), Briarwood Drive (from Akron Street to Willow Street), Garden Street (from Adam Street to Chapel Street), and McIntosh Drive (from Jesson Parkway to Willow Street) are in need of sediment removal and video inspection to correct reported issues related to sewer overflows and basement backups; and

WHEREAS, per Engineering Department request, National Water Main Cleaning Company has submitted a change order in the amount of \$28,900.00 to perform sediment removal and video inspection on said sections of sanitary sewers; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to approve Change Order No. 2 submitted by National Water Main Cleaning Co., 25 Marshall Street, Canton, MA 02021 to amend the original contract in the amount of \$28,900.00 for the scope of work included in its proposal dated January 16, 2018 and to be charged to Capital Projects.

Seconded by Alderman Eggert and adopted. Ayes 6.

**021319.10**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor Roman, Anthony J. Sammarco, 8 Harding Avenue, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a three-year term expiring on December 31, 2021.

Seconded by Alderman Oates and adopted. Ayes 6.

**021319.11**

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert E. Spencer, a City of Lockport Building Maintenance employee who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

**021319.12**

By Alderman Wohleben:

WHEREAS, the City of Lockport received a grant for \$1,315,000 from Empire State Development and a \$200,000 National Maritime Heritage grant through the National Park Service for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

WHEREAS, the City of Lockport completed the final design, Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

WHEREAS, the Dormitory Authority has notified the City that it has been awarded a \$250,000 grant for the Phase II rehabilitation, NOW THEREFORE BE IT

RESOLVED that the City of Lockport accepts the \$250,000 Dormitory Authority of the State of New York and authorizes the Mayor to execute all related grant documents.

Seconded by Alderman Oates and adopted. Ayes 6.

**021319.13**

By Alderman Abbott:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Domino's Pizza LLC. for funds to fill potholes in the City of Lockport under their "Paving for Pizza Program".

Seconded by Alderman Farrell and adopted. Ayes 6.

**021319.14**

By Alderman Farrell:

Resolved, that pursuant to their request, Kenan Center, Inc. is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the 49<sup>th</sup> Annual 100 American Craftsman event from May 24<sup>th</sup> through June 2<sup>nd</sup>, 2019. Said permission is subject to the Kenan Center 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.

**021319.15**

By Alderman Abbott:

WHEREAS a proposal has been made by Troy and Banks Energy Services for an energy audit for the City of Lockport; and

WHEREAS, such proposed audit is without cost to the City and could result in cost savings to the City; NOW THEREFORE BE IT

RESOLVED that the Mayor is hereby authorized to enter into a contract for such audit with Troy and Banks Energy Services, subject to Corporation Counsel approval.

Seconded by Alderman Oates and adopted. Ayes 6.

**021319.16**

By Alderman Wohleben:

Resolved, that the request for a special use permit made by Ahmed Eldhany to utilize property for auto sales and repair, located at 32 S. Niagara Street, situated in a I-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.

There shall be no dismantling of vehicles on the property.

There shall be no outdoor storage of loose parts or tires.

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.

**021319.17**

By Alderman Wohleben:

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
109.48-2-65	12 McCollum St	Katherine Sexton & Kenneth Smith

Seconded by Alderman Abbott and adopted. Ayes 6.

**021319.18**

By Alderman Wohleben:

Whereas, on January 16, 2019, the Common Council adopted Resolution No. 011619.14 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 2080 and Assembly Bill 2236 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 2080 and Assembly Bill 2236 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 Farrell and adopted. Ayes 6.

**021319.19**

By Alderman Wohleben:

WHEREAS, the Building Maintenance Supervisor has informed the Mayor that three door entrances to the Municipal Building are in need of replacement; and

WHEREAS, the City publicly advertised a Notice to Bidders and accepted bids from contractors on January 25, 2019 which were publicly opened and read as follows: Cavlee Development, Inc. \$39,980.00; and

WHEREAS, the Engineering Department has reviewed the submitted proposal and recommends that the City awards a contract to Cavlee Development, Inc., for a total amount of \$39,980.00; and

WHEREAS, the 2019 General Fund budget needs to be amended to fund this project as it was not included in the adopted budget; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to execute an Agreement with Cavlee Development, Inc., 5730 Keck Road, Lockport NY 14094 in the amount of \$39,980.00; and be it further

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

Decrease:

A1900.54775	Contingency	\$40,000
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Increase:

A1620.52411	Building Improvements	\$40,000
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Seconded by Alderman Eggert and adopted. Ayes 6.

#### **021319.19A**

By Alderman Wohleben:

WHEREAS, on February 1, 2019, New York State Governor Andrew Cuomo signed into law Senate (S.02523) and Assembly (A.02852) bills which add a new section, Real Property Tax Law 925-e, to allow furloughed federal taxpayers in the City of Lockport an extended period of ninety days from the end of the furlough to pay property taxes without interest and penalty, and

WHEREAS, a furloughed federal taxpayer or designated non-pay federal employee must provide documentation to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport hereby elects to grant furloughed federal taxpayer or designated non-pay federal employees a ninety-day interest and penalty free period to pay City real property taxes contingent on said employees providing proof of furlough to the City Treasurer in a form acceptable to the City Treasurer no later than March 1, 2019 and; be it further

RESOLVED, the City Treasurer is hereby authorized under New York State Real Property Law section 925-e, and this resolution, to extend the interest free period until April 19, 2019; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the City of Lockport School District and County of Niagara.

Seconded by Alderman Abbott and adopted. Ayes 5. Alderman Oates voted no.

#### **021319.20**

#### **ADJOURNMENT**

At 6:23 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 20, 2019.

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

February 20, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert and Oates.

Alderman Farrell and Wohleben absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**022019.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Eggert, the minutes of the Regular Meeting of February 13, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

**FROM THE MAYOR**

**Appointment:**

1/19/19      Andrew J. Geier, 177 Lock Street, Lockport, NY – appointed as a Municipal Worker for the City of Lockport Building Maintenance Dept. effective February 15, 2019. 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)



2/14/19 Jessica Notarius, Senior Manager, National Multiple Sclerosis Society, - requests permission to conduct the Lockport Walk MS event on Sunday, May 19, 2019.

**Notice of Defect:**

2/7/19 47 McIntosh Dr. – tree

2/12/19 45 Main St. – grate

2/13/19 265 Pine St. - tree

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**022019.2**

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 February 20, 2019 as follows:

2018 Expenses

General Fund	Fund A	\$ 26,177.18
Sewer Fund	Fund G	\$ 1,120.00
Capital Projects	Fund H	\$ 4,926.00

2019 Expenses

General Fund	Fund A	\$131,593.84
Water Fund	Fund FX	\$ 19,288.32
Sewer Fund	Fund G	\$ 26,458.49
Refuse Fund	Fund CL	\$ 92,229.16
Self Insurance	Fund MS	\$138,147.97
Worker's Comp	Fund S	\$ 70,714.00
Payroll	Pay Date 2/14	\$453,971.70

Seconded by Alderman Eggert and adopted. Ayes 4.

**022019.3**

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 3, 2019 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 Abbott and adopted. Ayes 4.

**022019.4**

By Alderman Abbott:

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 22<sup>rd</sup> & 23<sup>rd</sup>, 2019. 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 Oates and adopted. Ayes 4.

#### **022019.5**

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 Real Property Management Committee met and determined that the following property was not needed for municipal purposes, has little market value due to the irregular size and location and recommended that the property be offered for sale to either the adjoining owners or other interested parties, and

WHEREAS, the following purchaser submitted a proposal offering to acquire the property for nominal consideration, and

WHEREAS, the City of Lockport desires to return said parcel 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 property to the following purchaser for nominal consideration.

PARCEL ID	Address	Purchaser
109.38-2-6	190 Gooding St	B.O.D Properties

Seconded by Alderman Oates and adopted. Ayes 4.

#### **022019.6**

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, 2019 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 Abbott and adopted. Ayes 4.

**022019.7**

## **ADJOURNMENT**

At 5:43 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 6, 2019.

Seconded by Alderman Eggert and adopted. Ayes 4.

RICHELLE J. PASCERI  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

March 6, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

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

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**030619.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Eggert, the minutes of the Regular Meeting of February 20, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

## **Appointments:**

2/22/19 Anne H. Orr, 125 Church Street, Youngstown, NY appointed as Commissioner of Deeds. Said term expires December 31, 2020.  
Received and filed.

2/26/19 Mark P. Davis, 8464 Ridge Rd., Gasport, NY appointed as Water Distribution Maintenance Supervisor effective February 26, 2019. 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)

2/20/19 Taren LaGamba, Western New York Historic Parks Associates, Inc. – permission to write and submit a grant to the William G. Mayne, Jr. Grant Fund for Community enhancement.  
Referred to the Committee of the Whole.

2/21/19 Lynn Harrington, Stephen C. Harrington Memorial Erie Canal Fishing Derby – requests permission to hang two banners to promote the 2019 Erie Canal Fishing Derby.  
Referred to the Committee of the Whole.

#### **Notice of Defect:**

2/22/19 372 High Street, Lockport, NY – trees.  
3/6/19 142 & 154 Irving Street, Lockport, NY – trees.  
Referred to the Director of Streets and Parks.

#### **Notice of Claim:**

3/4/19 Michele J. Corrairie, 471 East Avenue, Lockport, NY  
3/5/19 Susan Wolf, 2785 Albright Road, Ransomville, NY  
Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **030619.2**

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 March 6, 2019 as follows:

#### 2018 Expenses

General Fund	Fund A	\$ 11,704.17
Sewer Fund	Fund G	\$ 1,800.00
Capital Projects	Fund H	\$ 971.00

#### 2019 Expenses

General Fund	Fund A	\$229,731.52
Water Fund	Fund FX	\$ 46,996.80
Sewer Fund	Fund G	\$ 44,487.77
Refuse Fund	Fund CL	\$ 485.45
Payroll	Pay Date 2/21	\$453,153.49

Seconded by Alderman Wohleben and adopted. Ayes 6.

### 030619.3

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>
Laura K. Schuler	10	Police Lieutenant
Steven J. Tarnowski	10	Police Lieutenant

Seconded by Alderman Abbott and adopted. Ayes 6.

### 030619.4

By Alderman Farrell:

Whereas, the City Court Clerk has indicated that the courts are in need of new shutters for the court windows located in the Lockport Municipal Building; and

Whereas, the New York State Unified Court System reimburses the City 100% of approved tenant work; and

Whereas, the new shutters have been an approved purchase by NYS and are not budgeted in the 2019 Building Maintenance budget; now, therefore, be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Revenue:

Increase:

A.1620.33021	State Aid Court Facilities	\$1,950
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Expense:

Increase:

A.1620.54076	Property Repairs	\$1,950
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Seconded by Alderman Abbott and adopted. Ayes 6.

### 030619.5

By Alderman Abbott:

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 3<sup>rd</sup> through July 14<sup>th</sup>, 2019. 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.

#### **030619.6**

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 2019 William G. Mayne, Jr. Grant Fund for a grant to be used for community enhancement.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **030619.7**

By Alderman Wohleben:

Whereas, the City has developed a Capital Plan designed to, among other things, plan the replacement of its vehicles; and

Whereas, it has been estimated that by leasing passenger and work truck vehicles, the City can reduce its maintenance and operational costs by approximately \$300,000 over a ten year period; and

Whereas, the City of Lockport will be piggy-backing on a cooperative purchasing group lease agreement entered into with Enterprise Fleet Management through Sourcewell, formally known as NJPA; Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute any and all documents related to the proposed lease of vehicles through Enterprise Fleet Management as prescribed by the vendor and as funded by the 2019 Budget and this resolution; and, be it further

Resolved, that the 2019 Budget is hereby amended as follows:

Expense:

Increase:

A.7140.54065	Equip. Lease	\$950
A.3410.54065	Equip. Lease	\$7,650
A.3120.54065	Equip. Lease	\$38,500
A.5110.54065	Equip. Lease	\$8,850
FX.8340.54065	Equip. Lease	\$7,860
G.8130.54065	Equip. Lease	\$10,300

Decrease:

A.3620.54065	Equip. Lease	\$5,500
A.1355.54065	Equip. Lease	\$1,850
A.1440.54065	Equip. Lease	\$2,100
A.3120.52070	Public Safety Equip.	\$46,500
FX.1900.54775	Contingency	\$7,860
G.8130.54623	Electricity	\$10,300

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **030619.8**

By Alderman Wohleben:

WHEREAS the City of Lockport believes that all residents of Lockport should have safe housing and safe neighborhoods; and

WHEREAS, the City of Lockport is dedicated to insure safe housing through enforcement of Local and State Housing Codes and Laws; and

WHEREAS, the City of Lockport has found it difficult to collect unpaid housing code violation penalties, costs and fines imposed by the judicial system; and

WHEREAS, the City of Lockport needs the ability to levy unpaid housing code violation penalties, costs and fines imposed by the judicial system on the City's annual tax levy; and

WHEREAS, the several anticipated benefits of levying unpaid housing code violation penalties, costs and fines imposed by the judicial system on the City's annual tax levy are:

4. Further encourage all property owners to comply with all Local and State Housing Codes and Laws;
5. Reduce the resources expended by the City that have been historically used to seek collection of penalties, costs and fines;
6. Increase actual revenue collected by the City of Lockport;

and

NOW THEREFORE BE IT RESOLVED the City of Lockport Common Council requests the State of New York Legislature draft a bill for the purposes of permitting the City of Lockport to collect any unpaid housing, building and fire code violation penalties, costs and fines through placement on the City's annual tax levy;

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

Seconded by Alderman Farrell and adopted. Ayes 6.

### **030619.9**

By Alderman Eggert:

Whereas, the Salvation Army provides warm shelter for the homeless or persons without heat when the temperature goes below 15 degrees overnight calling for a "Code Blue", and

Whereas, there has been an unusually high number of nights that the Salvation Army has stayed open for the "Code Blue" program in the 2018-2019 winter months, and

Whereas, a request has been made by the Salvation Army to help fund the "Code Blue" program in the amount of \$2,500 and

Whereas, the donation was not budgeted necessitating an amendment to the 2019 General Fund budget, now therefore be it

Resolved, the 2019 General Fund Budget be amended as follows:

Expense:

Increase:

A.8510.54075	Service Contracts	\$2,500
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Decrease:

A.1900.54775	Contingency	\$2,500
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Seconded by Alderman Oates and adopted. Ayes 6.

**030619.9A**

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Christ S. Sposito, a retired City of Lockport WWTP Attendant who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

**030619.9B**

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John J. Quinones, a retired City of Lockport Motor Equipment Operator who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 6.

**030619.9C**

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 Water and Sewer Billing and Service Coordinator for the City of Lockport Water Administration 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 and Sewer Billing and Service Coordinator position shall be exempt from said residency requirement for the Lockport Water Department.

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

**030619.9D**

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of March 20, 2019 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 Todd & Karla Chenez, for approval to erect a portable sign for 60 days and to erect two banner signs on the dumpster enclosure and east side of the building to be located at 21 Main Street, situated in a B-2 Zone, and be it further



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

Seconded by Alderman Wohleben and adopted. Ayes 6.

**030619.9E**

By Alderman Wohleben:

WHEREAS, the State of New York Hudson River Valley Greenway Commission (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 City of Lockport has approved the Greenway Commission to make various enhancements on Canal Street as part of the Empire State Trail Gateway in the City of Lockport, and

WHEREAS, the Greenway Commission has provided the City of Lockport with a Letter of Intent, which states each parties' responsibilities, and

WHEREAS, the Letter of Intent states that it is the Greenway Commission's responsibility to fund and complete the design, environmental review, and construction of the Gateway and will require contractors to name the City of Lockport as additional insured, and

WHEREAS, the Letter of Intent also states that it is the City of Lockport's responsibility to accept ownership of the improvements and is responsible for future maintenance, will hold the Greenway Commission and its contractors harmless, and will ensure the Gateway is reasonably publicly accessible.

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport does hereby accept the future maintenance and operation of the Gateway, as described in the Letter of Intent and,

RESOLVED, that the Mayor is hereby authorized and directed to execute the Letter of Intent supplied by the Greenway Commission.

Seconded by Alderman Eggert and adopted. Ayes 6.

**030619.10**

**ADJOURNMENT**

At 6:12 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 20, 2019.

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 20, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

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

## **INVOCATION**

## **MAYOR'S UPDATE**

On motion of Alderman Oates, seconded by Alderman Wohleben, the Common Council moved to Executive Session regarding litigation at 5:40 PM. Ayes 6. Carried.

On motion of Alderman Wohleben, seconded by Alderman Farrell, the Common Council ended Executive Session at 5:47 PM. Ayes 6. Carried.

## **RECESS**

Recess for public input.

**032019.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Eggert, the minutes of the Regular Meeting of March 6, 2019 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 by Karla & Todd Chenez at 21 Main Street to utilize a 4' x 8' portable sign and erect two banners on the dumpster enclosure and east side of the building situated in a B-2 Zone.

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

3/6/19 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved with stipulations. Received and filed.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

3/13/19 Sarah K. Lanzo, 77 Elmwood Avenue, Lockport, NY – appointed as a member of the Buildings and Grounds Accessibility Committee. Said term expires December 31, 2020. Received and filed.

3/13/19 Jean M. Kiene, 400 Willow Street, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires March 13, 2021.  
Received and filed.

3/13/19 Bobbie L. Manning, 384 High Street, Lockport, NY – appointed as a member of the Environmental Advisory Committee. Said term expires March 13, 2021.  
Received and filed.

3/18/19 Sandra E. Elliston, 6142 Bridlewood Drive, East Amherst, NY – appointed as Water & Sewer Billing & Service Coordinator, Water Administration Department, effective March 18, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

3/18/19 George W. Wiley IV, 22 East Park Drive, Lockport, NY – appointed as Senior Water & Sewer Maintenance Worker, Water Distribution Department, effective March 14, 2019. 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)

2/26/19 Ric Addenbrooke, President, Lock City Glee Club Inc. requests permission to hang a banner to publicize the Spring Sing event on April 27, 2019.  
Referred to the Committee of the Whole.

3/5/19 Paul Lauer, Chairman, Navy-Marine Club, Inc., 37 Park Avenue, Lockport, NY requests permission to host the Memorial Day Observance and Parade for 2019.  
Referred to the Committee of the Whole.

3/15/19 Richelle J. Pasceri, City Clerk – notification of bids received on March 15, 2019 for Municipal building Restroom Improvement are as follows:

Cavlee Development, Inc. Lockport, NY	\$31,000.00
Sicoli Construction Services Niagara Falls, NY	\$54,900.00

Referred to the Committee of the Whole.

#### **Notice of Defect:**

Referred to the Director of Streets and Parks.

**Notice of Claim:**

3/11/19 Jennifer Burrows, 112 Park Lane Circle, Lockport, NY  
3/12/19 Amelia C. Barnette, 14 Rogers Avenue, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS****032019.2**

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 March 20, 2019 as follows:

General Fund	Fund A	\$ 76,679.78
Water Fund	Fund FX	\$ 43,093.01
Sewer Fund	Fund G	\$ 14,206.37
Capital Projects	Fund H	\$ 328.75
Refuse Fund	Fund CL	\$ 88,727.38
Worker's Comp	Fund S	\$ 6,225.00
Payroll	Pay Date 3/14/19	\$484,806.60

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.3**

By Alderman Wohleben:

Resolved, that §183-23 Parking Prohibited be amended by deleting subsection A (3) Seasonal Permits in its entirety and substituting therefor the following:

(3) Seasonal Permits. Seasonal permits are available for passenger vehicles only and are effective from April 15 through October 15. Seasonal permits shall be issued by the City Clerk upon submission and approval of a completed application prescribed by the City Clerk. The fee for such a seasonal permit shall be \$30.00 and can be paid in cash, check or money order drawn on United States funds payable to the "City Clerk." The fee is non-refundable. In the event a check is returned for insufficient funds, the permit shall be automatically 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.

Seconded by Alderman Eggert and adopted. Ayes 6.

**032019.4**

By Alderman Abbott:

Resolved, that pursuant to their request, the Lock City Glee Club is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the Spring Sing 2019 event which will be held April 27, 2019. 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 Lock City Glee Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and a payment of \$50 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 Wohleben and adopted. Ayes 6.

### **032019.5**

By Alderman Oates:

Resolved, that the request for a special use permit made by Todd & Karla Chenez to utilize a 4'x8' portable sign for 60 days and to erect two banner signs on the dumpster enclosure and east side of the building, located at 21 Main 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 4'x8' portable sign be used for no more than **30** days maximum

The portable sign be set on a timer to turn off no later than 10 p.m.

The banner signs erected on the dumpster not to exceed 32 s.f. cumulatively

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.

### **032019.6**

By Alderman Farrell:

Resolved, that pursuant to their request, the Navy-Marine Club is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 26, 2019 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 throughout the City. Cost of same to be charged to account A.8510.54510.

Seconded by Alderman Wohleben and adopted. Ayes 6.

### **032019.7**

By Alderman Oates:

Resolved, that pursuant to their request, Knights of Columbus Council #319 and Deborah Adorian are hereby granted permission to conduct the Stephen J. Adorian Memorial "Never Give Up!" 5K race on June 14, 2019, subject to Knights of Columbus 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.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.8**

By Alderman Farrell:

Resolved, that pursuant to their request, organizers for Lockport High School Foundation LockRock Armed Forces Day 5K are hereby granted permission to conduct a 5K run on May 18, 2019, subject to LockRock organizers filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, and be it further

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.9**

By Alderman Abbott:

Whereas, the City has received a donation from Walmart of \$3,500 for the purpose of “Shop with a Cop” and

Whereas, these funds were not included in the 2019 budget, and

Whereas, the appropriations necessary to add the donation to the 2019 budget, now therefore be it

Resolved, that the following budget amendment needs to be made:

INCREASE REVENUES:

A-3120-32705	Donations	\$3,500
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INCREASE APPROPRIATIONS:

A-3120-54510	Program Expenses	\$3,500
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Seconded by Alderman Farrell and adopted. Ayes 6.

**032019.10**

By Alderman Devine:

WHEREAS, the City of Lockport owns and operates a combined sewer system in which sanitary waste water and storm water are collected and directed to the City Wastewater Treatment Plant (WWTP) for treatment; and

WHEREAS, the City of Lockport sewer system includes combined sewer overflow (CSO) outfalls which periodically discharge to surface waterbodies during significant wet weather events in order to protect the sewer system from surcharging; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has promulgated new regulations for the Sewage Pollution Right to Know (SPRTK) Law which require certain public notifications upon discovery of CSO discharges; and

WHEREAS, the City signed a contract with ADS Environmental Services, Inc. on August 24, 2017 authorized by resolution 081617.8E for annual web hosting and cellular service related to monitoring devices installed in the eleven open Combined Sewer Overflow (CSO) that transmit data to the NY-Alert System; and

WHEREAS, the contract between the City and ADS Environmental Services, Inc. has expired and needs an amendment to allow the City to continue using the web hosting services provided by ADS Environmental Services, Inc.; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to amend the contract between the City and ADS Environmental Services, Inc. and to accept its Proposal for one year of Wireless Telemetry and Webhosting starting on March 22, 2019 for \$3,840.00, amount to be charged to G.8120.54610.

Seconded by Alderman Eggert and adopted. Ayes 6.

### **032019.11**

By Alderman Devine:

WHEREAS, the Municipal Building Supervisor has informed the Mayor that the Municipal Building elevators do not have a preventative maintenance contract in place and has incurred in costly service calls in the last few years to repair the elevators; and

WHEREAS, the City has requested proposals from qualified companies to provide elevators maintenance services and has received proposals from ALPS Elevator Inspection Services, DCB Elevator Company Inc., and OTIS Elevator Company; and

WHEREAS, the Municipal Building Supervisor has determined that the proposal submitted by OTIS Elevator Company fully meets the requirements to service the elevators at the Municipal Building. Its proposal includes quarterly inspections, emergency service calls, and parts for regular repairs to keep the elevators in good condition, and consequently, represent the more added values for a maintenance contract with the City; 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 \$8,460.00 for a year of service starting on April 1, 2019, to be charged to account A.1620.54075.

Seconded by Alderman Oates and adopted. Ayes 6.

### **032019.12**

By Alderman Devine:

WHEREAS, the City of Lockport (City) operates a Combined Sewer Overflow (CSO) system and continually evaluates the system for potential improvements which may reduce sewer overflows; and

WHEREAS, the City has evaluated the sewer on Water Street from Clinton Street to the Wastewater Treatment Plant (WWTP) and identified opportunities to improve the hydraulic capacity of sewer which may mitigate future overflows; and

WHEREAS, certain funding programs require that the City perform a coordinated New York State Environmental Quality Review Act (SEQR) review; and

WHEREAS, the City has completed Part 1 of the Full Environmental Assessment Form (EAF) for this project and composed a letter to interested and involved agencies requesting to be Lead Agency for this project and that a coordinated SEQR be completed; now, therefore, be it

RESOLVED, that the Mayor is authorized to sign Part 1 of the EAF for this project and that communication is sent to interested and involved agencies requesting that the City be Lead Agency for this project and that a coordinated SEQR review be completed in order to determine the environmental significance of this project.

Seconded by Alderman Abbott and adopted. Ayes 6.

**032019.13**

By Alderman Devine:

WHEREAS, the City of Lockport's (City) most recent NYSDEC SPEDES Permit (Permit) for the Wastewater Treatment Plant (WWTP) requires disinfection upgrades to be implemented by 2022; and

WHEREAS, the City has evaluated options to comply with the Permit and will be taking steps to implement Ultra Violet (UV) light disinfection at the WWTP and is currently seeking funding options to support the project; and

WHEREAS, certain funding programs require that the City perform a coordinated New York State Environmental Quality Review Act (SEQR) review; and

WHEREAS, the City has completed Part 1 of the Full Environmental Assessment Form (EAF) for this project and composed a letter to interested and involved agencies requesting to be Lead Agency for this project and that a coordinated SEQR be completed; now, therefore, be it

RESOLVED, that the Mayor is authorized to sign Part 1 of the EAF for this project and that communication is sent to interested and involved agencies requesting that the City be Lead Agency for this project and that a coordinated SEQR review be completed in order to determine the environmental significance of this project.

Seconded by Alderman Farrell and adopted. Ayes 6.

**032019.14**

By Alderman Farrell:

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 Monday's and Wednesday's beginning May 28, 2019 until August 24, 2019. 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 Devine and adopted. Ayes 6.

**032019.15**

By Alderman Devine:

WHEREAS, up-to-date, water infrastructure is vital to protect public health and the environment and to foster thriving communities; and

WHEREAS, most communities have aging and crumbling drinking water and wastewater infrastructure causing damage to roads, streets, schools, homes, and businesses; and

WHEREAS, investing in infrastructure projects creates jobs and build solid foundation for businesses; and

WHEREAS, key members in both the Senate and Assembly, along with the Governor, recognized that local governments need financial support and passed the Water Infrastructure Improvement Act of 2015(WIIA) and the Clean Water Infrastructure Act of 2017 (CWIA); and

WHEREAS, the WIIA and the CWIA have been successful at awarding \$770 million in grants to protect clean water across the state; and

WHEREAS, the City of Lockport has greatly benefited from New York State Water Infrastructure grant program, receiving a grant award in 2016 totaling \$3 million in state assistance to jump-start a drinking water upgrade; and

WHEREAS, only a fraction of eligible projects have been able to receive grants due to a lack of sufficient funding to meet New York State Water Infrastructure needs; and



WHEREAS, shovel-ready projects in the City of Lockport, including a \$3million wastewater project, continue to wait in the wings due to a lack of available State funding; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to send a letter with this resolution to the Governor, Speaker Heastie, and Leader Stewart-Cousins, Senator Ortt, and Assembly member Norris encouraging and requesting them to continue funding water infrastructure projects and include a \$5 billion-five-year commitment for the Clean Water Infrastructure Act in the SFY 2019-2020 State Budget.

Seconded by Alderman Oates and adopted. Ayes 6.

**032019.16**

By Alderman Devine:

WHEREAS, lead in drinking water poses a serious threat to the health and safety of children,

WHEREAS, there are not safe levels of lead exposure considering that even low exposure to lead contamination in children is associated with learning disabilities, impaired speech, hearing loss, and diminished IQ; and

WHEREAS, lead service lines that connect public water mains to building plumbing systems are the primary cause of lead contamination in drinking water; and

WHEREAS, the removal and replacement of lead service lines is essential to reduce childhood lead exposure and protect drinking water from contamination; and

WHEREAS, the Lead Service Line Replacement Program created through the Clean Water Infrastructure Act of 2017 has expanded the capacity of local governments to invest in this vital infrastructure improvement; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to send a letter with this resolution to the Governor, Speaker Heastie and Leader Stewart-Cousins, Senator Ortt, and Assembly member Norris encouraging and requesting them to continue funding lead service line replacement and increase the dedicated line of funding for the Lead Service Line Replacement Program to \$100 million.

Seconded by Alderman Farrell and adopted. Ayes 6.

**032019.17 WITHDRAWN (Establish Citizens Advisory Board)**

**032019.18**

By Alderman Abbott:

Resolved, that income eligibility for City tax exemption for qualifying property owners with disabilities and limited incomes be increased from the present Twenty-three Thousand (\$23,000) annually to Twenty-nine Thousand (\$29,000) annually for exemption from 50 percentum of assessed valuation for City tax purposes, as provided for in Section 459-c of the Real Property Tax Law of the State of New York. Said increased eligibility to be applicable to the 2019 final assessment roll which will produce the 2020 General City Tax.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**032019.19**

**ADJOURNMENT**

At 6:08 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 3, 2019.

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

April 3, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Farrell, Oates and Wohleben.

Alderman Eggert absent.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**040319.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Abbott, the minutes of the Regular Meeting of March 20, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Appointments:**

4/2/19 Mark A. Cocco, 77 Pine Street, Lockport, NY – appointed as Senior Water & Maintenance Worker, Water Distribution Department, effective March 29, 2019. 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)

3/22/19 Barbara A. McGaffin, 114 Niagara Street, Lockport, NY – request permission to conduct the third annual Thomas C. Rotondo Jr. Memorial Scholarship Fund Road Race on July 27, 2019.

Referred to the Committee of the Whole.

4/3/19 Richelle J. Pasceri, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of April in observance of Good Friday:

Friday, April 19<sup>th</sup>

There will be no change in the garbage pickup schedule.

**Notice of Defect:**

03/21/19 229 Niagara Street – Tree

03/25/19 125 Akron Street – Tree and Sidewalk

03/25/19 532 High Street – Tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

03/21/19 Nicole Payne, 61 Morrow Avenue, Lockport, NY

03/22/19 Lockport Dental Group, 39 Elizabeth Drive, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**040319.2**

By Alderman Oates:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 3, 2019 as follows:

General Fund	Fund A	\$142,522.16
Water Fund	Fund FX	\$ 22,740.13
Sewer Fund	Fund G	\$ 24,445.78
Capital Projects	Fund H	\$ 2,192.50
Refuse Fund	Fund CL	\$ 89.10
Self Insurance	Fund MS	\$139,014.41
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 3/21/19	\$ 447,256.67

Seconded by Alderman Farrell and adopted. Ayes.

**040319.3 Market St. Edible Garden - WITHDRAWN**

**040319.4**

By Alderman Farrell:

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 run and 1 mile walk in the memory of former Lockport Mayor Thomas Rotondo, Jr. on Saturday, July 27, 2019 at Widewaters Marina 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 use the park pavilion, restrooms and place a portable stage adjacent to the west side of the restroom building at Widewaters, and also to have music for said event, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**040319.5**

By Alderman Abbott:

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 2019 budget to properly account for the receipt and use of these funds; and

Whereas, the Police Department has identified a need for two additional APX 8000 portable radios w/supplies and four additional Axon X26P Tasers w/supplies;

Now, therefore, be it resolved, that the 2019 General Fund Budget is hereby amended as follows:

Revenue:

Increase: A.3120.34389 Other Federal Public Safety \$18,500

Expense:

Increase: A.3120.52070 Public Safety Equipment \$18,500

Seconded by Alderman Oates and adopted. Ayes 5.

**040319.6**

By Alderman Oates:

WHEREAS, the City of Lockport Common Council wishes to assess the advisability of submitting a NYS Community Development Block Grant (CDBG) 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 CDBG funding, now;

THEREFORE, BE IT RESOLVED, that the Common Council hereby calls for a Public Hearing whereas all interested parties shall be heard regarding the CDBG program, the City's community development programs, and the proposed funding application. Such Public Hearing to be held on April 17, 2019, 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 Wohleben and adopted. Ayes 5.

**040319.7**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of April 17, 2019 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 Robert Fisch, for approval for a motorcycle repair/retail shop to be located at 485 Niagara Street, situated in a R-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 5.

**040319.8**

By Alderman Farrell:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Wednesday, July 3, 2019, commencing at 7:00 PM at Ida Fritz Park, east on Main Street to Washburn 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, 2019 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.

Motion was made by Alderman Wohleben seconded by Alderman Farrell to amend resolution 040319.8 to include:

And be it further Resolved, the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to amend the contract with Young Explosives to hold the fireworks on July, 3 2019 at the downtown location used in 2018.

Seconded by Alderman Wohleben. Ayes 3. Nos 2.  
Aldermen Devine and Oates voted no. Motion Failed.

#### **040319.9**

By Alderman Abbott:

WHEREAS, the Americans with Disabilities Act of 1990 "ADA" and the 2010 ADA Standards for Accessible Design of the Department of Justice set minimum requirements for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities; and

WHEREAS, the public restrooms located at the Municipal Building of the City of Lockport are not in compliance with the standards established in the Americans with Disabilities Act of 1990 "ADA" and the 2010 ADA Standards for Accessible Design; and

WHEREAS, the Engineering Department prepared a bid package to renovate restroom facilities at the Municipal Building and accepted bids from contractors on March 15, 2019, which were publicly opened and read as follows: Cavlee Development, Inc. \$31,000.00 and Sicoli Construction Services \$54,900.00; and

WHEREAS, the Engineering Department has reviewed the bids and recommends that the City awards the contract of Municipal Building Restroom Improvements, Job No. 2363, to Cavlee Development, Inc.; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to execute an Agreement with Cavlee Development, Inc., 5730 Keck Road, Lockport NY 14094 in the amount of \$31,000.00 plus 15% of Contingency to perform renovations at a public restroom facility located at Municipal Building, 1 Locks Plaza, Lockport NY to comply with ADA Standards; Now, therefore, be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Expense:

Decrease: A.1490.51010 Public Works Administration \$35,650.00

Increase: A.1620.52020 Building Maintenance \$35,650.00

Seconded by Alderman Oates and adopted. Ayes 5.

#### **040319.10 Home rule request – re-levy unpaid housing code violations- WITHDRAWN**

#### **040319.11 Extend Moratorium re: Microcell- WITHDRAWN**

#### **040319.12 Grit Chamber WWTP – WITHDRAWN**

#### **040319.12A**

By Alderman Abbott:

Whereas, the Common Council has determined that it will be of mutual benefit to the City of Lockport and the Lockport School District to have an agreement for a School Resource Officer; and

Whereas, the Lockport School District Board of Education approved the proposed contract therefor on March 27, 2019; now therefore be it

Resolved, the Mayor is hereby authorized, upon Corporation Council approval, to execute such contract on behalf of the City of Lockport.

Seconded by Alderman Wohleben and adopted. Ayes 5.

**040319.13**

### **ADJOURNMENT**

At 6:08 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 17, 2019.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk

### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

April 17, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Eggert, Farrell, Oates and Wohleben.

Alderman Devine absent.

### **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

**041719.1**

### **APPROVAL OF MINUTES**

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

### **PUBLIC HEARING**

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

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

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

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

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

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

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE CITY CLERK**

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

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

#### **Notice of Defect:**

4/10/19 70 VanBuren Street – tree

4/11/19 118 John Street – tree

4/12/19 202 East Avenue – tree

4/12/19 Hamilton Drive - potholes

Referred to the Director of Streets and Parks.



## MOTIONS & RESOLUTIONS

### 041719.2

By Alderman Oates:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 17, 2019 as follows:

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

Seconded by Alderman Farrell and adopted. Ayes 5.

### 041719.3

By Alderman Wohleben:

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

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

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

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

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

Seconded by Alderman Eggert and adopted. Ayes 5.

### 041719.04

By Alderman Wohleben:

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

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

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Abbott and adopted. Ayes 5.

**041719.05**

By Alderman Farrell:

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

Resolved, said permission is subject to the Lockport Public Arts Council filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange delivery and pick-up of City barricades, trash receptacles and temporary no parking signs for the parking lanes on Main and Pine Streets between the parking lots to allow for additional pedestrian space.

Seconded by Alderman Eggert and adopted. Ayes 5.

**041719.6**

By Alderman Farrell:

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

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

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

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

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

Increase:

Revenue:

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

Expense:

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

Seconded by Alderman Abbott and adopted. Ayes 5.

**041719.7**

By Alderman Oates:

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

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

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

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

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

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

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

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

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

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

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

Increase:

Revenue:

A.1440.34989	Federal Revenue	\$83,295
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Expense:

A.1440.54055	Professional Services	\$83,295
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Seconded by Alderman Eggert and adopted. Ayes 5.

**041719.8**

By Alderman Wohleben:

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

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

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

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

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

**TO THE LEGISLATURE:**

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

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

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

**EXPLANATION**

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

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

Seconded by Alderman Farrell and adopted. Ayes 5.

**041719.9**

By Alderman Farrell:

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

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

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

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

Increase:

Revenue:

A.8510.32705	Gifts and Donations	\$1,200
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Expense:

A.8510.54510	Program Expenses	\$1,200
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Seconded by Alderman Wohleben and adopted. Ayes 5.

#### **041719.10**

By Alderman Abbott:

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

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

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

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

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

Seconded by Alderman Eggert and adopted. Ayes 5.

#### **041719.11**

By Alderman Oates:

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

Whereas, the WWTP Chief Operator requested a quote from Koester Associates, Inc. that includes the supply of 40 Stainless Steel buckets each with 4 wear shoes and attachment

hardware, and the repair of chains, drive gears, sprockets to reestablish normal flow and particle separation in the grit chamber; and

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

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

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

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

Increase:

Revenue:     G.0000.35050             Interfund Transfer from Debt Reserve     \$100,000

Expense:     G.9901.59000.H             Interfund Transfer to Capital             \$100,000

Seconded by Alderman Abbott and adopted. Ayes 5.

#### **041719.11A**

By Alderman Oates:

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

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

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

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

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

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

And be it further

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

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

Seconded by Alderman Eggert and adopted. Ayes 5.

**041719.11B**

By Alderman Abbott:

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

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

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

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

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

Increase:

Revenue:

A.3120.31589	Public Safety Income	\$15,000
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Expense:

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

Decrease:

Expense:

A.3120.51100	Overtime	\$57,300
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Seconded by Alderman Eggert and adopted. Ayes 5.

**041719.11C**

By Alderman Abbott:

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

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

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

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

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

Seconded by Alderman Wohleben and adopted. Ayes 5.

**041719.12**

**ADJOURNMENT**

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

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

May 1, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Devine, Farrell, Oates and Wohleben.

Alderman Abbott, Eggert absent.



## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

### **050119.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of April 17, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

4/26/19 Flora M. Hawkins, 199 West Avenue, Lockport, NY – reappointed to the Lockport Housing Authority. Said term expires April 26, 2024.  
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)

3/28/19 Wyatt Leinoff, USDA Plant Protection Technician – requests permission to treat for the invasive European Cherry Fruit Fly species on City of Lockport owned properties.  
Referred to the Committee of the Whole.

4/17/19 Jennifer Murphy, Race for Fitness Chair DeSales Catholic School- requests permission to use part of the City sidewalk/streets for their race course on May 4<sup>th</sup>.  
Referred to the Committee of the Whole.

4/21/19 David R. Kinyon, Chairman, Locks Heritage District Corp. – requests permission to hold the 4<sup>th</sup> Annual Lock Tenders Tribute Event on Canal Street from 3 pm to 7 pm on Saturday, May 11<sup>th</sup> in conjunction with the opening of the 2019 Erie Canal season and the selection of Lockport as a Gateway on the new Empire State Trail.  
Referred to the Committee of the Whole.

#### **Notice of Defect:**

4/22/19 13 Remick Pkwy - sidewalk  
Referred to the Director of Streets and Parks.

#### **Notice of Claim:**

4/4/19 Robert E. Franasiak, 159 Continental Drive, Lockport, NY  
4/16/19 Karen Castle, 7221 Chestnut Ridge Road, Lockport, NY  
5/1/19 Paul and Juanita Szafranski, 296 Plank Road, Lockport, NY  
Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 050119.2

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 May 1, 2019 as follows:

General Fund	Fund A	\$112,731.50
Water Fund	Fund FX	\$ 35,950.67
Sewer Fund	Fund G	\$ 16,682.16
Capital Projects	Fund H	\$908,403.03
Refuse Fund	Fund CL	\$ 600.32
Self Insurance	Fund MS	\$ 21.60
Payroll	Pay Date 4/25/19	\$451,990.09

Seconded by Alderman Wohleben and adopted. Ayes 4.

### 050119.3

By Alderman Devine:

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>
Judy L. Ritchie	30	Senior Acct. Clerk
Joseph A. Morello	30	Asst. Fire Chief
Roy J. Gugliuzza	20	Heavy Equipment Operator

Seconded by Alderman Oates and adopted. Ayes 4.

### 050119.4

By Alderman Wohleben:

Resolved, that a public hearing be held at the Common Council Meeting of May 15, 2019 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 Eula Mae Collins, for approval of a takeout restaurant to be located at 135 Charlotte Street, situated in a R-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 Farrell and adopted. Ayes 4.

### 050119.5

By Alderman Wohleben:

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 4, 2019 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 Farrell and adopted. Ayes 4.

**050119.6**

By Alderman Oates:

Whereas, the United States Department of Agriculture currently has a project surveying the presence of the invasive pest, European Cherry Fruit Fly in all species of cherry trees, honeysuckle bushes and several ornamental hosts such as barberry and dogwood in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate this invasive pest in the City of Lockport, the USDA European Cherry Fruit Fly project is hereby granted blanket permission to place glue traps in host plants and then treat any positively identified infestation with an organic baited foliar spray called GF 120 to suppress the population of adult flies and in the Autumn with an organic soil application Called Warrior II on 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 Wohleben and adopted. Ayes 4.

**050119.7**

By Alderman Oates:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John W. Walsh, Jr., a City of Lockport Heavy Equipment Operator for the Highways and Parks Department who recently passed away.

Seconded by Alderman Farrell and adopted. Ayes 4.

**050119.8**

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, the extent to be determined by the city, each Saturday 9am-2pm beginning June 8<sup>th</sup> and running through October 19<sup>th</sup>, 2019, 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 Wohleben and adopted. Ayes 4.

**050119.9 WITHDRAWN (Waive residency requirement for Heavy Equipment Operator)**

**050119.10**

By Alderman Devine:

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 2019 season.

Seconded by Alderman Oates and adopted. Ayes 4.

**050119.11 WITHDRAWN** (Dumpster for Lockport Public Library)

**050119.12**

## **ADJOURNMENT**

At 5:57 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 15, 2019.

Seconded by Alderman Farrell and adopted. Ayes 4.

RICHELLE J. PASCERI  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

May 15, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Devine, Eggert, Oates and Wohleben.

Aldermen Abbott and Farrell absent.

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**051519.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of May 1, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

## **PUBLIC HEARING**

The Mayor announced a joint public hearing with the Town of Lockport for the annexation of adjoining territory known as 360 Davison Road, Lockport, New York.

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

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 building at 135 Charlotte Street for a takeout restaurant.

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

5/10/19 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

5/9/19 Teresa M. Rucci, 359 East Union Street, Lockport, NY – appointed as Deputy City Treasurer for the Treasurer's Department effective May 9, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

5/13/19 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby create the Ad-Hoc Citizen Advisory Committee effective today, May 13, 2019, and make the following appointments:

Tracy L. Demmin	207 Garden Street
John T. Timkey	27 Bewley Parkway
Jay C. Krull	71 Lakeview Parkway
Susan M. Pope	619 East Avenue
Lisa A. Swanson	86 Roby Street
Patrick T. Creamer	15 Lakeview Parkway
Robert W. McCartin	22 McCollum Street
Udeme Ukutt	65 Continental Drive
Kevin H. Carroll	518 Prospect Street
Wael A Isa	40 Locust Street

Donald A. Stevens  
William J. Hammond II  
Margaret P. Lupo  
Christina J. Quagliano  
Sandra K. Mesler

230 State Road  
83 Davison Road  
17 Bob-O-Link Lane  
700 Niagara Street  
198 Ontario Street

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)

4/30/19 David Huntington, Fair Director Cornell Cooperative Extension, Niagara County – request permission to erect a banner across East Avenue to promote the 2019 Niagara County Fair from July 24 thru August 4.  
Referred to the Committee of the Whole.

5/9/19 Kyle and Dawn Lambalzer, Matthew and Danielle Warchocki, 2019 Lockport in Bloom Committee- request permission to hold their 15<sup>th</sup> Annual Garden Walk on July 13<sup>th</sup> and 14<sup>th</sup>. Also request permission to install a banner and signage promoting same.  
Referred to the Committee of the Whole.

5/15/19 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 27

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

Referred to the Media

### Notice of Defect:

4/26/19 602 Willow Street - tree  
5/2/19 423 East Avenue – trees  
5/3/19 37 Hyde Park – trees  
5/8/19 56 Livingston Place – tree  
5/14/19 193 West Avenue - tree

Referred to the Director of Streets and Parks.

### MOTIONS & RESOLUTIONS

#### 051519.2

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 May 15, 2019 as follows:

General Fund	Fund A	\$ 82,534.72
Water Fund	Fund FX	\$ 20,283.25

Sewer Fund	Fund G	\$ 32,530.57
Capital Projects	Fund H	\$106,972.04
Refuse Fund	Fund CL	\$ 92,535.99
Self Insurance	Fund MS	\$140,495.10
Worker's Comp	Fund S	\$ 16.27
Payroll	Pay Date	\$

Seconded by Alderman Wohleben and adopted. Ayes 4.

### **051519.3**

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 26, 2019, 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 4.

### **051519.4**

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 2019 Niagara County Fair. Banner is to be erected from July 24 thru August 4, 2019 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 Wohleben and adopted. Ayes 4.

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 4.

### **051519.5**

The following ordinance was offered by Councilmember Eggert, who moved its adoption, seconded by Councilmember Oates, to-wit:

ORDINANCE DATED MAY 15, 2019.

ORDINANCE REPEALING CERTAIN PREVIOUSLY ADOPTED SERIAL BOND AUTHORIZATIONS.

WHEREAS, the Common Council of the City of Lockport, Niagara County, New York, has heretofore pursuant to various bond ordinances duly adopted by said Common Council on various dates authorized financing for various capital improvements in and for said City, including incidental improvements and expenses in connection therewith, and

WHEREAS, it has now been determined that all or a portion of certain of said financing authorizations will not be required for said capital projects and it is now desired to repeal solely from said serial bond authorizations of said ordinances, the unused portion thereof; NOW, THEREFOR, BE IT

RESOLVED, 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 serial bond authorizations of the bond ordinances listed on the attached Appendix A are hereby repealed to the extent indicated therein; provided, however, such repeal shall only be effective to the extent any such authorization to be repealed has not heretofore utilized for the issuance of obligations of the City therefor.

#### **APPENDIX A**

##### **BOND ORDINANCES SUBJECT TO REPEAL IN WHOLE OR PART**

<b><u>ADOPTION DATE</u></b>	<b><u>CAPITAL PROJECT</u></b>	<b><u>AMOUNT AUTHORIZED</u></b>	<b><u>AMOUNT HEREBY REPEALED</u></b>
10/5/2011	Purchase of municipal refuse and recycling carts	\$ 860,000	\$ 25,580
4/8/2012	Parking garage demolition and surface lot construction	2,625,000	890,000
6/20/2012	Reconstruction of parks and recreation facilities	250,000	105,000
6/20/2012	Sewer Department equipment	79,200	28,200
3/20/2013	Reconstruction of islands on Chestnut Street at the Ice Arena	53,000	53,000



Section 2. This ordinance shall take effect immediately and neither publication nor posting is required.

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	Absent
Alderman Oates	VOTING	Yes
Alderman Wohleben	VOTING	Yes

This ordinance was thereupon declared duly adopted.

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 4.

#### **051519.6**

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

BOND ORDINANCE DATED MAY 15, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$276,400 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF A CULVERT ON PLANK ROAD, 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 a culvert on Plank Road, in and for the City of Lockport, Niagara County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$276,400.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$276,400 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 specific object or purpose is fifteen years, pursuant to subdivision 91 based on subdivision 4 and subdivision 20(c) each 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	Absent
Alderman Devine	VOTING	Yes
Alderman Eggert	VOTING	Yes
Alderman Farrell	VOTING	Absent
Alderman Oates	VOTING	Yes
Alderman Wohleben	VOTING	Yes

The ordinance was thereupon declared duly adopted.

#### **051519.7**

By Alderman Devine:

WHEREAS, the City of Lockport's (City) most recent NYSDEC SPEDES Permit (Permit) for the Wastewater Treatment Plant (WWTP) requires disinfection upgrades to be implemented by 2022; and

WHEREAS the City has evaluated options to comply with the Permit and will be taking steps to implement Ultra Violet (UV) light disinfection at the WWTP and is currently seeking funding options to support the project; and

WHEREAS, the City has completed Part 1 of the Full Environmental Assessment Form (EAF) for this project and composed a letter to interested and involved agencies requesting to be Lead Agency for this project per City Resolution 032019.13; and

WHEREAS, the required 30-day comment period has expired and no interested or involved have objected to the City as Lead Agent for this project; now, therefore, be it

RESOLVED, that the City of Lockport shall be Lead Agency for this project in order to determine the environmental significance of this project.

Seconded by Alderman Eggert and adopted. Ayes 4.

#### **051519.8**

By Alderman Devine:

WHEREAS, the City of Lockport's (City) most recent NYSDEC SPEDES Permit (Permit) for the Wastewater Treatment Plant (WWTP) requires disinfection upgrades to be implemented by 2022; and

WHEREAS, the City has evaluated options to comply with the Permit and will be taking steps to implement Ultra Violet (UV) light disinfection at the WWTP and is currently seeking funding options to support the project; and

WHEREAS, the City had previously completed Part 1 of the Full Environmental Assessment Form (EAF), performed a coordinated review with interested and involved agencies and subsequently declared itself Lead Agent for the project; and

WHEREAS, The City of Lockport has determined that the proposed action is an Unlisted action pursuant to NYCRR 617.2 (al) as defined under SEQR; and

WHEREAS, the City has caused to be prepared a Full Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above; and

WHEREAS, the City has conducted a coordinated review and considered Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared for this action; now, therefore, be it

RESOLVED, the City of Lockport declares that, based on the Full Environmental Assessment Form which has been prepared and on coordinated review process, 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 hereby authorized to sign the required SEQR documentation for this project.

Seconded by Alderman Eggert and adopted. Ayes 4.

#### **051519.9**

By Alderman Eggert:

Resolved, that pursuant to their request, permission is hereby granted the residents of Orchard Street to barricade their Street from Waterman to Locust Street and at the top of Park Place on June 22, 2019, 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 4.

**051519.10**

By Alderman Wohleben:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Wednesday, July 3, 2019, commencing at 7:00PM at Ida Fritz Park, east on Main Street to Washburn 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, that temporary no-parking signs be placed 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 Oates and adopted. Ayes 4.

**051519.11**

By Alderman Eggert:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 15<sup>th</sup> annual Lockport In Bloom "City Garden Tour 2019" event the weekend of Saturday, July 13<sup>th</sup> and Sunday, July 14<sup>th</sup>, 2019 from 10:00 a.m. to 4:00 p.m., and from 6:30 – 9:30 pm on Friday, July 12<sup>th</sup>, 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 30<sup>th</sup> to July 14<sup>th</sup> 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 Wohleben and adopted. Ayes 4.

**051519.12 Waive fees, Building Inspection - WITHDRAWN****051519.13**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted the residents of Lakeview Pkwy to barricade Lakeview Pkwy on July 6, 2019, 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 4.

**051519.14**

By Alderman Devine:

Resolved, that the request for a special use permit made by Eula Mae Collins to utilize the existing building as a takeout restaurant located at 135 Charlotte Street, Lockport, New York situated in a R-2 Zone, be and the same is hereby approved, subject to the following provisions:

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

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Eggert and adopted. Ayes 4.

**051519.15**

### **ADJOURNMENT**

At 6:03 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 5, 2019.

Seconded by Alderman Wohleben and adopted. Ayes 4.

RICHELLE J. PASCERI  
City Clerk

### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

June 5, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

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

### **INVOCATION**

### **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

## **060519.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of May 15, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

### **Declaration:**

5/23/19 I, Mayor Michelle M. Roman, pursuant to General Municipal Law, Section 6-e(1) (i) and 103 (4), do hereby declare that the roof repair of the raw water treatment plant and pump station in a building located at 512 River Road, North Tonawanda, NY is a Public Emergency, and I direct the engineering staff and consultants to take all practical means to immediately undertake the roof repair of the raw water treatment plant and pump station. I further direct that copies of this Declaration of Emergency be transmitted to the Common Council, City Clerk and Finance Director.  
Received and filed.

### **Appointments:**

4/2/19 Michael D. Cutter, 5934 Locust Street, Lockport, NY – appointed as a Heavy Equipment Operator for the Water Distribution Dept. effective March 29, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

6/3/19 Samuel G. Oakes, 149 Prospect Street, Lockport, NY – appointed to the Citizen Advisory Committee.  
Received and filed.

### **Resignations:**

6/4/19 Richard Bertrand resigned as a member of the Lockport Housing Authority effective May 28, 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)

5/13/19 Peggy Belfield, Faith Tabernacle Church, requests permission to host a Neighborhood Appreciation Picnic in conjunction with the Imagine Community Garden located at the corner of Hawley and Ontario Streets on June 12<sup>th</sup>.  
Referred to the Committee of the Whole.

5/22/19 Karin Ziegler, PSCWNY President / CEO Presbyterian Senior Care of Western NY, announcing their intention to become a part of Beechwood Continuing Care.  
Received and filed.



**Notice of Defect:**

5/22/19 112 Independence Drive – tree  
5/22/19 314 Pine Street – tree stump  
5/28/19 23 Outwater Drive – tree  
6/3/19 222 Church Street – 2 trees’

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS****060519.2**

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 5, 2019 as follows:

General Fund	Fund A	\$157,398.57
Water Fund	Fund FX	\$ 9,056.64
Sewer Fund	Fund G	\$ 36,277.09
Capital Projects	Fund H	\$708,607.63
Refuse Fund	Fund CL	\$ 1,262.10
Self Insurance	Fund MS	\$ 1,777.59
Payroll	Pay Date	\$

Seconded by Alderman Eggert and adopted. Ayes 6.

**060519.3**

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>
Daniel J. Cole	20	Heavy Equipment Operator

Seconded by Alderman Devine 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.

**060519.4**

By Alderman Devine:

WHEREAS, THE City of Lockport maintains a raw water treatment plant and pump station in a building at 512 River Road, North Tonawanda, NY; and

WHEREAS, the Chief Operator of such plant has informed the Mayor that the deterioration of the roof has become so severe that water leaks are leaking onto chlorine tanks and the high voltage 480-volt electrical panel; and

WHEREAS the Engineering Department has requested quotes from qualified contractors and has received proposals as follows: Pinto Construction Services, Inc. \$71,125.00; Jameson Roofing \$140,780.00; and Granzow Construction \$61,547.54 for the replacement of the roof; and

WHEREAS the City Engineer considers that Granzow Construction's proposal meets the requirements of the scope of work to remediate this emergency that includes, but is not limited to, standing seam roof panels with not exposed fasteners, twenty years warranty, labor prevailing wage, and a permit issued by the office of the North Tonawanda Building Inspection Department authorizing the roof replacement; hence, the Engineering Department recommends to award this project to Granzow Construction; and

WHEREAS, the Mayor determined that these conditions constituted an immediate threat to the water supply to the City of Lockport as well as to the life, health and safety of the employees working there and on May 23, 2019 issued an Emergency Declaration pursuant to General Municipal Law, Section 6-e (1) (i) and 103 (4) and executed an order awarding the contract for the replacement to Granzow Construction; and

WHEREAS, the City Council must amend the 2019 Water Fund Budget to fund this project; now therefore be it

RESOLVED, that the City Council does hereby ratify the award and subsequent execution of the contract by and between the City of Lockport and Granzow Construction in the amount of \$61,547.54 for the replacement of the Water Pump Station building at 512 River Road, North Tonawanda; and be it further

RESOLVED, that the 2019 Water Fund Budget be amended as follows:

Expense:

Decrease:

FX 1900.54775	Contingency	\$65,000
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Increase:

FX 8320.52411	Building Improvements	\$65,000
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Seconded by Alderman Wohleben and adopted. Ayes 6.

## **060519.5**

By Alderman Abbott:

Whereas, the City of Lockport Police Department does seize money and property on certain calls as a result of criminal activity; and

Whereas, the City of Lockport Police Department receives, from time to time, funds that have been forfeited as part of those seizures 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 2019 budget to properly account for the receipt and use of these funds; and

Whereas, the Police Department has identified a need to repair and upgrade some of its security cameras and associated equipment: Now therefore, be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Revenue:

Increase: A-3120.31589.FFT \$10,500.00

Expense:

Increase: A-3120.52015 Technical Equipment \$10,500.00

Seconded by Alderman Eggert and adopted. Ayes 6.

**060519.6**

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 Imagine Community Garden on Wednesday June 12, 2019, 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.

**060519.7 Revocable Permit - WITHDRAWN****060519.8**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted the residents of Berkley Drive to barricade Berkley Drive from Sargent Drive north to the dead end on June 21, 2019, for a block party, with a rain date of June 22<sup>nd</sup> if necessary 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.

**060519.9**

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 3, 2019 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 Abbott and adopted. Ayes 6.

**060519.10**

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and is hereby authorized to enter into an agreement with Lockport Wildcats (WC) to use Exchange Club Field for their football season under the following terms:

1. The term shall be for the following dates only: June 15<sup>th</sup>, July 13<sup>th</sup>, July 20<sup>th</sup>, August 3<sup>rd</sup> and August 17<sup>th</sup>, 2019. Any playoff game has to have approval at least 7 days prior to allow the City to prepare the fields.
2. The fee shall be \$250.00 for each game. Payment must be received by the following Tuesday of each game. If payment is not received, Lockport WC will not be permitted to use the field for their following game.
3. The City shall provide locker rooms at the Lockport Rotary Community Pool after 6:15PM. Use of the pool is strictly prohibited. The locker rooms must be kept in a clean and orderly condition after each use, and all debris removed and disposed of from the field and surroundings.

4. Lockport WC will be prohibited from using the LLLF concession stand, but may set-up their own concessions at the field and may have a food truck for each event only.
5. Lockport WC must file a certificate of insurance naming the City of Lockport as additional insured.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **060519.11**

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, 2019 through September 30, 2019;
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.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **060519.11A**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to All Saints Church to barricade Church Alley from Church Street to Lock Street on June 13, 2019, for a Chicken Barbecue, 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.

#### **060519.11B**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Empire State Trail to provide the City of Lockport with Empire State Trail signage to be placed alongside the existing Erie Canal Trail signs in Lockport, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for installation of signage according to the approved placement plan as provided.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **060519.11C**

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 purchaser 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 purchaser for \$1,000.00.

PARCEL ID	Address	Purchaser
109.05-3-7	135 Charlotte St	Eula Mae Collins

Seconded by Alderman Oates and adopted. Ayes 6.

#### **060519.11D**

By Alderman Oates:

Resolved, that pursuant to their request, AN-JO Bombers 15U Baseball is hereby granted permission to use the baseball diamond at Outwater Park for their 2019 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 Abbott and adopted. Ayes 6.

#### **060519.12**

#### **ADJOURNMENT**

At 5:58 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 19, 2019.

Seconded by Alderman Wohleben and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

June 19, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**Minutes Correction – June 5, 2019:**

**060519.3** 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>
Daniel J. Cole	<del>20</del> 25	Heavy Equipment Operator

**061919.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of June 5, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

6/10/19 Demetrius J. Grant, 102 Bridlewood Drive, Lockport, NY – re-appointed as a member of the Youth Board. Said term expires on December 31, 2021.  
Received and filed.

6/10/19 Kathryn J. Fogle, 101 Nichols Street, Lockport, NY – re-appointed as a member of the Youth Board. Said term expires on December 31, 2021.  
Received and filed.

6/17/19 William J. Bisher, 314 Pine Street, Lockport NY – appointed as a member of the Youth Board. Said term expires June 17, 2021.  
Received and filed.

6/17/19 Brian Bull, 179 Irving Street, Lockport, NY – re-appointed as a member of the License Revocation Board. Said term expires March 21, 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)

6/6/19 James R. Voutour, Niagara County Sheriff – communication regarding Lockport Police Department 911 dispatch center.  
Received and filed.

6/19/19 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.

Thursday, July 4<sup>th</sup>

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

Referred to the Media.

### **Notice of Claim:**

6/19/19 Progressive Insurance, FBO Thomas Kotlak, 82 Rogers Avenue, Lockport, NY  
Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **061919.2**

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 19, 2019 as follows:

General Fund	Fund A	\$ 107,661.25
Water Fund	Fund FX	\$ 87,943.55
Sewer Fund	Fund G	\$ 23,208.24

Capital Projects	Fund H	\$1,260,176.92
Refuse Fund	Fund CL	\$ 76,244.99
Self Insurance	Fund MS	\$ 144,427.84
Worker's Comp	Fund S	\$ 6,225.00
Payroll	Pay Date 5/9	\$460,443.48
Payroll	Pay Date 5/23	\$464,575.02
Payroll	Pay Date 6/6	\$457,558.15

Seconded by Alderman Abbott and adopted. Ayes 6.

### 061919.3

By Alderman Oates:

Resolved, that pursuant to their request, New Life Center United Pentecostal Church is hereby granted permission to hold a community outreach event in Outwater Park with use of the North Pavilion to be held on August 17, 2019, from 10 a.m. until 3 p.m. and be it further

Resolved that permission is additionally granted to have a small stage with live music and a bounce house for children. Said permission is subject to the Church filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Abbott and adopted. Ayes 6.

### 061919.4

By Alderman Devine:

Resolved, that pursuant to their request, The Towpath District of the Iroquois Trail Council is hereby granted permission to hold their Annual Kickball Tournament in Outwater Park with use of the South Pavilion, the Softball diamond and the adjoining area, to line an additional field for play to be held on August 17, 2019, from 9 a.m. until 6 p.m. and be it further

Resolved that permission is additionally granted to have small tents and a food truck. Said permission is subject to the BSA 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.

### 061919.5

By Alderman Abbott:

Whereas, the City can receive reimbursement through the Federal "Bulletproof Vest Partnership Grant Program Reauthorization Act of 2016" of up to \$19,650, which is half of the funds needed to replace

38 ballistic vests that expire in the fall of 2019; and

Whereas, the 2019 General Fund budget must be amended to accommodate this grant; Now, therefore, be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Expense:

Increase:

A.3120.52070	Public Safety Equipment	\$ 40,000
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Decrease:

A.3120.52030	Motor Vehicle Equipment	\$ 20,350
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Revenue:

Increase:

A.3120.34389	Public Safety Equipment	\$19,650
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Seconded by Alderman Wohleben and adopted. Ayes 6.

**061919.6**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted the residents of Cottage Street to barricade Cottage Street from High to LaGrange on August 17, 2019, 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 Farrell and adopted. Ayes 6.

**061919.7**

By Alderman Devine:

Resolved, that pursuant to their request, Friends of the Railyard Skatepark are hereby granted permission to host a "Railyard Skatepark Jam" a community event in Outwater Park to be held on July 4, 2019, from 11:30 a.m. until 8 p.m. and be it further

Resolved that permission is additionally granted to have live music, a basket raffle and sell food and snacks. Said permission is subject to the Event organizer's 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.

**061919.8**

By Alderman Farrell:

Resolved, that pursuant to his request, Joshua Lopez, Sr. owner of "Toys from Lo" located at 32 Main Street is hereby granted permission to host "Save A Youth" a community event to be held in City parking lot #9 "Papa Leo's" on June 23, 2019, from 12:00 p.m. until 4 p.m. and be it further

Resolved that permission is additionally granted to have live music, food and various youth centered activities. Said permission is subject to the Event organizer's 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.

**061919.9**

By Alderman Oates:

Whereas, Phyllis A. Green was a longtime supporter and official of the City of Lockport, and

Whereas, a special interest of Phyllis Green was youth and recreation, and

Whereas, in consideration of her dedication to the city residents, the city of Lockport desires to recognize her efforts and contributions, and now therefore be it

Resolved, that a suitable plaque and stone monument to be provided by the Green Family shall be placed in an appropriate spot in the disc golf course area and be it further  
Resolved that the disc golf course at Outwater park be designated

**"The Greens at Outwater"**

Seconded by Alderman Devine and adopted. Ayes 6.

**061919.10**

By Alderman Eggert:

WHEREAS, the City wishes to sponsor a Kickball in the Parks program as part of its overall Summer Youth and Recreation Program; and

WHEREAS, Kickball in the Parks will occur on Mondays at 6:00 pm with Altro (Willow) park, being the primary park with other parks hosting games pending the number of teams created during sign-ups; and

WHEREAS, sign-ups and meet and greet will take place Monday July 1, 2019 at Altro Park at 6:00 pm with the first game starting Monday July 8, 2019 and last game held on the last Monday in August (8-26-19), totaling 8 weeks of play; and

WHEREAS, the 2019 General Fund Budget needs to be amended as this program was not contemplated during the adoption of said budget; Now Therefore, Be It

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

Expense:

Increase:

A.7140.51060	Seasonal Staff	\$1,625
A.7140.58010	FICA	\$ 125
A.7140.58050	Retirement	\$ 250
A.7140.54510	Program Expense	\$1,000

Decrease:

A.1210.58050	Retirement	\$3,000
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Seconded by Alderman Farrell and adopted. Ayes 6.

**061919.11 Amend Rules and Orders re: July 3 – WITHDRAWN**

**061919.12**

By Alderman Oates:

WHEREAS, the Hydraulic Race Company requested permission from the City to permit the placement of a permanent sign within the City Right of Way adjacent to 5 Gooding Street.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the request of Hydraulic Race Company, property owner of 5 Gooding Street, Lockport, New York, permission is hereby granted to erect and maintain a permanent sign within the City Right of Way adjacent to Gooding Street 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 sign 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 Eggert and adopted. Ayes 6.

#### **061919.13 Motorola Contract - WITHDRAWN**

#### **061919.14**

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.

#### **061919.15 Vehicle Transfer – WITHDRAWN**

#### **061919.16**

By Alderman Eggert:

Resolved, that pursuant to the request of Christopher Dool, property owner of 9 Short Street, permission is hereby granted to place concrete blocks in the City's right-of-way at the southern boundary of 9 Short Street to prevent vehicular property damage 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 concrete blocks 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.

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **061919.17**

By Alderman Eggert:

Whereas, the City of Lockport and Steven Preisch entered into an employment contract dated October 10, 2018 and filed with the City Clerk on October 17, 2018 for the position of interim police chief for the sum of \$4,000.00 per pay period; and

Whereas, the City is still awaiting the results of the Police Chief civil service examination; and

Whereas, the Common Council desires to extend the employment contract with Steven Preisch to serve as interim Police Chief for a period up to but not exceeding ninety (90) days after the release of the civil service list for Police Chief; Now therefore be it

Resolved, that the Mayor be and hereby directed to extend the current employment contract with Steven Preisch to continue as Interim Police Chief for a period not to exceed ninety (90) days after the release of the civil service list for Police Chief and for a sum of Four Thousand Dollars (\$4,000.00) per pay period; and be it further

Resolved, that any unused vacation time granted under the previous employment contract shall roll over into the new contract and the Interim Police Chief shall be entitled to an additional two (2) weeks' vacation through the duration of the contract, which shall not extend beyond ninety (90) days after the release of the civil service list for Police Chief.

Seconded by Alderman Abbott and adopted. Ayes 6.

**061919.18**

### **ADJOURNMENT**

At 7:28 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 3, 2019.

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

July 3, 2019  
5:00 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Oates and Wohleben.

Alderman Farrell absent.

### **INVOCATION**

By Alderman Devine:

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

Seconded by Alderman Wohleben. Ayes 5.

## **MAYOR'S UPDATE**

**070319.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of June 19, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

6/24/19 Roger Pitiss, 58 McIntosh Drive, Lockport, NY appointed to the Traffic Advisory Committee to fill the unexpired term of Robert Spencer. Said term expires June 1, 2023. Received and filed.

6/24/19 Richard Clark, 289 Washington Street, Lockport, NY re-appointed to the Traffic Advisory Committee. Said term expires June 1, 2024. Received and filed.

6/27/19 Joseph M. Taylor, 178 Irving Street, Lockport, NY appointed to the Human Relations Committee. Said term expires on June 27, 2021. Received and filed.

6/27/19 Under the virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments:

#### **Citizens Advisory Committee ( Ad-Hoc)**

Heather A. Hilderbrandt	18 Corinthia Street
Peter J. Burke	388 North Transit Street
R. Paul Warriner	53 Gaffney Road
Candice Woloszyn	600 Walnut Street

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)

6/13/19 Peggy Belfield, Faith Tabernacle Church, requests permission to host a Neighborhood Appreciation Picnic in conjunction with the church located at 339 Ontario Street on August 7<sup>th</sup>. Referred to the Committee of the Whole.

6/14/19 Darryl R. Barrow, Pastor, Lockport Emmanuel UMC, requests permission to hold their annual block party on July 17<sup>th</sup>  
Referred to the Committee of the Whole.

7/1/19 Richelle J. Pasceri, City Clerk – notification of bids received on June 28, 2019 for Engineering Services WWTP UV System Design are as follows:

Hunt Engineers Rochester, NY	\$237,403.00
Nussbaumer & Clarke, Inc. Buffalo, NY	\$169,700.00

Referred to the Committee of the Whole.

## **MOTIONS & RESOLUTIONS**

### **070319.2**

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 July 3, 2019 as follows:

General Fund	Fund A	\$130,111.20
Water Fund	Fund FX	\$ 36,718.61
Sewer Fund	Fund G	\$20,515.56
Capital Projects	Fund H	\$64,888.67
Refuse Fund	Fund CL	\$299.65
Worker's Comp	Fund S	\$7,500.00
Payroll	Pay Date 6/20	\$453,754.07
Payroll	Pay Date 7/3	\$508,027.74

Seconded by Alderman Eggert and adopted. Ayes 5.

### **070319.3**

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>
Saverio A. Pellicano	25	Firefighter
Christina M. Brown	25	Payroll/Benefits Administrator
Rolando Moreno	10	Director of Engineering

Seconded by Alderman Abbott and adopted. Ayes 5.

### **070319.4**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Emmanuel United Methodist Church to barricade Wakeman Alley on Wednesday July 17, 2019 from 10 a.m. to 8 p.m. for their annual 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 Wohleben and adopted. Ayes 5.

#### **070319.5**

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 Church located at 339 Ontario Street on Wednesday August 7, 2019, 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 5.

#### **070319.6**

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Celtic Heritage Society, Inc. is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the Niagara Celtic Heritage Festival & Highland Games event from Sept. 3<sup>rd</sup> through Sept. 16<sup>th</sup>, 2019. Said permission is subject to the Niagara Celtic Heritage Society 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 5.

#### **070319.7**

By Alderman Wohleben:

Resolved, that Lockport Main Street Inc. is hereby granted permission to use Main and Pine Street to conduct the "Lockport Food Fest" on Sunday, August 11, 2019 from 11:00 a.m. to 5:00 p.m. in the downtown district, and be it further

Resolved, that said permission includes the following:

- Use of the city parking lots located on Main St. and Pine St. starting Saturday Aug. 10, for preliminary setup including portable sanitation units, dining tents and small dumpster
- Temporary no parking on Main St from at 6 a.m. to 8 p.m. Sunday
- Street barricades for closure at the intersection of Main & Pine; East on Main St to Lock 34 and North on Pine to middle of Pine St. bridge
- Permission for vendors and restaurants to set up on the above closed streets
- Trash receptacles delivered to the Main St. lot on Saturday for distribution throughout event on Sunday

- Promotional yard signs on City right of ways, excluding medians on Main St.

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 Lockport Main St. Inc. filing a certificate of insurance to the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 5.

### **070319.8**

By Alderman Oates:

Whereas, Lockport Public Arts Council (LPAC), a not-for-profit organization, has successfully created a number of public art displays including the Rivi-Erie and the annual Sweet Chalk Festival, and

Whereas, Craig Thomas, a well-known muralist and artist has agreed to create art in the City of Lockport as a donation to the community, and

Whereas, three locations have been designated for potential sites for his work including: the Widewaters Marina building, the south side of the Adams Street Bridge and the concrete pad at Samuel C. Pecoraro Park, and

Whereas, application to the Planning Board and the Canal Authority have been submitted and are pending approval, now therefore be it

Resolved, LPAC is granted permission to create mural work at the approved locations subject to approval of the Planning Board and Canal Authority, and subject to LPAC filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Wohleben and adopted. Ayes 5.

### **070319.9**

By Alderman Abbott:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Wilson Pkwy to barricade their Street on July 27, 2019, 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.

### **070319.10**

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 various streets of the City of Lockport; and

WHEREAS, the Engineering Department and the Department of Highways and Parks have determined that sections of the storm and sanitary sewers on Richfield Street, Trowbridge Street, and Jackson Street are in need of sediment removal and video inspection to correct reported issues related with sewer overflows and backups; and



WHEREAS, National Water Main Cleaning Company has submitted a proposal in the amount \$18,000 to perform sediment removal and video inspection on said sections of storm and sanitary sewers; 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 and amend the original contract in the amount of \$18,000 plus 15% of contingency for the scope of work included in its June 26, 2019 proposal to the City and to be charged to Account Number # H193.8197.52481.

Seconded by Alderman Wohleben and adopted. Ayes 5.

#### **070319.11**

By Alderman Abbott:

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) awarded a grant to the City of Lockport for a Tree Inventory and Community Forest Management Plan in the amount of \$45,280 and under New York State Contract Number DEC01-T00620GG-3350000; and

WHEREAS the City seeks to contract the professional services of a qualified firm to complete the Tree Inventory and Community Forest Management Plan; now, therefore, be it

RESOLVED, that City of Lockport authorizes and appropriates no local match as required by the Tree Inventory and Community Forest Management Plan grant contract; and, be it further

RESOLVED, that the City Engineer is directed to prepare and issue a Request for Qualifications/Proposals (RFQ/RFP) for Professional Services to complete the Tree Inventory and Community Forest Management Plan project.

Seconded by Alderman Eggert and adopted. Ayes 5.

#### **070319.12**

By Alderman Devine:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Infrastructure Planning Study for sewers tributary to the Willow/Price Interceptor and CSO 14 to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; and

WHEREAS, the City is preparing an application to the NYS Environmental Facilities Corporation Engineering Planning Competitive Grant Program (EPG) to investigate sewers tributary to the Willow/Price Interceptor and CSO 14; now, therefore, be it

RESOLVED, that if the City is selected for an EPG Grant, the City of Lockport authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Wastewater Infrastructure Planning Study for sewers tributary to the Willow/Price Interceptor and CSO 14. 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; and be it further

RESOLVED, that if the City is selected for an EPG Grant, the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and to sign any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Engineering Planning Grant Agreement.

Seconded by Alderman Eggert and adopted. Ayes 5.

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 5.

**070319.13**

By Alderman Devine:

Whereas, Title 6 of the New York Code of Rules and Regulations (6 NYCRR), Section 617.5, 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 Wastewater Infrastructure Planning Study along the sewers tributary to the Willow/Price Interceptor and CSO 14 is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the “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 “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” and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Oates and adopted. Ayes 5.

**070319.14**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of July 17, 2019 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 Amanda Demarco, for approval to house an Arctic Fox to be located at 17 Sunnyside Street, situated in a R-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.

**070319.15**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of July 17, 2019 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 Annette Anderson, for approval to house between 6 and 8 chickens to be located at 1 Sunnyside Street, situated in a R-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 5.

**070319.16**

By Alderman Abbott:

Whereas, the City has been notified that a long tenured Firefighter will be retiring; and

Whereas, the Fire Board has requested that the City create a provisional Firefighter position in the 2019 General Fund Budget in order to accommodate the academy schedule thereby expediting the training and installation of a candidate to fill the created vacancy; and

Whereas, the addition of the provisional officer was not contemplated in the 2019 budget necessitating a budget amendment;

Now Therefore be it

Resolved, that the 2019 General Fund budget be and is hereby amended to create a provisional Firefighter position as follows:

Increase:

Expense:

A.3410.54035	Training & Education	\$ 2,863
A.3410.54085	Uniforms	\$ 6,225
A.3410.54045	Travel Related Costs	\$ 1,250
A.1430.54055	Professional Services	\$ 1,000

Decrease:

Expense:

A.3410.51010	Wages – Full Time	\$11,338
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Seconded by Alderman Eggert and adopted. Ayes 5.

#### **070319.17 Motorola – Prepare BAN- WITHDRAWN**

#### **070319.18 Motorola Contract WITHDRAWN**

#### **070319.19**

By Alderman Oates:

Whereas, the City wishes to increase the number and duration of summer workers within the Marina and Building Maintenance departments and needs to amend the 2019 General Fund Budget to accommodate this increase; Now therefore, Be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Decrease:

Expense:

A.1210.58040	Health Insurance	\$ 6,870
A.1210.58050	Retirement	\$ 8,710
A.1620.51001	Full Time Wages	\$ 8,000

Increase:

Expense:

A.7185.51060	Seasonal	\$12,750
A.7185.58010	FICA	\$ 975
A.7185.58050	Retirement	\$ 1,855
A.1620.51060	Seasonal	\$ 6,500

A.1620.58010	FICA	\$ 500
A.1620.58050	Retirement	\$ 1,000

Seconded by Alderman Eggert and adopted. Ayes 5.

#### **070319.19A**

By Alderman Abbott:

Resolved, that pursuant to their request, DRL Properties WNY, LLC is hereby granted permission to place a dumpster in the city's right of way at 25 Cave Street starting July 5, 2019 for a period of two weeks. Said permission is subject to the approval of the Chief Building Inspector, and DRL Properties, LLC filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 5.

#### **070319.20**

#### **ADJOURNMENT**

At 5:21 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 17, 2019.

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

July 17, 2019

5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

#### **ROLL CALL**

The following Common Council members answered the roll call:

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

#### **INVOCATION**

#### **MAYOR'S UPDATE**

#### **RECESS**

Recess for public input.

#### **071719.1**

#### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of July 3, 2019 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 house an Artic Fox in the home at 17 Sunnyside St.

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

7/9/19 Terry Harmon, Acting Chairman, Lockport Planning and Zoning Board – the board does not recommend the request.

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing on a request to house between 6 and 8 chickens at 1 Sunnyside St.

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

7/9/19 Terry Harmon, Acting Chairman, Lockport Planning and Zoning Board – the board does not recommend the request.

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:**

6/3/19	390 Willow Street – trees
6/5/19	493 Hawley Street – tree
6/17/19	133 Waterman Street – tree
6/17/19	144 West Avenue – tree
6/21/19	132 LeVan Avenue – tree

6/21/19 2 Hoover Pkwy – tree  
6/17/19 Patricia Chutko – various properties – trees  
6/24/19 6 Main Street – sidewalk  
7/2/19 162 Glenwood Avenue – tree  
7/10/19 67 Ontario Street – tree  
7/10/19 321 Pine Street - tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

7/8/19 Stacy Page, 28 Waterman Street, Lockport, NY  
7/15/19 Dylan Simons, 471 Hawley Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**071719.2**

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 July 17, 2019 as follows:

General Fund	Fund A	\$89,445.73
Water Fund	Fund FX	\$ 8,902.04
Sewer Fund	Fund G	\$16,939.85
Capital Projects	Fund H	\$ 2,549.21
Refuse Fund	Fund CL	\$92,209.87
Self Insurance	Fund MS	\$ 8,601.80
Worker's Comp	Fund S	\$ 55.53
Comm. Dev.	Fund CD	\$66,706.86

Seconded by Alderman Farrell and adopted. Ayes 6.

**071719.3 Revocable Permit 41 East Ave. - WITHDRAWN**

**071719.4**

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 13, 2019 from 9:30 am to 3:30 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 Eggert and adopted. Ayes 6.

**071719.5**

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 Wohleben and adopted. Ayes 6.

**071719.6**

By Alderman Farrell:

Whereas, that pursuant to their request, the Greater Lockport Development Corporation 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 2019 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; now, therefore, be it

Resolved, that the City of Lockport and the Common Council supports this grant application, and should funding be awarded, will offer advisory consultation as necessary.

Seconded by Alderman Wohleben and adopted. Ayes 6.

**071719.7**

By Alderman Devine:

Whereas, the City of Lockport Wastewater Treatment Plant (WWTP) is operated under the State Pollutant Discharge Elimination System (SPDES) Discharge Permit # NY-0027057; and

Whereas, the operation of the WWTP is critical to ensure proper treatment of the wastewater flows in order to protect public and environmental health; and

Whereas, the Chief operator of the WWTP reported to the Mayor that the clarifier mechanism in the Primary Settling Tank has failed and has created an emergency situation; and

Whereas, in coordination with City staff, equipment suppliers, and contractors, the City's engineering consultant firm, Nussbaumer and Clarke, has evaluated options to address the problem, including clarifier mechanism repair or replacement; and

Whereas, the existing clarifier mechanism has exceeded its useful service life, more than 40 years of service; consequently, it is not cost effective to repair it; and

Whereas, Koester Associates, Inc. submitted a proposal to furnish and install a new Walker Process Clarifier Mechanism for a cost of \$541,700.00; and

Whereas, the Engineering Department recommends replacing the 40+ year old clarifier mechanism with a new Walker Process Clarifier Mechanism for a cost of \$541,700.00 plus a 20% contingency to address any unforeseen conditions that may be revealed once the existing equipment is removed; now, therefore, be it

Resolved, that replacement of the Primary Settling Tank Clarifier Mechanism is to be done on an emergency basis in order to ensure public and environmental health, and maintain compliance with the City's NYSDEC Discharge Permit, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed enter into contract with Koester Associates, Inc., 3101 Seneca Turnpike, Canastota, New York 13032, for an amount of \$541,700.00 plus 20% of contingency to address any unforeseen conditions that may be revealed once the existing equipment is removed; and be it further

RESOLVED, that the bonding of the project is authorized and approved; and be it further

RESOLVED, that the City Attorney and Director of Finance are directed to prepare a Bond Ordinance for the acquisition and installation of the clarifier mechanism in an amount not to exceed \$650,000.00 plus issuance costs.

Seconded by Alderman Oates and adopted. Ayes 6.

**071719.8**

By Alderman Oates:

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 in the City of Lockport; and

WHEREAS, based on recent video inspections and sewer sediment removal, the Engineering Department and the Department of Highways and Parks have determined that the 10" sanitary sewer on Garden Street between Adam Street and Chapel Street is in need of rehabilitation; and

WHEREAS, National Water Main Cleaning Company has submitted a proposal dated June 29, 2019 in the amount \$33,430.00 to perform cured-in-place pipe (CIPP) lining on the 10" sanitary sewer on Garden Street; and

WHEREAS, prior to CIPP lining, the 10" sewer on Garden Street needs to be repaired in three spots due to severe sewer structural damage; spot repairs include excavation, pipe replacement, trench backfill using 2" crusher run up to road sub-base, concrete base, and pavement of open spots; and

WHEREAS, the Engineering Department requested proposals from qualified contractors to perform the required spot repairs and have received three quotes as follows: O'Regans Environmental Concepts LLC \$21,195.00; RG MacFarlane Plumbing \$39,825.00; and Pinto Construction Services \$76,500.00; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporate Counsel Approval, is hereby authorized to approve the proposal submitted by National Water Main Cleaning Co., 25 Marshall Street, Canton, MA 02021 and amend the original contract in the amount of \$33,430 plus 15% of contingency for the scope of work included in its June 27, 2019 proposal to the City and to be charged to Account Number # G.8120.52200; and be it further

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to ENTER into contract with O'Regans Environmental Concepts LLC, 3170 Hess Road, Appleton, NY 14008 in the amount of \$21,195.00 plus 15% of contingency for the scope of work included in its July 10, 2019 proposal to the City and to be charged to Account Number # G.8120.52200.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **071719.9**

By Alderman Wohleben:

Whereas, the City of Lockport (City), is seeking a grant for the City Streetscape Green Infrastructure Enhancement Project and intends to submit via the New York Consolidated Funding Application (CFA) to the Green Innovation Grant Program (GIGP); and

Whereas, the City project cost estimate for the Streetscape Green Infrastructure Enhancement Project is \$2,000,000; and

Whereas, the GIGP through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to \$1,800,000 of the project cost; now, therefore, be it

RESOLVED that the City authorizes and appropriates a minimum of 10% local match as required by the Green Innovation Grants Program. Under the GIGP, this local match must be at least 10% of total project of \$2,000,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$200,000 subject to receipt of a GIGP grant and available funding. The total estimated maximum grant is \$1,800,000. The Mayor may



increase this local match through the use of in-kind services without further approval from the City; and, therefore, be it further:

RESOLVED that the Mayor is authorized to sign a grant application on behalf of the City via the CFA to the NYSEFC Green Innovation Grants Program for the Streetscape Green Infrastructure Enhancement Project; and be it further

RESOLVED that should a GIGP grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Green Innovation Grants Program through NYSEFC.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **071719.10**

By Alderman Wohleben:

Whereas, the City of Lockport (City) has reviewed the proposed project for the Streetscape Green Infrastructure Enhancement Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review (SEQR), for a determination as to the level of required environmental review for the proposed project, now, therefore, be it

RESOLVED that the City does hereby determine that the proposed action is a Type II action for SEQR under 617.5(c)(3) "retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure" as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **071719.11**

By Alderman Oates:

Resolved, that pursuant to his request, permission is hereby granted to Timothy Chase owner of Groff's Tavern, LLC to barricade Union Street from Washburn Street to Ann Street on Sept. 1, 2019 for a Block Party / Fundraising event from 10:00 a.m. – 10:00 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 Abbott and adopted. Ayes 6.

#### **071719.12**

By Alderman Devine:

Resolved that the 2019 Water Budget is hereby amended to eliminate a Water & Sewer Maintenance Worker and create a Sr. Water & Sewer Worker.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **071719.13**

By Alderman Abbott:

WHEREAS, County of Niagara sold the former Switzer Building and six other buildings on Davison Road to LHC Holdings, LLC for the sum of \$100,000, and

WHEREAS, representatives of LHC Holdings, LLC informed city officials and the general public that it planned on turning the former Switzer Building into a temporary residential facility for women recovering from substance abuse disorders, and

WHEREAS, LHC Holdings, LLC filed a petition with the City of Lockport and Town of Lockport to annex the eastern half of the Switzer Building from the Town to the City, and

WHEREAS, the portion of the property that is located in the City of Lockport is zoned Reserved Area (RA) which means it is a delineated area where substantial development of the land in the form of buildings or structures is prohibited due to: (A) a special or unusual conditions of topography, drainage, floodplain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the process of nature or (B) the lack of proper facilities or improvements resulting in the land not being suitable for development at the present time and where such facilities or improvements must be taken on an area-wide rather than individual parcel basis to serve adequately the area at a reasonable cost to the City, and

WHEREAS, according to the City of Lockport Code, the following special uses are allowed in an RA zone: (A) Parks, golf courses, athletic fields and other similar uses; (B) Essential Services; (C) Land reclamation operations other than refuse and garbage landfills; and (D) Cemeteries, and

WHEREAS, on June 13, 2019 and June 18, 2019, Cazenovia Recovery Systems held two public forums to address resident concerns and at the public forum Suzanne Bissonette, CEO of Cazenovia, stated that the project would need to be re-zoned R-3, and

WHEREAS, a rezoning involves a review of the City's master plan (comprehensive plan) which presently calls for the area to be zoned park land, and

WHEREAS, the type of housing proposed by LHC Holdings, LLC and Cazenovia Recovery System is subject to the Federal Fair Housing Act and other Federal Laws, and

WHEREAS, many group homes, which include residential drug treatment facilities, cannot be excluded in single-family residential neighborhoods simply because of the nature of the people being served and while municipalities can exercise its authority to regulate land use it cannot be stricter than it would with people who are not disabled, and

WHEREAS, it is important that the City adhere to the laws that prohibit discrimination of disabled individuals and group homes, and

WHEREAS, the City has in past retained outside counsel to assist the Office of the Corporation Counsel for complex matters such as the above proposed annexation, zoning and land development, and

WHEREAS, Daniel A. Spitzer, Esq. is a partner of Hodgson Russ LLP with many years of experience in planning and zoning, land use issues, real estate development and related municipal issues, and

WHEREAS, the City retained Mr. Spitzer several years ago to assist with the legal issues involving the environmental remediation and historic registry compliance for the Canal Street development, and

WHEREAS, the Common Council desires to retain the professional services of Mr. Spitzer to assist the Office of the Corporation Counsel with the complex issues involved with the above site.

NOW, THEREFORE, BE IT

RESOLVED, that Corporation Counsel be and is hereby authorized and directed to enter into an engagement agreement with Mr. Spitzer for professional service for the Davison Road site.

Seconded by Alderman Oates and adopted. Ayes 6.

**071719.14**

## **ADJOURNMENT**

At 6:38 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 7, 2019.

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

August 7, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

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

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**080719.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of July 17, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

### **Terminations:**

7/11/19 Paul Mullane removed as a member of the Audit Committee effective July 11, 2019

7/11/19 Daniel Cavallari removed as a member of the Audit Committee effective July 11, 2019

Received and filed.

### **Resignation:**

7/29/19 Jay S. Dry resigned as a member of the Audit Committee effective July 29, 2019  
Received and filed.

### **Appointments:**

7/15/19 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments:

### **Human Relations Committee**

For a term of one year expiring on July 15, 2020

Peter K. Boes, 335 Prospect Street, Lockport, NY  
Wayne F. Hale, 828 East High Street, Lockport, NY  
Anthony J. Stevenson, 32 John Street, Lockport, NY

For a term of two years expiring July 15, 2021

Christina L. Lopez, 96 Caledonia Street, Lockport, NY  
Lauralee B. Zagarrigo, 514 High Street, Lockport, NY

For a term of three years expiring on July 15, 2022

Kandyce S. Cauley, 18 Beverly Avenue, Lockport, NY  
Sharon Davis, 288 Michigan Street, Lockport, NY  
Felicia M. Grooms, 104 South Street, Lockport, NY

Received and filed.

7/22/19 Christopher J. Stacey, 224 Waterman Street, Lockport, NY – appointed as a member of the Audit Committee effective July 22, 2019.

Received and filed.

8/6/19 Timothy K. Russo, 59 Continental Drive, Lockport, NY – appointed as a member of the Audit Committee effective August 6, 2019.

Received and filed.

7/22/19 Beverly P. Frank, 443 South Street, Lockport, NY – appointed as a member of the Lockport Housing Authority to fill the unexpired term of Richard Bertrand. Said term expires April 26, 2021.  
Received and filed.

7/23/19 Robert F. Turner, 131 Green Street, Lockport, NY – appointed to Property & Right of Way Maintenance Worker, effective July 23, 2019. Said appointment is permanent and subject to the City of Lockport Civil Service rules and regulations.  
Received and filed.

8/05/19 Gregory J. Newman, 259 Continental Drive, Lockport, NY – appointed as member of the Environmental Committee. Said term expires August 5, 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)

7/10/19 Mayor Michelle M. Roman – Recommendation that Mary Brennan Taylor, 480 Pine Street, Lockport, NY be reappointed as a member of the Board of Ethics, with a term expiring on July 2, 2022.  
Referred to the Committee of the Whole.

7/25/19 Steven Pawlak, Niagara-Orleans District of the Order of the Eastern Star – request permission to hold a chicken barbeque fundraiser on September 17, 2019.  
Referred to the Committee of the Whole.

7/30/19 Ray Pierce, VFW Post 2535 – permission to hold a 3-on-3 Basketball tournament in the City of Lockport on Saturday August 24 thru Sunday August 25, 2019.  
Referred to the Committee of the Whole.

7/29/19 Richelle J. Pasceri, City Clerk – notification of bids received on July 26, 2019 for Tree Inventory and Management Plan Services are as follows:

Davey Resource Group, Inc., Kent, OH

<b>Item for Bid</b>	<b>Cost per Unit</b>	<b>#of Units</b>	<b>Total Bid</b>
Tree Inventory Startup (lump sum price for inventory up to 2,000 trees)	\$8,000	1	\$8,000
Additional Trees (price per tree for inventory of 2,001 to 6,000 trees)	\$3.50	4,000	\$14,000

Additional Trees (price per tree for inventory of 6,001 to 10,000 trees)	\$3.00	4,000	\$12,000
Additional Trees Up to Contract Max (price per tree for inventory of 10,001 to 20,000 trees)	\$2.90	10,000	\$29,000
Community Forestry Management Plan (including Inventory Report)	\$5,100	1	\$5,100
<b>POTENTIAL CONTRACT MAX</b>			<b>\$68,100</b>

Referred to the Committee of the Whole.

**Notice of Defect:**

7/29/19 96 Minard Street – tree  
7/29/19 195 Washington Street – tree  
8/01/19 85 Sycamore Street – tree and potholes  
Referred to the Director of Streets and Parks.

**Notice of Petition:** (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/26/19 Lockport Professional Park, LLC -vs- City of Lockport  
Referred to the City Assessor.

7/29/19 500 Mill Street, LLC – vs- City of Lockport, NY and its Assessor and Board of Assessment Review  
Referred the City Assessor.

**MOTIONS & RESOLUTIONS**

**080719.2**

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 August 7, 2019 as follows:

General Fund	Fund A	\$ 124,261.04
Water Fund	Fund FX	\$ 26,593.07
Sewer Fund	Fund G	\$ 16,513.94
Capital Projects	Fund H	\$2,040,572.50
Refuse Fund	Fund CL	\$ 11,861.60
Self Insurance	Fund MS	\$ 141,259.75
Worker's Comp	Fund S	\$ 5,383.00
Comm. Dev.	Fund CD	\$ 119,664.00
Payroll	Pay Date 7/18	\$ 507,172.73

Seconded by Alderman Wohleben and adopted. Ayes 6.

**080719.3**

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>
David J. Weeks	30	Sr. Water Treatment Plant Operator
Susan E. Israel	10	Real Property Appraiser

Seconded by Alderman Abbott and adopted. Ayes 6.

**080719.4**

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 21, 2019, 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 Farrell and adopted. Ayes 6.

**080719.5**

By Alderman Devine:

Resolved, that pursuant to their request, Lockport Oldtimers Softball is hereby granted permission to use the softball diamond at Outwater Park for a reunion softball game followed by a picnic at the Outwater Park South shelter, subject to the approval of the Highways & Parks Department, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for preparation of the field for this softball event on Tuesday, August 20, 2019, and be it further

Resolved, that said permission is subject to Lockport Oldtimers Softball 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.

**080719.6**

By Alderman Oates:

Notice is hereby given that the Common Council of the City of Lockport will hold a Public Hearing on August 21<sup>st</sup> at 5:30 p.m. at Lockport City Hall, One Locks Plaza, Lockport, New York to consider and possibly a Local Law creating a six-month moratorium on zoning approvals or other permits in the RA Reserve District. During the moratorium period the City will review the RA Reserve District, with consideration of updating the Comprehensive Plan and Zoning Code as potential outcomes. The Town of Lockport will be invited to participate in a joint review. A copy of the local law is available at the office of the City Clerk, One Locks Plaza, Lockport, New York. At the above time and place all members of the public will be heard.

Seconded by Alderman Abbott 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.

#### **080719.7**

By Alderman Abbott:

Whereas, LHC Holdings, LLC, the sole owner of 360 Davison Road, Lockport, New York (the "Property"), submitted a Petition pursuant to Article 17 of the General Municipal Law to the City of Lockport and to the Town of Lockport seeking the annexation of the Town portion of the Property into the City (the "Annexation"); and

Whereas, the City and Town held a duly noticed joint public hearing on the Petition on May 15, 2019 at 5:30 p.m. at Lockport City Hall, One Locks Plaza, Lockport, New York; and

Whereas, the Common Council has considered the Petition and its supporting documentation, including the Short-Form Environmental Assessment Form ("EAF"), the comments of the public, and such other information as it deemed appropriate; now therefore be it

**RESOLVED AND ORDERED BY THE COMMON COUNCIL OF CITY OF LOCKPORT AS FOLLOWS:**

1. The Council finds that the Petition meets the requirements of the Municipal Annexation Law, except for the concern as it relates to the State Environmental Quality Review Act (SEQRA) as noted herein. The Petition properly describes the proposed Annexation area, states the assessed valuation and population of the subject area and has been certified by the Assessors of the City and the Town.
2. The main question before the Council is whether the proposed annexation is or is not in the over-all public interest (1) of the territory proposed to be annexed, or (2) of the local government or governments to which the territory is proposed to be annexed, or (3) of the remaining area of the local government or governments in which such territory is situated, or (4) of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed. General Municipal Law § 705 (1)(e).

Overall public interest involves a number of factors, which, here, include the benefits and costs to the City and the City neighborhood in question, tax revenues potentially gained and lost by the City and Town, the ability to provide municipal services including police and fire protection, sewer and water service, public utilities, and the planning aspects of the annexation. The Council in particular notes the importance of how the City and Town community would be affected by bringing in this one parcel. As one New York Appellate Court has stated as "a cautionary note"

Piecemeal annexation, benefiting one property owner alone, may well result ultimately in municipal boundaries not in accordance with proper planning criteria. Hence, wherever possible, annexation should not follow the fortuitous boundary lines of the land of a single owner who seeks immediate advantage to himself, but the broader lines of divisions based on the planning aspects of the annexation.

*In Matter of Board of Trustees of the Incorporated Vil. of Warwick v. Town Bd. of the Town of Warwick*, 56 A.D. 2d 928, 928-9 (2d Dept. 1977).

The Property consists mainly of the former Niagara County Infirmary complex, with some public services already provided to the whole site by the City. The municipal boundary runs through the complex, which was recently sold by the County to the current owner. The Property is zoned Reserve Area District under Article XIV of the City Zoning Code. That Article contains two sections:



### § 190-76 Purpose

The purpose of the RA District is to delineate those areas where substantial development of the land in the form of buildings or structures is prohibited due to:

- A. Special or unusual conditions of topography, drainage, floodplain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the process of nature.
- B. The lack of proper facilities or improvements resulting in the land not being suitable for development at the present time and where such facilities or improvements must be taken on an areawide rather than individual parcel basis in order to serve adequately the area at a reasonable cost to the City.

### § 190-77 Special uses.

Special uses in the RA District shall be as follows:

- A. Parks, golf courses, athletic fields and other similar uses.
- B. Essential services.
- C. Land reclamation operations other than refuse and garbage landfill.
- D. Cemeteries.

The zoning was put in place by the 1984 Code adoption. In 1998, the City adopted the City of Lockport Comprehensive Plan. In regard to the RA Reserve District, the plan recommended (at p. 69) “review the RA Reserve Area (Article XIV) district regulations to ensure their fit with the completed Comprehensive Plan but retain this district as one which is clearly appropriate to the City's unique topographical and geological conditions.” This has not been done, but the Council recognizes that as implied in § 190-76, the time may be at hand to reconsider the RA Reserve classification. One of the two municipalities having sole authority over an important community asset may well be best in the future.

But the record before the Council does not support an Annexation intended as a clear step to the redevelopment of the long-vacant property in a manner contrary to the current zoning and Comprehensive Plan. There is scant evidence of benefit to the City and Town or their specific neighborhoods, and in fact the Annexation appears to conflict with the recreational and suburban residential uses that have developed in the two municipalities around the site. Transfer of revenue from the Town to the City may be minor, but the costs to the City of servicing a built-out Project, may outweigh any benefit. Project approval would be streamlined but is not precluded, whether by rezoning or other means in each community. On this record Annexation does not appear to be in the overall public interest.

3. In regard to SEQRA, the Council has significant concerns. Specifically, the Short-Form EAF submitted with the application is inadequate for the review of the proposed annexation. On the issue of the required review under SEQRA for an annexation, the Court of Appeals has stated:

Since the annexation proposal lacks a specific project plan that has been officially submitted or a rezoning proposal that changes the use for which the property may be utilized, the EAF will necessarily be limited to the annexation itself and its effects. Where, on the other hand, an annexation is premised upon a formal project plan, environmental review will be more

extensive and must address the specific use of the property in evaluating the related environmental effects.

*City Council v. Town Bd.*, 3 N.Y.3d 508, 520-1, n. 11, (2004). In this case, while the Property owner has not submitted zoning applications to the City, it has discussed and circulated plans for the Property to the community and discussed options for development. A potential significant user of the Property has held informational meetings with City and Town residents, based on constructing and operating a residential treatment center and 65 apartment units in the existing structures and new buildings.

As presented, the Petition, including the EAF, is inadequate because it does not present information addressing the environmental impacts of the potential development. The EAF simply refers to the annexation, disconnected from any project. But “annexation considerations cannot be segmented from the SEQRA analysis necessary for the whole action.” *Taxpayers Opposed to Floodmart v. City of Hornell Indus. Dev. Agency*, 212 A.D.2d 958, 959 (4th Dep’t 1995) (quoting the SEQR Handbook, at 105 [Nov. 1992 ed]). In the absence of information on the impacts, the City cannot meet its obligations under SEQRA without illegally segmenting the environmental review, nor can it agree that the proposed annexation is in the overall best interests of the public. For example, in the absence of detailed information on the proposed project, the Council cannot fully determine what tax revenues may be raised, what tax exemptions may apply, and the impact on the Town in terms of revenues lost and the City in terms of potential revenues gained and expenses that would be incurred.

4. Accordingly, it is Resolved and Ordered by the Common Council of the City of Lockport that the proposed Annexation is not in the over-all public interest and therefore the Petition is denied.

5. The City Clerk shall file a copy of this Resolution and Order with the Town Clerk of the Town of Lockport

Seconded by Alderman Oates and adopted. Ayes 6.

#### **080719.8**

By Alderman Wohleben:

Resolved, that pursuant to the recommendation of Mayor Roman, Mary Brennan Taylor, 480 Pine Street, Lockport, NY is hereby reappointed to the Lockport Board of Ethics for a three-year term expiring on July 2, 2022.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **080719.9**

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 next to the Masonic Hall on September 17, 2019, and be it further

Resolved, that permission is hereby granted to barricade the parking spaces east of the Masonic Hall in the City owned lot 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 Farrell and adopted. Ayes 6.

#### **080719.10**

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of August 21, 2019 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 Eastern Niagara Hospital, for approval of a temporary wall sign to be located at 521 East Avenue, 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 Wohleben and adopted. Ayes 6.

#### **080719.11**

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted the residents of Elm Court to barricade Elm Court on August 31, 2019, 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 Farrell and adopted. Ayes 6.

#### **080719.12**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to the VFW Post 2535 to sponsor a 3-on-3 Basketball tournament at Altro, Outwater and Dolan Parks from 10 am to 5 pm Saturday, August 24 and 10 am to 3 pm on Sunday, August 25, 2019, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for proper netting and a clean surface for safe play at each of these basketball courts, as well as access to the bathrooms in said parks for this event.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **080719.13**

By Alderman Eggert:

Resolved, that pursuant to their request, Lockport Main Street, Inc is hereby granted permission to install an illustrated cityscape mural on the back-interior wall of the City of Lockport Stage.

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **080719.14**

By Alderman Wohleben:

WHEREAS, the City of Lockport has instituted an action In Rem for the foreclosure of certain tax liens against various parcels of real property within the City of Lockport, pursuant to the City of Lockport Charter and Article 11, title 3 of the Real Property Tax Law of the State New York, and

WHEREAS, the County of Niagara has a claim for Niagara County tax liens against all or some of the parcels of real property which are the subject of said action, and

WHEREAS, the provisions of the Real Property Tax Law authorize tax districts having an interest by way of tax lien in real property, such as the City of Lockport and County of Niagara, to enter into an agreement making provision for the sale of real property without public sale and for the sharing of the net proceeds of such sale between the City of Lockport and the County of Niagara, and

WHEREAS, the City of Lockport has tendered to the County of Niagara such an agreement, which agreement, among other things, provides that the interests of said City and this County in each parcel and in the proceeds of any sale of such parcel shall be apportioned based on the fraction that the unpaid taxes, tax liens and other charges accessible against the parcel owed to or owned by the City and County respectively bear to the total City and County taxes, tax liens and other such charges, but without reference to the penalties or interest accrued on any unpaid tax or tax lien, and

WHEREAS, the proposed agreement is fair and reasonable and allows the County to avoid the cost and expense of a separate In Rem foreclosure action against the same parcels, now, therefore, be it

RESOLVED, that the City of Lockport Common Council finds and determines that the proposed agreement, a true copy of which is attached to the Clerk's file copy of this resolution, is fair and reasonable in all respects and advances the interests of the City of Lockport in its collection of taxes and tax liens on real property located within the City of Lockport, and it be further

RESOLVED, that the Mayor is authorized and directed to execute and deliver said agreement in behalf of the City of Lockport.

Seconded by Alderman Farrell and adopted. Ayes 6.

By Alderman Farrell:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **080719.15**

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, on May 2, 2018 the City of Lockport passed Resolution 050218.5 to amend the Engineering Agreement with GHD due to the addition of further engineering design and construction phase services to include the replacement of the existing 24-inch water main on Summit Street in order to improve water distribution in the industrial area located on the west side of the City; and

Whereas, on December 20, 2018 the City of Lockport passed Resolution 121918.6 to amend the Engineering Agreement with GHD due to the addition of further engineering design and construction phase services to include various regulatory permit requirements, a wetland

delineation study, a revised joint application, an Erosion and Sediment Control Plan, a revised bypass design to optimize material reuse, a second project bidding process, and various easement and access related efforts with the Town of Lockport and National Grid; and

Whereas, on December 20<sup>th</sup>, 2018 the City of Lockport passed Resolution 121918.5 to authorize and direct the Mayor 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 waterline 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; and

Whereas, GHD Consulting Services Inc. and the City of Lockport have determined that additional construction work is required to replace approximately 120 feet of original raw waterline on City property at the Water Treatment Plant which was not included in the project, but the extent of which is now understood, and poses a risk to the newly completed raw waterline, and to replace the existing underground vault, conduits and Venturi meter, which has failed previously, with a magnetic meter; and

Whereas, GHD Consulting Services, Inc. has reviewed this additional construction work and recommends the City authorize the additional work at a not-to exceed cost of \$300,000.00 to replace approximately 120 feet of original raw waterline and to replace the existing Venturi meter, concrete vault and associated power/signal conduits; and

Whereas, Kandey Company has requested an extension of time to its contract with the City, due to various construction related challenges and for the new work requested by the City, to a new contract completion date of November 15, 2019, and

Whereas, GHD Consulting Services Inc. has submitted a proposal for Professional Engineering Services to provide design, construction administration and resident inspection engineering services for the additional improvements and extended project schedule; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel and Environmental Facility Corporation approval, is hereby authorized and directed to amend the Agreement between the City and GHD Consulting Services Inc. and to accept its Proposal for Professional Engineering Services Amendment dated August 5, 2019 for \$84,700, 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; and be it further

Resolved, that the Mayor, subject to Corporation Counsel and Environmental Facility Corporation approval, is hereby authorized and directed to modify the Agreement between the City and Kandey Company Inc., to accept and incorporate the additional construction work at a not-to-exceed cost of \$300,000.00 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 and for the establishment of a new contract completion date of November 15, 2019.

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 Eggert and adopted. Ayes 6.

By Alderman Abbott:

WHEREAS, the 2018-2019 State Budget included a requirement that all employers adopt and provide sexual harassment prevention policy to all employees; and

WHEREAS, New York State provided a “Model Policy” that contains the minimum standards required by the law; and

WHEREAS, the City of Lockport adopted the New York State “Model Policy” in October 2018 and subsequently amended the “Model Policy” by adopting the Employee Handbook in November 2018. 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 HARASSMENT 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<sup>1</sup> 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<sup>2</sup> working in the workplace who believe they have been subject to

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

such retaliation should inform a supervisor, manager, *Personnel Director*, or *Corporation Counsel*. 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 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.
6. 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.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to *the Personnel Director or Corporation Counsel's Office*.
8. 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, *Personnel Director, 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, *Personnel Director, 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 the *Personnel Director or 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, *the Personnel Director or 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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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](http://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 Wohleben and adopted. Ayes 6.

**080719.16A**

By Alderman Devine:

Whereas, the Gulf Interceptor project Resolution 041719.7 amended the 2019 General Fund Budget; and

Whereas, the budget amendment should have impacted the 2019 Sewer Fund Budget necessitating an amendment to that Resolution; now therefore, be it

RESOLVED, that Resolution 041719.7 is hereby amended to replace the last Resolved clause to reflect an amendment to the 2019 Sewer Fund budget as follows:

Increase:

Revenue: G.0000.34989 Federal Revenue \$83,295

Expense: G8120.54055 Professional Services \$83,295

Seconded by Alderman Eggert and adopted. Ayes 6.

**080719.16B**

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Roger D. Malcolm, a retired City of Lockport Police Captain who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

**080719.17**

**ADJOURNMENT**

At 6:24 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 21, 2019.

Seconded by Alderman Wohleben and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

August 21, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

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

### **INVOCATION**

### **MAYOR'S UPDATE**

### **TREASURER'S REPORT**

### **RECESS**

Recess for public input.

### **082119.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of August 7, 2019 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 by Eastern Niagara Hospital at 521 East Avenue to erect a 5' x 12' temporary wall sign situated in a R-1 Zone.

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

8/19/19 Terry Harmon, Acting 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 to consider and possibly a Local Law creating a six-month moratorium on zoning approvals or other permits in the RA Reserve District.

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

8/21/19 Charles D. Grieco, Bond, Schoeneck & King – on behalf of Cazenovia Recovery Services – opposed to proposed Local Law #1.

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Appointments:**

8/8/19 Ethan S. Nasca, 195 Royal Avenue, Buffalo, NY – appointed as a Housing Inspector for the Building Inspection Department, effective August 12, 2019. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

8/9/19 Raymond M. Aldrich, 18 Spruce Street, Lockport, NY – appointed as a Heavy Equipment Operator for the Wastewater Treatment Department, effective August 9, 2019. 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)

8/14/19 Mike Hanley, Post commander, B. Leo Dolan, American Legion Post – request consideration through the budget process with funding for the 2020 Memorial Day Parade. Referred to the Committee of the Whole.

#### **Notice of Defect:**

8/7/19 34 Lewis Street – tree  
8/7/19 83 Saxton Street – trees  
8/9/19 260 Chestnut Street – tree  
8/12/19 9 Priscilla Lane – tree  
8/13/19 111 East Avenue – tree  
8/15/19 139 Juniper Street – tree  
8/19/19 85 Chapel Street – tree's  
Referred to the Director of Streets and Parks.

### **MOTIONS & RESOLUTIONS**

#### **082119.2**

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 August 21, 2019 as follows:

General Fund	Fund A	\$166,741.83
Water Fund	Fund FX	\$ 23,567.02
Sewer Fund	Fund G	\$ 44,487.16
Capital Projects	Fund H	\$250,607.30



Refuse Fund	Fund CL	\$100,529.68
Self Insurance	Fund MS	\$144,320.32
Payroll	Pay Date 8/1	\$507,777.56
Payroll	Pay Date 8/15	\$496,583.47

Seconded by Alderman Eggert and adopted. Ayes 6.

By Alderman Farrell:

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

Seconded by Alderman Eggert and adopted. Ayes 6.

### **082119.3**

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

BOND ORDINANCE DATED AUGUST 21, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF THE CLARIFIER MECHANISM AT THE WASTEWATER TREATMENT PLANT, 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 replacement of the clarifier mechanism at the Wastewater Treatment Plant, in and for the City of Lockport, Niagara County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$675,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$675,000 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 specific object or purpose 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 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 9. 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 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 Yes
Alderman Farrell	VOTING Yes
Alderman Oates	VOTING Yes
Alderman Wohleben	VOTING Yes

The ordinance was thereupon declared duly adopted.

#### **082119.4**

By Alderman Wohleben:

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 purchaser 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 property to the following purchaser for nominal consideration.

PARCEL ID	Address	Purchaser
109.10-2-33	112 Garden St	Carlos Borrero & Luz Soto

Seconded by Alderman Oates and adopted. Ayes 6.

#### **082119.5**

By Alderman Oates:

Resolved, that the request for a special use permit made by Eastern Niagara Hospital to erect a 5' x 12' temporary wall sign, located at 521 East Avenue, situated in a 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.

The sign be removed within sixty (60) days of its installation.

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.

#### **082119.6**

By Alderman Oates:

WHEREAS, The Common Council of the City of Lockport authorizes the establishment and dollar amount for petty cash to be maintained by City Departments that require cash for business operations and

WHEREAS, The Common Council adopted a Petty Cash Policy and Procedure by resolution #071515.8C, and

WHEREAS, the City Treasurer in conjunction with Department Heads has completed a comprehensive review of petty cash levels and current business needs, and

WHEREAS, based on this review, amounts appropriate to conduct business and to comply with Petty Cash Policy and Procedure has been determined and will replace previously authorized levels, and

WHEREAS, Department Heads will be provided the Policy and Procedure as approved by the Common Council and will be responsible to assure the petty cash fund be maintained in accordance with this Policy, now, therefore, be it

RESOLVED, that the Common Council authorizes the following Departments to be custodians of petty cash at the dollar amount indicated and these amounts shall be recorded on the General Ledger as follows:

GENERAL FUND

A.1210.01	Petty Cash, Treasurer	\$ 350.00
A.1210.02	Petty Cash, City Clerk	\$ 100.00
A.1210.03	Petty Cash, Police	\$ 200.00
A.1210.04	Petty Cash, Building Inspection	\$ 180.00
A.1210.05	Petty Cash, Marina	\$ 50.00
A.1210.06	Petty Cash, Community Pool	\$ 200.00
TOTAL GENERAL FUND		\$1,080.00

SEWER FUND

G.1210.01	Petty Cash, Compost	\$ 200.00
TOTAL SEWER FUND		\$ 200.00

Seconded by Alderman Abbott and adopted. Ayes 6.

**082119.7**

By Alderman Devine:

WHEREAS, the City of Lockport, NY (City) owns and operates a Wastewater Treatment Plant (WWTP) which has a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Permit, No. NY0027057; and

WHEREAS, NYSDEC modified the City SPDES Permit, which took effect on August 7, 2017 and now requires disinfection of the WWTP effluent; and

WHEREAS, subsequent to the SPDES Permit modification, the City completed an Engineering Evaluation of the Wastewater Treatment Plant Effluent Disinfection and determined that the Ultra Violet Disinfection Process (UV) meets the standards of the modified SPDES Permit; and

WHEREAS, the Engineering Evaluation of the Wastewater Treatment Plant Effluent Disinfection was used to submit an application for a NYSDEC Water Quality Improvement Program (WQIP) Grant, which resulted in an award of \$1.0M to the City for construction of the required disinfection upgrades; and

WHEREAS, the modified SPDES Permit requires that engineering plans for the disinfection upgrades be submitted to NYSDEC by May 2020 and that the required disinfection system be operational by May 2022; and

WHEREAS, the City advertised a Request for Proposals (RFP) for Engineering Consulting Services related to the required WWTP disinfection upgrades on May 24, 2019,

and received two proposals on June 28, 2019 for the requested Scope of Work, which were publically opened and read allowed as follows: Hunt Engineers \$237,403.00, and Nussbaumer & Clarke, Inc \$169,700.00; and

WHEREAS, a selection committee reviewed the submissions in accordance with the RFP and recommends that the City award a contract to Nussbaumer & Clarke, Inc. for \$169,700.00; 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 Not-to-Exceed Fee of \$169,700.00 for the Engineering Consulting Services included in its proposal to the City, and to be charged to Capital Projects.

Seconded by Alderman Farrell and adopted. Ayes 6.

### **082119.8**

By Alderman Devine:

WHEREAS, the City of Lockport (City), is seeking financial assistance for the Wastewater Treatment Plant Effluent Disinfection Project and intends to submit a loan application via the New York State Environmental Facilities Corporation (NYSEFC) for funding to the Clean Water State Revolving Funds (CWSRF); and

WHEREAS, the City also intends to submit a grant application via the Environmental Facilities Corporation for funding to the New York Water Infrastructure Improvement Act (WIIA); and

WHEREAS, the City project cost estimate for the Wastewater Treatment Plant Effluent Disinfection Project is \$3,125,000; and

WHEREAS, funding has been secured from the NYS DEC Water Quality Improvement Program (WQIP) in the amount of \$1,000,000 to apply towards construction of the project; and

WHEREAS, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 25% of the balance of \$2,125,000 of the project cost in the amount of \$531,250; and

WHEREAS, the City is applying to Environmental Facilities Corporation to Clean Water State Revolving Funds financing (CWSRF) in the amount of \$2,125,000; and

WHEREAS, Nussbaumer & Clarke, Inc. is authorized to prepare grant and loan applications on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS CWSRF and WIIA; and

WHEREAS, the Mayor is required to sign the CWSRF and WIIA applications on behalf of the City of Lockport and any and all other contracts, documents and instruments necessary to bring about the Project if a funding is awarded; now, therefore be it

RESOLVED, that the City of Lockport Common Council authorizes the application for Clean Water State Revolving Funds (CWSRF) in the amount of \$2,125,000; and be it further

RESOLVED, that the City authorizes and appropriates a minimum of 75% local match as required by the Water Infrastructure Improvement Act (WIIA). Under the WIIA, this local match

must be at least 75% of total project of \$3,125,000 less the WQIP funding of \$1,000,000 for a total share of \$1,593,750. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$1,593,750 subject to receipt of a WIIA grant and available funding. The total estimated maximum grant is \$531,250. The Mayor may increase this local match through the use of in-kind services without further approval from the City; and be it further

RESOLVED, that the Mayor is authorized to sign a grant application on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA) and loan application for the CWSRF; and be it further

RESOLVED, that should a WIIA grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the WIIA Program through NYSEFC; and be it further

RESOLVED, that should a CWSRF loan be awarded to the City, the Mayor is authorized to execute an Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the CWSRF Program through NYSEFC.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **082119.9 WITHDRAWN** (Inter-Municipal Agreement with Town of Niagara)

By Alderman Farrell:

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

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **082119.10**

By Alderman Farrell:

WHEREAS, the City of Lockport, NY (City) desires to better understand the composition, structure, and maintenance needs of trees within the City Right-of-Ways; and

WHEREAS, the City applied to the New York Department of Environmental Conservation (NYSDEC) for a grant to conduct a tree inventory and to prepare a community forestry management plan and was awarded a grant of \$45,280.00 from NYSDEC under State Contract No. DEC01-T00620GG-3350000; and

WHEREAS, the City published a Request for Proposals (RFP) to conduct a tree inventory and to prepare a community forestry management plan and subsequently received one proposal on July 26, 2019 for the requested Scope of Work which was publicly opened and read aloud as follows: Davey Resources Group, Inc. \$68,100 (contract maximum for 20,000 trees); and

WHEREAS, a selection committee reviewed the submission in accordance with the RFP and recommends that the City award a contract to Davey Resource Group, Inc., for up to \$68,100.00 for 20,000 trees; and

WHEREAS, the entire project scope was not budgeted requiring the use of Contingency funds and amending the 2019 General Fund Budget now, therefore, be it

RESOLVED, that the Mayor, subject to Corporate Counsel approval, is hereby authorized to execute an agreement with Davey Resource Group, Inc. 1500 N. Mantua Street, Kent, Ohio, 44240 for a not-to-exceed amount of \$68,100.00 for the Scope of Work included in



their July 26, 2019 proposal to the City to conduct a tree inventory and to prepare a community forestry management plan; and be it further

RESOLVED, that a capital project in the amount of \$68,100 shall be created recognizing a State of New York grant in the amount of \$45,280.00 and \$22,820.00 to be contributed from the General Fund; and be it further

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

Expenses:

Decrease

A.1900.54775	Contingency	\$22,820
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Increase:

A.9901.59000.H	Transfer to Capital	\$22,820
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Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **082119.11 Revocable Permit re: fence - WITHDRAWN**

#### **082119.12**

By Alderman Abbott:

Whereas, the owner of 17 Sunnyside Street in the City of Lockport filed an application with the Planning Board for a special use permit to house the existing Arctic Fox in the home located at 17 Sunnyside Street, and

Whereas, on July 8, 2019, the Planning Board convened, deliberated and recommend disapproval of the application for said special use permit, and

Whereas, on July 17, 2019, 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 recommendation for disapproval from the planning board for a special use permit to house the existing Arctic Fox in the home located at 17 Sunnyside Street and upon having held a public hearing with respect to the same the Common Council hereby approves the request for said special use permit subject to the following conditions:

1. This permit is subject to annual renewal beginning January 1, 2021;
2. Receipt of all required governmental required licenses/permits to house the existing Arctic Fox;
3. Receipt of all required immunizations for the existing Arctic Fox;
4. Any changes to the environment or living arrangements shall not be made without prior approval of the Common Council;
5. The premises shall be kept neat and orderly;
6. The permit shall conform to all Federal, State, and Local laws in all other respects;
7. This permit shall automatically expire upon the death of the existing arctic fox located at the premises; and
8. Any violation of conditions herein shall be grounds for revocation.

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

#### **082119.13**

By Alderman Abbott:

Whereas, the owner of 1 Sunnyside Street in the City of Lockport filed an application with the Planning Board for a special use permit to house 6-8 chickens at the home located at 1 Sunnyside Street, and

Whereas, on July 8, 2019, the Planning Board convened, deliberated and did not recommend approval of the application for said special use permit, and

Whereas, on July 17, 2019, 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 recommendation for disapproval from the planning board for a special use permit to house 6-8 chickens at the home located at 1 Sunnyside Street and upon having held a public hearing with respect to the same the Common Council hereby approves the request for said special use permit subject to the following conditions:

1. This permit is subject to annual renewal beginning January 1, 2021;
2. No more than eight (8) chickens shall be housed on the premises at any one time;
3. No roosters are permitted to be housed on the premises;
4. Any changes to the environment and/or living arrangements shall not be made without prior approval of the Common Council;
5. Receipt of all required immunizations for the chickens;
6. The premises shall be kept neat and orderly;
7. The permit shall conform to all Federal, State, and Local laws in all other respects;
8. Any violation of conditions herein shall be grounds for revocation.

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

**082119.14**

## **ADJOURNMENT**

At 7:13 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 4, 2019.

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

September 4, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

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

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **090419.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of August 21, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

### **Resignation:**

8/26/19 Charlene Seekins-Smith – resigned as a member of the Lockport Planning and Zoning Board effective August 22, 2019.  
Received and filed.

### **Appointments:**

8/30/19 Andrew J. Geier, 177 Lock Street, Lockport, NY – appointed as a Water Treatment Plant Operator Trainee for the Filtration Department effective Sept. 16, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

8/29/19 Gregory W. Qualiana, 104 Carolina Avenue, Lockport, NY – appointed as a Municipal Worker for the Building Maintenance Department effective Sept. 3, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

8/29/19 Coulton N. LaRoach, 254 South Street, Lockport, NY – appointed as a Municipal Worker for the Building Maintenance Department effective Sept. 3, 2019. 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)

8/21/19 Mary Jo Floyd, Events Coordinator, Lockport New Beginnings, Lockport, NY – request permission to hold their 22<sup>nd</sup> Annual Walk-A-Thon on September 21, 2019 at Widewaters Marina.

Referred to the Committee of the Whole

8/26/19 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 2

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

Referred to the media.

8/26/19 Ed Cichon, Dir. Marketing and Communications, Cazenovia Recovery Systems, Inc. – submitted copies of statements read during Moratorium Public Hearing on 8/21/19.

Referred to the Committee of the Whole.

**Notice of Defect:**

9/3/19 253 Elmwood Avenue - trees

Referred to the Director of Streets and Parks.

**Notice of Claim:**

9/3/19 Farmers Insurance, Subrogation Claim for Thomas Shaw 137 Waterman Street

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**090419.2**

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 September 4, 2019 as follows:

General Fund	Fund A	\$ 78,367.14
Water Fund	Fund FX	\$ 13,117.46
Sewer Fund	Fund G	\$ 51,541.35
Capital Projects	Fund H	\$544,554.49
Refuse Fund	Fund CL	\$ 292.00
Payroll	Pay Date 8/29	\$473,957.40

Seconded by Alderman Wohleben and adopted. Ayes 6.

**090419.3**

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>
Robert A Haley	20	Fire Captain

Seconded by Alderman Oates and adopted. Ayes 6.

**090419.4**

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings to conduct the 22<sup>nd</sup> annual "Walking for a Drug Free Community" on Saturday, September 21, 2019 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 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.

**090419.5**

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

BOND ORDINANCE DATED SEPTEMBER 4, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,125,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE EFFLUENT DISINFECTION UPGRADE PROJECT AT THE WASTEWATER TREATMENT PLANT, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of 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 effluent disinfection upgrade project at the Wastewater Treatment Plant, 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, is hereby authorized at a maximum estimated cost of \$3,125,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$3,125,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this ordinance shall be reduced dollar for dollar.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose 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 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 9. 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 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 Yes
Alderman Farrell	VOTING Yes
Alderman Oates	VOTING Yes
Alderman Wohleben	VOTING Yes



The ordinance was thereupon declared duly adopted.

**090419.6**

By Alderman Devine:

WHEREAS, the City of Lockport (City) owns and maintains a combined sewer system including a trunk sewer on Water Street which experiences surcharging; and

WHEREAS the City has evaluated options to mitigate the Water Street Sewer surcharging and proposes installation of parallel sewer from Clinton to William Street and replacement of sewer from William to West Jackson Street in order to reduce capacity restrictions and is currently seeking funding options to support the project; and

WHEREAS, the City had previously completed Part 1 of the Full Environmental Assessment Form (EAF), performed a coordinated review with interested and involved agencies and subsequently declared itself Lead Agent for the project; and

WHEREAS, The City of Lockport has determined that the proposed action is an Unlisted action pursuant to NYCRR 617.2 (a) as defined under SEQR; and

WHEREAS, the City has caused to be prepared a Full Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above; and

WHEREAS, the City has conducted a coordinated review and considered Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared for this action; now, therefore, be it

RESOLVED, The City of Lockport declares that, based on the Full Environmental Assessment Form which has been prepared and coordinated review process, the project will not result in significant adverse environmental impacts which cannot be mitigated and, therefore, a Conditioned Negative Declaration under SEQR is issued for this project; be it further

RESOLVED, that the Mayor is hereby authorized to sign the required SEQR documentation for this project.

Seconded by Alderman Oates and adopted. Ayes 6.

**090419.7**

By Alderman Oates:

Whereas, John T. Timkey commenced an action against the City of Lockport regarding health care coverage as a retiree in 2016; and

Whereas, on July 7, 2017, the City was ordered to immediately provide John T. Timkey health insurance benefits and pay the cost thereof; and

Whereas, Timkey has demanded reimbursement for health insurance premiums and related health care expenses dating back to July 2016; now, therefore, be it

Resolved, that the Mayor be and is hereby authorized and directed to immediately execute a settlement agreement to reimburse John T. Timkey for health insurance premiums and associated health care costs from July 7, 2017 in the amount of \$8,710.52.

Seconded by Alderman Eggert and adopted. Ayes 6.

**090419.8**

By Alderman Oates:

WHEREAS, the City entered into an agreement on July 22, 2019 under resolution No. 071719.8, with O'Regans Environmental Concepts, LLC to perform spot sewer repairs at Garden Street prior to CIPP lining; and

WHEREAS, due to heavy rain events in last three months, the 10" clay tile combined sewer experienced severe structural damage and sewer obstruction as shown in an emergency call for video inspection; and

WHEREAS, O'Regans Environmental Concepts, LLC submitted a proposal in the amount \$19,515.00 to repair the collapsed sewer at the west side of the manhole between 137 and 143 Garden Street. The proposal also includes the rehabilitation of the manhole located at the intersection of Chapel and Garden; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to amend the contract with O'Regans Environmental Concepts LLC, 3170 Hess Road, Appleton, NY 14008 in the amount of \$19,515.00 for the scope of work included in its August 21, 2019 proposal to the City and to be charged to Account Number # G.8120.52200.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **090419.9**

By Alderman Abbott:

Whereas, Lockport Professional Fire Fighters Association Local 963 desires to acquire an additional vehicle to be used solely as a personnel carrier, mobile air unit, and on-scene rehabilitation unit, and

Whereas, Ridge Road Express located at 5355 Junction Road, Lockport, New York has offered to donate to the City of Lockport a 2009 Ford E450, 15 passenger school bus to serve as a personnel carrier, mobile air unit, and on-scene rehabilitation unit for the Fire Department, and

Whereas, the City has not yet accepted the donation of the 2009 Ford E450, 15 passenger school bus, and

Whereas, the City and LPFFA are currently awaiting an arbitration decision regarding staffing levels in the Lockport Fire Department. Now therefore be it

Resolved, that the Mayor is authorized and directed to enter into a Memorandum of Agreement with the Lockport Professional Fire Fighters Association Local 963 regarding the acceptance of the above referenced bus, and be it further

Resolved, that the Memorandum of Agreement shall prohibit Lockport Professional Fire Fighters Association Local 963 from filing any grievance, demand for arbitration, or filing for any other legal remedy regarding staffing levels based upon the acquisition and use of the 2009 Ford E450, 15 passenger school bus.

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **090419.10**

By Alderman Abbott:

Whereas, Ridge Road Express located at 5355 Junction Road, Lockport, New York has donated to the City of Lockport a 2009 Ford E450, 15 passenger school bus, and

Whereas, the sole intended use of said vehicle is to serve as a personnel carrier, mobile air unit, and on-scene rehabilitation unit for the Lockport Fire Department, now therefore be it

Resolved, that upon ratification of the Memorandum of Agreement between the City of Lockport and the Lockport Professional Fire Fighters Association Local 963 regarding staffing levels of the Fire Department, that the City of Lockport accepts the donation of the 2009 Ford E450, 15 passenger school bus from Ridge Road Express.

Seconded by Alderman Eggert and adopted. Ayes 6.

**090419.11**

By Alderman Oates:

Whereas the City of Lockport Common Council believes that uniform quality control standards for street paving should be implemented; and

Whereas, that City Engineer and the Director of Streets and Parks are best qualified to determine such standards; and

Now therefore be it resolved the City of Lockport Common Council recommends that the Mayor direct the City Engineer and the Director of Streets and Parks prepare uniform standards for street paving for consideration by the Common Council.

Seconded by Alderman Farrell and adopted. Ayes 6.

**090419.11A**

By Alderman Abbott:

Whereas, the Common Council of the City of Lockport (the "Common Council") has received the Application of Cazenovia Recovery Systems, Inc.'s seeking to rezone and redevelop the site of the former Niagara County Infirmary, located at 102 Davison Road, Lockport, New York for multi-family residential use (herein the "Proposed Action"); and

Whereas, the Common Council must comply with the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6NYCRR Part 617 (collectively, "SEQRA") in the review of such amendments; and

Whereas, the Common Council desires to be assume Lead Agency status to allow it to conduct a coordinated environmental review along with the potential amendments to its Comprehensive Plan and Zoning Code;

Now, Therefore, Be It Resolved,

1. that the Proposed Action is subject to SEQRA;
2. that the Proposed Action is classified as a Type I action under SEQRA;
3. that the Common Council hereby states its intent to be Lead Agency for the Proposed Action pursuant to SEQRA regulations 6 NYCRR Part 617; and
4. that the Common Council hereby authorizes and directs that a Notice of Intent to Act as SEQRA Lead Agency be immediately circulated to all SEQRA involved and interested agencies, including those identified in the Full Environmental Assessment Form, and request their consent of objections.
5. This Resolution shall be effective immediately.

Seconded by Alderman Oates and adopted. Ayes 6.

**090419.12**

**ADJOURNMENT**

At 5:50 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 18, 2019.

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

September 18, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**091819.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of September 4, 2019 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)

9/6/19 Jason Madden, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – request permission to conduct a Homecoming Parade on October 19, 2019. Referred to the Committee of the Whole.

9/3/19 David Kinyon, Rotary Club of Lockport – request permission to hold its first annual Community Walk & Bike Event on October 5, 2019. Referred to the Committee of the Whole.

**Notice of Defect:**

9/4/19 310 Pine Street – tree  
 9/5/19 49 Scovell Street – tree  
 9/6/19 650 Walnut Street – tree  
 9/6/19 43-45 Price Street - tree  
 9/10/19 145 Jackson Street – tree  
 9/10/19 444 Washburn Street – tree  
 9/12/19 400 Willow Street – tree limb

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS****091819.2**

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 September 18, 2019 as follows:

General Fund	Fund A	\$ 151,219.88
Water Fund	Fund FX	\$ 39,131.60
Sewer Fund	Fund G	\$ 40,881.98
Capital Projects	Fund H	\$ 57,455.99
Refuse Fund	Fund CL	\$ 98,230.18
Self Insurance	Fund MS	\$ 10,125.22
Worker's Comp	Fund S	\$ 6,225.00
Community Dev.	Fund CD	\$ 20,915.00
Payroll	Pay Date 9/12	\$ 466,701.63

Seconded by Alderman Eggert and adopted. Ayes 6.

**091819.3**

By Alderman Eggert:

WHEREAS the CLHA negotiating committee has recommended to the Board of Commissioners of the City of Lockport Housing Authority a salary increase for its employees; and

WHEREAS the Board of Commissioners of the City of Lockport Housing Authority has by resolution approved the recommendation; and NOW THEREFORE BE IT

RESOLVED that pursuant to Section 32(1) of the NYS Public Housing Law and subject to Corporation Counsel approval, salary increases for the City of Lockport Housing Authority employees are approved as follows:

For the CSEA Local 832 union employees:

3% increase for the fiscal year beginning April 1, 2019  
 3% increase for the fiscal year beginning April 1, 2020  
 3% increase for the fiscal year beginning April 1, 2021  
 3% increase for the fiscal year beginning April 1, 2022

For the Management Association employees:

3% increase for the fiscal year beginning April 1, 2019

3% increase for the fiscal year beginning April 1, 2020

3% increase for the fiscal year beginning April 1, 2021

3% increase for the fiscal year beginning April 1, 2022

Seconded by Alderman Oates and adopted. Ayes 6.

#### **091819.4**

By Alderman Wohleben:

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 19, 2019, starting at 12 p.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 Farrell and adopted. Ayes 6.

#### **091819.5**

By Alderman Wohleben:

Resolved, that pursuant to their request, the Rotary Club of Lockport is hereby granted permission to conduct their first annual Community Walk & Bike Event on Saturday, October 5, 2019 between the hours of 9:00 a.m. – 12:00 p.m. and to gather at the parking lot located at 55 Stevens Street as the starting point, traveling along Stevens Street across the Bridge to the trailhead located on State Street for the Canalway Trail, subject to approval of the walk route by the Police Chief and the Rotary 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 make arrangements to deliver traffic cones on said date.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **091819.6**

By Alderman Oates:

Resolved, that pursuant to the request of Bonjour Crepes, 41 East Avenue, Lockport, NY, permission is hereby granted to erect a 2-foot by 3-foot A-Frame sign in the City's right-of-way on East Avenue 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 sign must be removed,

that the sign can only be displayed during business hours,

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.

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **091819.7**

By Alderman Abbott:

Whereas, the City of Lockport Police Department receives, from time to time, funds generated from forfeiture through the Drug Enforcement Administration Task Force, which are to be used for the training, purchase, maintenance and/or replacement of capital equipment within the Police Department; and

Whereas, the City must amend its 2019 budget to properly account for the receipt and use of these funds; and

Whereas, the Lockport Police Department has identified a need to work with Lexipol in order to gain accreditation for the department, at a cost of \$24,711. This is a permissible use of such shared funds; now, therefore, be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Revenue:

Increase:        A.3120.34389 Other Federal Public Safety        \$24,711

Expense:

Increase:        A.3120.54115 Computer Licenses and Software \$24,711

Seconded by Alderman Wohleben and adopted. Ayes 6.

#### **091819.8 WITHDRAWN – Noise Ordinance**

By Alderman Eggert:

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

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **091819.9**

By Alderman Abbott:

WHEREAS, before the Common Council is a proposed Local Law entitled “A Local Law Establishing a Moratorium on Approvals in the RA Reserve District, for a Period of 6 Months”; and

WHEREAS, the proposed Local Law is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the City properly referred the Local Law to the County, pursuant to Section 239-m of the New York General Municipal Law; and

WHEREAS, a public hearing on the Local Law was duly held, and members of the public were heard thereon;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Lockport as follows:

1. The attached Local Law Establishing a Moratorium on Approval in the RA Reserve District, for a Period of 6 Months, is hereby adopted, and shall take effect upon filing with the New York Secretary of State.

2. This Resolution shall be effective immediately.

### **LOCAL LAW NO. 1 - 2019**

#### **A local law establishing a moratorium on approvals in the RA Reserve District, for a period of 6 months**

**Be it hereby enacted by the Common Council of the City of Lockport as follows:**

#### **SECTION I. LEGISLATIVE FINDINGS.**

The Common Council of the City of Lockport has recently reviewed a Petition for annexation of the Town of Lockport portion of 360 Davison Road into the City. The zoning of that property was put in place by the 1984 Code adoption. In 1998, the City adopted the City of Lockport Comprehensive Plan. In regard to the RA Reserve District, the plan recommended (at p. 69) “review the RA Reserve Area (Article XIV) district regulations to ensure their fit with the completed Comprehensive Plan but retain this district as one which is clearly appropriate to the City's unique topographical and geological conditions.” This has not been done and Council believes the Plan and Code should be immediately reviewed, and that the recent sale of the former County Infirmary makes time of the essence. The Council further believes the review should be a joint City-Town exercise, to ensure the values of the joint community are represented.

#### **SECTION II APPLICABILITY**

1. For a period of six months from the effective date of this Local Law, no Zoning application for an approval under Chapter 190 of the City Code for property in the RA Reserve District shall be approved by any board with appropriate authority in the City of Lockport, including but not limited to the City Council, Planning Board or Zoning Board of Appeals, nor shall any approval or permit be issued by any official of the City of Lockport.

2. During the pendency of this moratorium, any party may submit an application for any approval, and the application, including any required referrals and public hearings, shall be processed in accordance with the City Code unless the applicant agrees to delay such review during the pendency of this Moratorium, however no decision shall be rendered.

3. Nothing in this Local Law shall suspend 1) the right of any party who has obtained a building permit prior to the effective date of this Local Law from continuing with any construction allowable under said permit, or 2) the right of any party who has obtained all approvals except a building permit prior to the effective date of this Local Law from obtaining a building permit and commencing any construction allowable under said permit.

#### **SECTION III APPEAL PROVISIONS**



The City Council shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, after public hearing or notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the town. Any request for an exception or variance shall be filed with City Clerk, and shall include a fee of one hundred dollars (\$100.00) for the processing of such application. All such applications shall be promptly referred to the Planning Board for a recommendation, and shall thereafter be remanded to the City Council for a public hearing and final decision.

#### **SECTION IV REVIEW OF THE RA RESERVE DISTRICT**

The Common Council hereby directs that a review of the RA Reserve District be undertaken by the Community Development Department, with consideration of updating the Comprehensive Plan and Zoning Code as potential outcomes. Further, the Council directs that the Town of Lockport should be invited to participate in the review, as a joint review is appropriate in a district where the municipal boundary runs through the subject properties.

#### **SECTION V PENALTIES**

Any person, firm, entity or corporation that shall violate the terms and provisions of this Local Law shall be subject to a penalty in the amount of one thousand dollars (\$1000.00) for each day such violation shall exist.

#### **SECTION VI VALIDITY**

The invalidity of a word, section, clause, paragraph, sentence, or part of provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

#### **SECTION VII EFFECTIVE DATE**

This law shall take effect immediately, as provided by the law, upon filing with the Secretary of State and shall remain in force and effect for a period six months from its effective date.

Seconded by Alderman Oates. 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.

**091819.9A**

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Herbert Rohde, a retired City of Lockport Police Detective who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

**091819.9B**

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 26, 2019, 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 Farrell and adopted. Ayes 6.

**091819.10**

**ADJOURNMENT**

At 6:08 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 2, 2019.

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

October 2, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Farrell, Oates and Wohleben.

Alderman Eggert absent.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **100219.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of September 18, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

## **FROM THE MAYOR**

### **Resignation:**

9/17/19 Steven Preisch resigned as the Chief of the Lockport Police Department, effective September 30, 2019.  
Received and filed.

### **Appointments:**

9/23/19 Wilbert King, 68 Crosby Avenue, Apt.1, Lockport, NY – appointed to the Citizen Advisory Committee (Ad-Hoc).  
Received and filed.

9/19/19 Susan E. Israel, 5635 Bowmiller Rd., Lockport, NY – appointed to Real Property Appraiser for the City of Lockport effective September 17, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulation.  
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)

9/31/19 Charles Grieco, of Bond, Schoeneck & King, PLLC – Application for an exception to the moratorium.  
Referred to the Committee of the Whole.

10/1/19 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follow in the month of October in observance of Columbus Day.

Monday, October 14<sup>th</sup>

There will be no change in the garbage pickup schedule.

Referred to the Media.

### **Notice of Defect:**

9/20/19 15 Juniper Street – tree  
9/20/19 343 Lincoln Avenue – sinkhole  
9/20/19 179 Church Street – tree  
9/23/19 36 North Adam Street - tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

9/19/19 Barbara Garlock, 133 Waterman Street, Lockport, NY  
9/23/19 State Farm Insurance – Subrogation for Elizabeth Horton or Kathryn Peyatt, 49 Scovell Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**100219.2**

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 October 3, 2019 as follows:

General Fund	Fund A	\$ 91,604.16
Water Fund	Fund FX	\$174,561.40
Sewer Fund	Fund G	\$ 44,171.84
Capital Projects	Fund H	\$ 2,025.00
Refuse Fund	Fund CL	\$ 494.21
Self Insurance	Fund MS	\$142,361.44
Community Dev.	Fund CD	\$ 38,085.00
Payroll	Pay Date 9/19	\$463,963.26

Seconded by Alderman Wohleben and adopted. Ayes 5.

**100219.3**

By Alderman Devine:

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 D. Gardepe	20	WWTP Mechanic

Seconded by Alderman Oates and adopted. Ayes 5.

**100219.4**

By Alderman Wohleben:

WHEREAS, Niagara County has informed the City that the stairs at 111 Main Street are in disrepair; and

WHEREAS, the City Engineer has received a proposal for repairing the deteriorating steps on this stairway from Granzow Construction in the amount of \$8,412.45; and

WHEREAS, the Engineering Department has reviewed the submitted proposal and recommends that the City authorize this repair; and

WHEREAS, the 2019 General Fund budget needs to be amended to utilize contingency funds to fund this project as it was not included in the adopted budget; now, therefore, be it

RESOLVED, that the City Engineer is hereby authorized to complete the repair of the stairway at 111 Main Street in an amount not to exceed \$8,500 utilizing Granzow Construction, 4542 South Main Street, Gasport, NY 14067; and be it further

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

Decrease:

A1900.54775	Contingency	\$8,500
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Increase:

A5110.54076	Property Repairs	\$8,500
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Seconded by Alderman Abbott and adopted. Ayes 5.

### **100219.5**

By Alderman Abbott:

Whereas, the City has replaced a number of vehicles in its fleet; and

Whereas, the City wishes to sell its obsolete vehicles at auction; now therefore be it

Resolved, that the Director of Finance and Director of Highways and Parks are granted permission to sell obsolete vehicles via Enterprise Fleet Management Services and/or other online auction services.

Seconded by Alderman Oates and adopted. Ayes 5.

### **100219.6**

By Alderman Farrell:

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 16, 2019, 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 Wohleben and adopted. Ayes 5.

**100219.7**

By Alderman Wohleben:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on September 19, 2019; 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
2017-005	87 CENTER STREET	BRETT J. DAVIDSON	\$1,100.00
2017-089	422 CLINTON STREET	CHANTEL PRYCE	\$600.00
2017-091	609 MARKET STREET	HOOL LLC	\$38,000.00
2017-144	28 WORKS PLACE	ROLAND WILEY	\$8,000.00
2017-159	26 AMELIA STREET	FOMBENS SEJOUR	\$2,400.00
2017-203	9 MONROE STREET	CHRISTIAN PERACCINY	\$11,250.00
2017-212	147 VAN BUREN STREET	ROBERT SCHAFER & ASHLEY WEST	\$2,600.00
2017-229	32 VAN BUREN STREET	MICHAEL & SUSAN STROMBERG	\$23,000.00
2017-254	129 LOCK STREET	MATTHEW MARTIN	\$28,000.00
2017-322	8 BLACKLEY COURT	MATTHEW MARTIN	\$21,000.00
2017-345	6 ASHLEY PLACE	NATASHA D. WALLACE	\$25.00
2017-372	126 HARVEY AVENUE	FRANKLON RICE	\$14,000.00
2016-050	347 HAWLEY STREET	ALICIA WHITE	\$30,500.00

2016-043	350 CHAPEL STREET	SCOTT M. COLBY	\$4,000.00
TOTAL			\$184,475.00

Seconded by Alderman Oates and adopted. Ayes 5.

### **100219.8**

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 for the month of October 2019 for the duration of their renovation project. 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 Farrell and adopted. Ayes 5.

### **100219.9**

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted the residents of Orchard Street to barricade their street from Waterman to Locust Street and at the top of Park Place on October 26, 2019, for a "haunted" 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 5.

### **100219.10**

By Alderman Farrell:

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 25, 2019 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.

### **100219.11**

By Alderman Farrell:

Resolved, that Thursday, October 31, 2019 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 Abbott and adopted. Ayes 5.

### **100219.12**

By Alderman Abbott:

RESOLVED, Notice is hereby given that the Common Council of the City of Lockport will hold a Public Hearing on October 16<sup>th</sup>, 2019 at 5:30 p.m. at Lockport City Hall, One Locks Plaza, Lockport, New York to hear and consider a Local Law adopting a City of Lockport Fire Department Emergency Service Cost Recovery Program. Said Local Law would permit the

City of Lockport to recover costs incurred by the City of Lockport Fire Department for the use of apparatus and equipment in the provision of emergency medical services. The cost recovery amounts provided in said Local Law shall be charged to the insurance carrier. In no instance shall rescue and response services be denied for lack of insurance. A copy of the Local Law is available at the office of the City Clerk, One Locks Plaza, Lockport, New York. At the above time and place all members of the public will be heard; 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 5.

### **100219.13**

By Alderman Oates:

WHEREAS, it has been determined that the City's IT infrastructure is in need of a refreshed back-up solution; and

WHEREAS, the City has received a proposal in the amount of \$19,500 for software and \$13,500 for hardware to construct the appropriate refresh; and

WHEREAS, this project was not contemplated in the 2019 General Fund budget necessitating the use of contingency and a budget amendment;

NOW THEREFORE, BE IT

RESOLVED, that the Director of Finance is authorized to purchase the necessary software and equipment in an amount of \$33,000 and coordinate the installation of said system with Niagara County as contemplated in the shared services agreement with the City of Lockport; and be it further

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

Increase:

Expense	A.1680.52060	Computer Equipment	\$33,000
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Decrease:

Expense	A.1900.54775	Contingency	\$33,000
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Seconded by Alderman Abbott and adopted. Ayes 5.

### **100219.14**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Steven Allore acting lead for a service project performed by multiple units of the local Boy Scouts to complete phase one of a beautification project at Outwater Park starting on October 12, 2019, subject to the Boy Scouts 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 be and the same is hereby authorized and directed to arrange for removal and disposal of the scrap materials from said area after the event.

Seconded by Alderman Oates and adopted. Ayes 5.



## **100219.15**

By Alderman Wohleben:

WHEREAS, in 2014, the City of Lockport was in danger of running out of funds, nearly missed making payroll, and was listed by the New York State Comptroller's Office as a city in serious fiscal distress, and

WHEREAS, on October 7, 2014, Mayor Anne E. McCaffrey was forced to lay off 9 employees – an administrative coordinator, a clerk in the police department, a senior account clerk in the treasurer's office, a public works supervisor, a highways and parks employee, a deputy corporation counsel and three laborers, and

WHEREAS, in 2014 the City of Lockport got out of the ambulance business due to a re-occurring annual operating loss from ambulance services of \$1.2 million dollars, and

WHEREAS, the cost for the City of Lockport to get back into the ambulance service is estimated to be \$1.5 million, and

WHEREAS, as a result of getting out of providing ambulance service the City reduced the number of firemen for the 3 shifts from 9 to 6, and

WHEREAS through the employee reductions and the replacement of paid ambulance service with an independent ambulance service, as well as other measures, the City of Lockport was able to avoid insolvency, eliminate the previously accumulated \$4 million deficit and adequately fund operations for fiscal years 2014 through 2019, and

WHEREAS the fiscal restructuring that was accomplished enabled the City of Lockport to significantly upgrade its credit rating with both Moody's and Standard and Poor's, and restore fiscal stability and confidence, and

WHEREAS, on September 12, 2019, an arbitrator, appointed by the New York State Public Employees Relations Board, ruled that the City violated the Lockport Professional Firefighter's Association Collective Bargaining Agreement by reducing minimum manning per shift from 9 to 6, and

WHEREAS, the arbitrator found that the residents and firefighters would be safer with hiring 12 more firemen, and

WHEREAS, on August 10, 2016, the City of Lockport Fire Department with the assistance of mutual aid from 40 neighboring fire companies and 200 firefighters from three counties successfully battled a massive fire at High Tread International – the largest fire in the City's history --with 6-man minimum manning without any injuries to residents or fireman, and

WHEREAS, mutual aid has provided the necessary back up support to our firefighters for years and there is no need to add 12 additional full-time firefighters to the City budget, and

WHEREAS, the City of Lockport averages 4 to 23 structure fires a year, and

WHEREAS, the salary and benefits of just one City fireman is \$78,000 without including overtime and legacy costs and the estimated cost to add 12 more firemen exceeds 1.5 million dollars, and

WHEREAS, the annual reoccurring cost to the taxpayers to add 12 more firemen to the budget will exceed \$850,000 a year, and

WHEREAS, the City of Lockport should file a motion to vacate the arbitrators decision on the basis that the decision is outside the scope of his authority and that there was no evidence introduced into the record to support a finding that staffing levels of 6 men per shift is unsafe and 12 more firemen must be hired immediately, and

WHEREAS, if the City fails to challenge the arbitrator's decision it will have no bargaining power to negotiate the implementation of the arbitrator's decision pending the appeal, and

WHEREAS, the estimated cost to challenge the arbitrator's decision is far less compared the millions of dollars the city will pay in salaries, benefits and legacy costs for 12 more firemen,

WHEREAS, to not challenge the decision borders on gross negligence, and

WHEREAS, the deadline to challenge the arbitrator's decision is December 7, 2019.

NOW, THEREFORE BE IT

RESOLVED, that the City of Lockport Common Council is hereby on record opposing the determination of the arbitrator on the basis that the arbitrator acted outside the scope of his authority and that decision is not supported by the evidence in the record, and be it further

RESOLVED, that the Common Counsel does hereby request the Mayor and Corporation Counsel to immediately direct outside counsel, Bryan Goldberger, Esq., to move to vacate the determination within 30 days of the adoption of this resolution on the basis that the decision is outside the scope of the arbitrator's powers and not supported by the evidence, and be it further

RESOLVED, that in the event the Mayor and Corporation Counsel refuse to take any action to vacate the arbitrator's decision within 30 days of the adoption of this resolution the sum of \$25,000 shall be transferred from contingency to the Common Council's budget to cover the cost of retaining its own independent legal counsel to move to vacate the decision prior to the December 7, 2019 deadline, and be it further

RESOLVED, that in the event the Mayor and Corporation Counsel fail to take such action to vacate the decision within 30 days of the adoption of this resolution the President of the Common Council be and is hereby authorized to enter into an engagement agreement with independent legal counsel for the sole purpose of moving to vacate the award on behalf of the Common Council and the taxpayers of Lockport.

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

#### **100219.15A**

By Alderman Abbott:

Whereas, the Chief of the Police Department has identified a need for an upgrade to its body camera equipment and has recommended same to the City Council; and

Whereas, the Police Chief has obtained a proposal from Axon Enterprise, Inc. in an amount of \$53,320 for the licensing, equipment, and computer software, hardware and data storage in support of body cameras with a reoccurring cost of \$23,580 per year thereafter; and

Whereas, Axon Enterprise, Inc. has provided a statement of justification for a “sole source” designation due to the integration of its data management systems with the Taser equipment currently used by the City of Lockport Police Department and the ability to integrate its body camera equipment into the existing data management systems in place for the Police Department; and

Whereas, the Police Department has a vehicle seized through drug enforcement action that will be auctioned, the proceeds of which can be used to fund a portion of the body camera equipment; and

Whereas, the remainder of the cost for the first year would need to be funded through the use of contingency as this expense was not included in the 2019 police budget; and

Whereas, the 2019 General Fund budget must be amended to accommodate these projects;

Now, therefore, be it

Resolved, that the purchase of the body camera equipment as proposed by Axon Enterprise, Inc. is hereby approved; and be it further

Resolved, that the Mayor, subject to review and approval by the City Attorney’s Office, is hereby authorized to execute any contract that might be required to effectuate the purchase and support as identified in the five-year proposal; and be it further

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 33,320
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Increase:

A.3120.52070	Public Safety Equipment	\$ 53,320
A.0000.32665	Sale of Equipment	\$ 20,000

Seconded by Alderman Farrell and adopted. Ayes 5.

**100219.16**

## **ADJOURNMENT**

At 6:23 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 16, 2019.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk

### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

October 16, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell and Oates.

Alderman Wohleben absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**101619.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of October 2, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**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.

**PUBLIC HEARING**

The Mayor announced a public hearing on Local Law #2–2019 Fire Department Emergency Service Cost Recovery.

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**

##### **Resignation:**

10/7/19 Richard Abbott, resigned as a member of the Fire Board effective October 4, 2019.

Received and filed.

##### **Appointments:**

10/7/19 Larry Eggert, 194 Independence Drive, Lockport, NY – appointed as Fire Commissioner on the Fire Board effective October 4, 2019 to fill the unexpired term of Richard Abbott, 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)

##### **Petition:**

10/16/19 Residents of Fairway Drive re: Eighteen Mile Creek

##### **Notice of Defect:**

10/2/19 138 Grand Street – 2 trees

10/10/19 19 Reed Street – 2 trees

Referred to the Director of Streets and Parks.

#### **MOTIONS & RESOLUTIONS**

##### **101619.2**

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 October 16, 2019 as follows:

General Fund	Fund A	\$	86,653.52
Water Fund	Fund FX	\$	22,382.65
Sewer Fund	Fund G	\$	35,996.00
Capital Projects	Fund H	\$	1,022,668.07
Refuse Fund	Fund CL	\$	141,681.04
Self Insurance	Fund MS	\$	1,569.00
Worker's Comp	Fund S	\$	12,393.00
Payroll	Pay Date	10/10	\$ 463,246.74

Seconded by Alderman Farrell and adopted. Ayes 5.

**101619.3**

By Alderman Oates:

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 6, 2019 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2020 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 Abbott and adopted. Ayes 5.

**101619.4**

By Alderman Abbott:

Resolved, that a public hearing be held at the Common Council Meeting of November 6, 2019 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 Holly Edwards, for approval for a children's bookstore to be located at 207 Washburn Street, situated in a R-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.

**101619.5**

By Alderman Devine:

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, November 6, 2019 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 Oates and adopted. Ayes 5.

**101619.6**

By Alderman Farrell:

Resolved, that pursuant to their request, GLDC the owners of 13 W. Main Street are hereby granted permission to install an electrical meter in the City of Lockport right of way at 13 W. Main Street subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Abbott and adopted. Ayes 5.

**101619.7**

By Alderman Eggert:

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 16, 2019 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 \$198,394.34 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	\$181,744.34
Relevy Fee	\$ 16,650.00

Seconded by Alderman Oates and adopted. Ayes 5.

**101619.8**

By Alderman Eggert:

## **LOCAL LAW NO. 2 – 2019**

### **FIRE DEPARTMENT EMERGENCY SERVICE COST RECOVERY**

#### **PROGRAM ESTABLISHED**

It is determined that it is reasonable and necessary to recover costs incurred by the City of Lockport Fire Department for the use of apparatus and equipment in the provision of emergency medical services which are deployed by the Lockport Fire Department. The cost recovery amounts provided for herein shall be charged to the insurance carrier of the rescued individual or entity. In no instance shall rescue and response services be denied for lack of an insurance carrier. The rates specified herein for recovery amounts may be amended from time to time, by resolution, by the Common Council.

#### **FEE SCHEDULE**

- (A) Motor Vehicle Accident (Minor) - \$150.00
  - (1) Minor spill control.
  - (2) Fire hazard precautions.
  - (3) Scene safety.
  - (4) Use of minor tools.
  - (5) Patient assessment in cases where patient signs medical release.
- (B) Motor Vehicle Accident (Major) - \$375.00
  - (1) Significant spills resulting from tank leaks.
  - (2) Major fire hazard precautions.
  - (3) Vehicle disentanglement.
  - (4) Vehicle stabilization procedures.
  - (5) Multiple personnel responses.

- (C) Light Rescue / Patient Stabilization – \$400.00
  - (1) Patient care/handling
  - (2) Immobilization, treatment and removal from vehicle without utilization of hydraulic or other power tools.
  - (3) Emergency medical services provided for occupants located outside of the vehicle
- (D) Heavy Rescue – \$600.00
  - (1) Use of hydraulic, pneumatic or power tools to extricate patient.
  - (2) Multiple patient removal/ treatment.
- (E) Hazardous Materials Control – \$1000.00  
 Incidents involving commercial trucks, vans, or motor carriers where products have been spilled or released and require specialized equipment and personnel. In the event of a Department of Environmental Conservation incident, the responsible parties will be billed rather than insurance companies.
- (F) Destroyed or Contaminated Equipment - The Full Cost of replacement of any and all equipment that is destroyed or contaminated at the scene of a response or rescue is to be charged.
- (G) Fire Suppression - \$300.00  
 Any fire involving automobiles, transportation or heavy equipment vehicles.

Seconded by Alderman Farrell. 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	Absent

The Local Law was thereupon declared duly adopted.

**101619.8A**

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 restore the Veterans Memorial Monument at Veterans Memorial Park by Resolution 100417.4A, and

Whereas, the City of Lockport Police Department notify the Engineering Department that on June 12, 2019 an individual damaged the marble stone of the monument; and

Whereas, the Engineering Department solicited a quote from Modern Surface Solutions to remove the marks from the stone marble; and

Whereas, the Engineering Department found that the procedure, materials, and cost to do the repairs as described in Modern Surface Solutions quote dated July 2, 2019 are acceptable and recommends to proceed with the repair for a total cost of \$5,200.00; and

Whereas, the responsible party has agreed to pay for the cost of the monument's repair in full; and

Whereas, the 2019 General Fund Budget needs to be amended accordingly; 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 in the amount of \$5,200 to repair the Veterans Memorial Monument; and be it further

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Increase:

Revenue

A.0000.32690	Other Compensation for Loss	\$5,200
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Expense

A.7110.54076	Property Repairs	\$5,200
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Seconded by Alderman Eggert and adopted. Ayes 5.

**101619.9**

## **ADJOURNMENT**

At 6:03 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 6, 2019.

Seconded by Alderman Oates and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk

### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

Alderman Wohleben absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**110619.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of October 16, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing relative to the 2020 tax budget.

The Mayor asked the City Clerk if any petitions or communications relative to the proposed 2020 tax budget have been received.

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 207 Washburn Street for a children's bookstore.

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

10/7/19 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request be approved.

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing 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**

#### **Resignation:**

10/24/19 John "Tate" Pitrello, resigned as a member of the Lockport Police Board effective October 23, 2019.  
Received and filed.

#### **Appointments:**

10/14/19 Donald W. Gill, 189 East Avenue, Lockport, NY – appointed to the Planning Board effective October 14, 2019 and expiring October 14, 2022  
Received and filed.

10/21/19 Anna M. McCann, 6475 Edgewood Drive, Lockport, NY – appointed to the Audit Committee October 11, 2019.  
Received and filed.

10/23/19 Jeffrey S. Dunn, 18 Harrison Avenue, Lockport, NY – Appointed as Heavy Equipment Operator for the City of Lockport Waste Water Treatment Plant effective October 28, 2019. 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)

10/16/19 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November:

Tuesday, November 5 <sup>th</sup>	Election Day
Monday, November 11 <sup>th</sup>	Veteran's Day
Thursday & Friday, November 28 <sup>th</sup> & 29 <sup>th</sup>	Thanksgiving Holiday

The garbage collection schedule will remain the same for November 5<sup>th</sup> and 11<sup>th</sup>.

For the Thanksgiving Holiday, garbage collection will be as follows:

Normal Pick Up Day

Thursday, November 28<sup>th</sup>  
Friday, November 29<sup>th</sup>

Holiday Pick Up Day

Friday, November 29<sup>th</sup>  
Saturday, November 30<sup>th</sup>

Referred to the Media.

10/23/19 Mayor Michelle Roman – recommendation that Debra R. Allport, 161 Lincoln Avenue, Lockport, NY be re-appointed as a member to the Assessment Review Board with a term expiring September 30, 2024.

**Notice of Defect:**

10/17/19 259 Church St – tree

10/22/19 45 Alexander St - trees

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**110619.2**

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 November 6, 2019 as follows:

General Fund	Fund A	\$230,986.51
Water Fund	Fund FX	\$ 31,816.20
Sewer Fund	Fund G	\$ 14,055.74
Capital Projects	Fund H	\$412,283.35
Refuse Fund	Fund CL	\$ 765.50
Self Insurance	Fund MS	\$141,613.77
Worker's Comp	Fund S	\$ 66.46
Community Dev.	Fund CD	\$ 39,820.00
Payroll	Pay Date 10/24	\$445,014.72

Seconded by Alderman Farrell and adopted. Ayes 5.

**110619.3**

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>
Rodney J. Livergood	25	Heavy Equipment Operator

Seconded by Alderman Oates and adopted. Ayes 5.

**110619.4**

By Alderman Farrell:

Resolved, that the request for a special use permit made by Holly Edwards to utilize space for a children's bookstore, located at 207 Washburn Street, situated in a R-3 Zone, be and the same is hereby approved, subject to the following provisions:

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

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Farrell:

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

Seconded by Alderman Eggert and adopted. Ayes 5.

## **110619.5**

By Alderman Devine:

### **SEWER RATES**

The following sewer rental charges shall be effective on all residential, commercial, and industrial water consumption billed as follows:

after January 1, 2020

\$16.15 per month service charge for both domestic and industrial users plus a commodity charge of \$2.48 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	\$ 16.15
COMMERCIAL & RESIDENTIAL	\$ 40.36 (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 2020.....	\$ 1.13

Discharging excess total suspended solids  
in excess of 350 mg per liter per one  
hundred pounds per day:

Effective 01 January 2020.....\$ 3.38

Discharging excess BOD in excess of  
250 mg liter per, per one hundred  
pounds per day:

Effective 01 January 2020.....\$ 3.02

Discharging wastewater through the use  
of a waste hauler per one thousand  
gallons:

Effective 01 January 2020.....\$17.73

Annual waste hauler disposal permit  
authorizing the use of City of  
Lockport wastewater treatment plant  
to a specific waste hauler:

Effective 01 January 2020 .....\$375.00

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 2020.....\$405.00

Effective January 1, 2020, laboratory  
analysis at City of Lockport wastewater  
treatment plant laboratory are as follows:

<u>Analyte</u>	<u>Rate</u>
pH.....	\$10.75
Residual C12 .....	\$10.75
Settleable solids .....	\$10.75
Total suspended solids.....	\$32.30
 Total solids .....	 \$16.15
BOD 5.....	\$43.05
COD .....	\$43.05
Dissolved oxygen .....	\$21.55
Total coliform .....	\$32.30
Fecal coliform .....	\$37.70

NH3-N .....	\$37.70
TKN .....	\$37.70
Oil and grease, total .....	\$43.05
Total phosphorus.....	\$32.30
Zn, Cd, Cr, Cu, Pb each .....	\$26.90

Seconded by Alderman Eggert and adopted. Ayes 5.

#### **110619.6**

By Alderman Devine:

Resolved, that pursuant to the recommendation of Mayor Roman, Debra R. Allport, 161 Lincoln Avenue, Lockport, NY is hereby re-appointed to the Lockport Assessment Review Board for a five-year term expiring on September 30, 2024.

Seconded by Alderman Farrell and adopted. Ayes 5.

#### **110619.7 Pitrello Appreciation – Withdrawn**

#### **110619.8**

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, a portion of which is on Summit Street between State Road and the City Water Treatment Plant (WTP), and

Whereas, on December 20<sup>th</sup>, 2018 the City of Lockport passed Resolution 121918.5 to authorize and direct the Mayor 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 waterline 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; and

Whereas, the bid documents included an Alternate Bid Item “B” for milling and paving Summit Street within the project area which was not originally awarded until an assessment of the impact to Summit Street due to installation of the new waterlines could be made, for which Kandey Company bid \$137,560.00; and

Whereas, based upon the impact to Summit Street during the installation of the new waterlines, the City Engineering Department and its consulting engineers have determined that Summit Street should be milled and paved between State Street and the City of Lockport Water Treatment Plant; and

Whereas, Kandey Company has submitted a fixed price quote maintaining their original bid price for Alternate Bid Item “B” of \$137,560; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel and Environmental Facility Corporation approval, is hereby authorized and directed to modify the Agreement between the City and Kandey Company Inc., and accept and incorporate its fixed price quote of \$137,560 for completion of the additional construction work and to be charged to the project’s contingency budget line.

Seconded by Alderman Oates and adopted. Ayes 5.

#### **110619.9**

By Alderman Oates:

WHEREAS, the Supervisor of Streets and Parks and Fire Chief have informed the Finance Committee that repairs to a chipper and ladder truck within the Streets Department and Fire Department, respectively, are required but exceed the funds budgeted;

WHEREAS, the 2019 General Fund budget must be amended to accommodate these repairs utilizing contingency; now, therefore, be it

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

Expense:

Decrease:	A.1900.54775	Contingency	\$35,000
Increase:	A.1640.54050	Equipment Maintenance/Repair	\$17,500
Increase:	A.1640.54300	Vehicle Maintenance/Repair	\$17,500

Seconded by Alderman Eggert and adopted. Ayes 5.

**110619.10**

## **ADJOURNMENT**

At 5:48 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 20, 2019.

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

November 20, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

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

## **INVOCATION**

## **MAYOR'S UPDATE**



## **RECESS**

Recess for public input.

**112019.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of November 6, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

### **Retirement:**

11/9/19 Rolando Moreno, Director of Engineering, submitted his intent to retire effective January 15, 2020.  
Received and filed.

### **Appointments:**

10/14/19 Craig Hugill, 23 Utica Street, Lockport, NY – reappointed to the Planning & Zoning Board effective October 14, 2019. Said term expires October 14, 2022.  
Received and filed.

11/4/19 Cheryl L. Brown, 422 W. Caledonia Street, Lockport, NY – appointed to the Police Board effective November 4, 2019 to fill the unexpired term of John T. Pitrello, expiring December 31, 2021.  
Received and filed.

11/15/19 Nancy Babis 138 Grant Street, Lockport, NY – reappointed to the Zoning Board of Appeals effective November 15, 2019. Said term expires on November 15, 2022.  
Received and filed.

11/15/19 Meghan Lutz, 207 Washington Street, Lockport, NY – reappointed to the Zoning Board of Appeals effective November 15, 2019. Said term expires on November 15, 2022.  
Received and filed.

## **FROM THE CITY CLERK**

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

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

### **Notice of Defect:**

11/7/19 113, 118, and 121 John Street  
Referred to the Director of Streets and Parks.

## **MOTIONS & RESOLUTIONS**

### 112019.2

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 November 20, 2019 as follows:

General Fund	Fund A	\$ 76,040.06
Water Fund	Fund FX	\$ 24,446.68
Sewer Fund	Fund G	\$ 85,693.48
Capital Projects	Fund H	\$ 4,117.90
Refuse Fund	Fund CL	\$ 97,404.01
Self Insurance	Fund MS	\$144,791.33
Payroll	Pay Date 11/7	\$449,592.55

Seconded by Alderman Eggert and adopted. Ayes 6.

### 112019.3

By Alderman Eggert:

WHEREAS, the City of Lockport has previously entered into a certain payment – in – lieu-of tax agreement, dated as of January 1, 1983, as amended by the First Amendment to PILOT Agreement, and

WHEREAS, pursuant to a lease agreement dated May 31, 1978, as amend July 1, 2006, and

WHEREAS, the PILOT Agreement provides for the assignment of the PILOT Agreement by and upon prior written consent of the City of Lockport, and

WHEREAS, the city has been requested to sign a further Amendment to PILOT permitting the transfer of said agreement by assignment to the new owner, LH Urban Park Towers, LLC, and NOW THEREFORE BE IT

RESOLVED, the Mayor is hereby authorized to sign such Amendment to PILOT Agreement, upon approval of Corporation Counsel.

Seconded by Alderman Wohleben and adopted. Ayes 6.

### 112019.4 Adopt General Fund Budget - WITHDRAWN

### 112019.5 Adopt Water Fund Budget - WITHDRAWN

### 112019.6

By Alderman Oates:

Resolved, that the City of Lockport 2020 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

#### **CITY OF LOCKPORT, NEW YORK** **2020 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services	\$	0
Equipment		36,516
Contractual		1,234,906
Fringe Benefits		0
Debt Service		36,398
Interfund		0

Total Appropriations:	\$1,307,820
Estimated Revenues:	\$1,307,820

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **112019.7 Adopt Sewer Fund Budget - WITHDRAWN**

#### **112019.8**

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 2019 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 Farrell and adopted. Ayes 6.

#### **112019.9**

By Alderman Abbott:

Whereas, the Salvation Army provides warm shelter for the homeless or persons without heat when the temperature falls below 15 degrees Fahrenheit calling for a "Code Blue", and

Whereas, in order to provide the "Code Blue" Warming Center to City residents, the Salvation Army is dependent upon financing from multiple sources, including municipalities whose residents it services, and

Whereas, the Common Council of the City of Lockport desires to provide funding to the Salvation Army in the amount of \$2,500.00 to provide "Code Blue" Warming Shelter services from October 1, 2019 through March 31, 2020, now therefore be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Salvation Army to operate the Code Blue Warming Shelter for City residents from October 1, 2019 through March 31, 2020, and be it further

Resolved, payment to the Salvation Army shall not exceed \$2,500.00 for the operation of the Code Blue Warming Shelter from October 1, 2019 through March 31, 2020 and said funds shall be expended from the A.8510.54075 Service Contracts and be it further

Resolved, that the Mayor is hereby authorized to declare a "Code Blue" when the weather conditions indicate the temperature will fall below 15 degrees Fahrenheit overnight and shall notify the Salvation Army to open the Code Blue Warming Shelter and this resolution shall take effect immediately.

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **112019.10 PH LL#1-2019 Exemption - WITHDRAWN**

#### **112019.11**

By Alderman Farrell:

WHEREAS, the City of Lockport presently has an ongoing Microenterprise Grant from the State Office of Community Renewal; and

WHEREAS, the City of Lockport is holding a hearing regarding this grant with the purpose of obtaining citizen views regarding any aspect of the project's implementation and anything resulting from the project;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held regarding the Microenterprise Program in the Common Council Chambers located in One Locks Plaza, Lockport, New York 14094 on December 4, 2019 at 5:30 PM., or as soon as possible thereafter; and

BE IT FURTHER RESOLVED, that the Clerk duly publish a notice of said hearing in the official newspaper of the City at least eight (8) days prior to the scheduled hearing date.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **112019.11A**

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 30, 2019:

**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 Oates and adopted. Ayes 6.

#### **112019.11B**

By Alderman Farrell:

Whereas, the City of Lockport (City), is seeking a grant for the 2019 Urban and Community Forest Tree Maintenance program and intends to submit via the New York Grants Gateway to the DEC; and

Whereas, the Urban and Community Forest Tree Maintenance program through NYS Department of Conservation (NYSDEC) is authorized to fund up to \$50,000 of the project cost; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the Grants Gateway Application to the NYSDEC Urban and Community Forest Tree Maintenance program; now, therefore, be it

Resolved, that the Mayor is authorized to sign a grant application on behalf of the City via Grants Gateway to the NYSDEC for the Urban and Community Forest Tree Maintenance Program; and, be it further

Resolved, that the City authorizes and appropriates a minimum of 25% local match as required by the Urban and Community Forest Tree Maintenance program. Under the Urban and Community Forest Tree Maintenance program, this local match must be at least 25% of total maximum grant of \$50,000 for a total cost to the City of \$12,500 local share. The \$12,500 share will be spent on overtime wages for the DPW Tree Maintenance Crew funded by contingency. The Mayor may increase this local match through the use of in-kind services without further approval from the City; and be it further

Resolved, that should an Urban and Community Forest Tree Maintenance grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSDEC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Urban and Community Forest Tree Maintenance Grants Program through NYSDEC.

Seconded by Alderman Abbott and adopted. Ayes 6.

**112019.12**

## **ADJOURNMENT**

At 5:52 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Tuesday, November 26, 2019.

Seconded by Alderman Oates and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Special Meeting  
Official Record

November 26, 2019  
5:30 P.M.

A Special Meeting was called by Mayor Michelle M. Roman to authorize Mayor to execute an agreement with CSEA, AFSCME, and execute budgets for Water, Sewer and General Funds.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

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

#### **112619.1**

By Alderman Devine:

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

Seconded by Alderman Eggert and adopted. Ayes 6.

#### **112619.2 CSEA Tentative Agreement - WITHDRAWN**

#### **112619.3 AFSCME Tentative Agreement - WITHDRAWN**

#### **112619.4**

By Alderman Oates:

Resolved, that the City of Lockport 2020 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** **2020 WATER FUND BUDGET SUMMARY**

##### **Appropriations:**

Personal Services	\$1,246,325
Equipment	172,500
Contractual	1,140,014
Fringe Benefits	1,022,504
Debt Services	540,848
Special Items	195,565

Total Appropriations:	\$4,317,755
Estimated Revenues:	\$4,317,755

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **112619.5**

By Alderman Oates:

Resolved, that the City of Lockport 2020 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**  
**2020 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$1,017,840
Equipment	128,000
Contractual	1,109,742
Fringe Benefits	1,048,183
Debt Service	698,778
Special Items	157,750

Total Appropriations:	\$4,079,604
Estimated Revenues:	\$4,079,604

Seconded by Alderman Devine and adopted. Ayes 6.

**112619.6**

By Alderman Oates:

Resolved, that the City tax budget for fiscal year 2020, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2020 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services	\$11,088,450
Equipment	139,400
Contractual	3,554,602
Fringe Benefits	9,435,128
Undistributed	1,268,653
Debt Service	921,168

Total Appropriations:	\$25,138,747
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LESS: Estimated Revenues:	\$12,094,487
Estimated Fund Balance:	

Amount to be raised through property taxation:	\$ 13,044,260
Assessed Valuation:	\$698,764,513

**REAL PROPERTY TAX RATE: \$18.6676 per \$1,000 ASSESSED VALUATION**

Seconded by Alderman Farrell. Ayes 3. Nos 3.  
Aldermen Devine, Eggert and Wohleben voted no.  
The Mayor voted in the affirmative. Motion Passed

**112619.7**

**ADJOURNMENT**

At 5:39 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 4, 2019.

Seconded by Alderman Oates and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

December 4, 2019  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Farrell, and Oates.

Alderman Eggert and Wohleben absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**120419.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of November 20, 2019 and the Special Meeting of November 26, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on Lockport Microenterprise Program.

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

Recess for public input.



The Mayor closed the public hearing.

#### **FROM THE MAYOR**

##### **Resignation:**

11/21/19 Scott Schrader, resigned from his position of Director of Finance effective December 31, 2019.

Received and filed.

11/14/19 Anthony J. Sammarco, resigned from the Lockport Cable Commission effective November 14, 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:**

11/22/19 303 Clinton Street - tree

Referred to the Director of Streets and Parks.

#### **MOTIONS & RESOLUTIONS**

##### **120419.2**

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 4, 2019 as follows:

General Fund	Fund A	\$ 81,137.90
Water Fund	Fund FX	\$ 11,440.65
Sewer Fund	Fund G	\$ 14,752.83
Capital Projects	Fund H	\$ 98,672.22
Refuse Fund	Fund CL	\$ 180.90
Community Dev.	Fund CD	\$ 19,200.00
Payroll	Pay Date 11/21	\$ 466,549.78

Seconded by Alderman Farrell and adopted. Ayes 4.

##### **120419.3**

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. Stover	25	School Resource Officer

Seconded by Alderman Farrell and adopted. Ayes 4.

**120419.4**

By Alderman Abbott:

Resolved, that the Corporation Counsel be and the same is hereby authorized and directed to prepare a local law relative to the continuance of the bed tax, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, December 18, 2019 starting at 5:30 P.M. in the Common Council Chambers relative to said proposed 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 Oates and adopted. Ayes 4.

**120419.5**

By Alderman Abbott:

Whereas Cazenovia Recovery Systems, Inc./ LHC Holdings, LLC. 102 Davison Road has requested an exemption from Local Law No. 1 of 2019 creating a moratorium on approvals in the RA Zone while the City conducts a review of the Comprehensive Plan and Zoning for that Zone; and

Whereas consideration of such request requires a public hearing to be held by the Common Council.

Now therefore be it resolved by the Common Council of City of Lockport as follows:

1. A public hearing shall be held at 5:30 p.m. in the Common Council chambers at the Lockport Municipal Building, One Locks Plaza, Lockport, New York on December 18, 2019.
2. The Clerk shall publish and post notice of the public hearing.
3. This Resolution shall be effective immediately.

Seconded by Alderman Oates and adopted. Ayes 4.

**120419.6**

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to enter into an agreement with FCS Inc. for Third Party Administrative services regarding Workers' Compensation.

Seconded by Alderman Farrell and adopted. Ayes 4.

**120419.7**

By Alderman Oates:

Whereas, the City has not completed a full valuation of its assessment roll since 2011; and

Whereas, a full valuation reassessment provides a fair and equitable assessment roll for its citizens by returning assessments to 100% of market value and provides a mechanism to ensure that property owners will pay no more than their fair share of the tax burden; and

Whereas, a full valuation reassessment also maximizes the value of exemptions such as STAR and Veterans, for the citizens of the City; and

Whereas, the City wishes to stabilize its equalization rate, thus providing a more favorable element in municipal bond rating determination; and

Whereas, the City Assessor has received proposals from professional consultant firms to conduct the necessary data collection and valuation assessments; and

Whereas, the City Assessor recommends that the City contract with GAR Associates, LLC, Williamsville, New York in the total amount of \$400,000, paid over a three year time period; and

Whereas, as this project was not identified in the capital budget or the 2019 General Fund Budget and necessitates the amendment of both, including the use of contingency to fund the first year;

Now therefore, be it

Resolved, that the proposal by GAR Associates LLC, for an Equity Improvement Project be accepted, and further be it

Resolved, that Mayor Roman, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with GAR Associates LLC for an Equity Improvement Project at a total cost not to exceed \$400,000, paid over a three year period with final payment due on or about July 1, 2022; and be it further

Resolved, that the City Council hereby establishes a capital project within the Capital Fund entitled "Equity Improvement Project"; and be it further

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Expense:

Decrease:	A.1900.54775	Contingency	\$133,000
Increase:	A.9901.59000H	Transfer to Capital	\$133,000

Seconded by Alderman Abbott and adopted. Ayes 4.

## **120419.8**

By Alderman Abbott:

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, 2019, 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 71 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 Farrell and adopted. Ayes 4.

**120419.9**

By Alderman Oates:

WHEREAS, the City of Lockport Building Maintenance Department is in need of a new tractor for snow removal and general maintenance; and

WHEREAS, the City has received a proposal under NYS contract from Bobcat in the amount of \$52,485 to replace the tractor; and

WHEREAS, this purchase was not contemplated in the 2019 General Fund Budget necessitating the use of contingency and budget amendment;

NOW THEREFORE, BE IT

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

Increase:

Expense	A.1620.52025	Building Repair	\$52,500
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Decrease:

Expense	A.1900.54775	Contingency	\$52,500
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Seconded by Alderman Farrell and adopted. Ayes 4.

**120419.10**

By Alderman Abbott:

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

Seconded by Alderman Oates and adopted. Ayes 4.

**120419.11**

**ADJOURNMENT**

At 5:55 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 18, 2019.

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

Mayor Michelle M. Roman 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.

### **121819.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of December 4, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending the City of Lockport Hotel Occupancy Tax Law.

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 an application by Cazenovia Recovery Systems, Inc./LHC Holdings, LLC requesting an exemption from Local Law No. 1 of 2019.

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

11/7/19 Terry Harmon, Lockport Planning and Zoning Board – the Board recommends the request for an exemption to the Local Law No.1 of 2019 to the Council.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Resignation:**

12/1/19 Joseph Taylor, resigned from the Human Relations Commission effective December 1, 2019.

Received and filed.

### **Appointments:**

12/4/19 Mayor Michele M. Roman – recommendation that Thomas E. Lupo, 17 BoboLink Lane, Lockport, NY be appointed as member of the Lockport Community Cable Commission to fill the unexpired term of Anthony J. Sammarco.

Referred to the Committee of the Whole.

12/6/19 Mayor Michelle M. Roman – recommendation that Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY be appointed as member of the Lockport Community Cable Commission.

Referred to the Committee of the Whole.

## **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)

12/3/19 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.

12/18/19 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.

Tuesday, December 24 (closed at 12 noon)

Wednesday, December 25

Tuesday, December 31 (closed at 12 noon)

Wednesday, January 1, 2020

The garbage collection schedule is as follows:

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

Garbage scheduled for collection on December 25<sup>th</sup> through December 27<sup>th</sup> and January 1<sup>st</sup> through January 3<sup>rd</sup> will be collected on the day following regularly scheduled collection

Bulk items will be collected the week of January 6<sup>th</sup>

Referred to the Media.

**Notice of Defect:**

12/6/19 142 Park Avenue - tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

12/16/19 George Priebe, 94 Pennsylvania Avenue, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS****121819.2**

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 18, 2019 as follows:

General Fund	Fund A	\$153,220.16
Water Fund	Fund FX	\$ 11,571.38
Sewer Fund	Fund G	\$ 32,107.82
Capital Projects	Fund H	\$890,055.39
Refuse Fund	Fund CL	\$ 95,423.17
Self Insurance	Fund MS	\$145,117.45
Worker's Comp	Fund S	\$ 3,145.50
Payroll	Pay Date 12/5	\$677,299.36

Seconded by Alderman Wohleben and adopted. Ayes 6.

**121819.3**

By Alderman Oates:

Resolved, that the City tax roll for the year 2020 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 Farrell and adopted. Ayes 6.

**121819.4**

By Alderman Abbott:

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, 2020 through December 31, 2020.

Seconded by Alderman Eggert and adopted. Ayes 6.

**121819.5**

By Alderman Eggert:

Resolved, that pursuant to the recommendation of Mayor Roman, Thomas E. Lupo 17 Bobolink Lane, Lockport, NY is hereby appointed to the Lockport Community Cable Commission to fill the unexpired term of Anthony J. Sammarco expiring on December 31, 2021.

Seconded by Alderman Oates and adopted. Ayes 6.

**121819.6**

By Alderman Eggert:

Resolved, that pursuant to the recommendation of Mayor Roman, Douglas C. Nicholson, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a three-year term expiring on December 31, 2022.

Seconded by Alderman Devine and adopted. Ayes 4.  
Alderman Abbott and Wohleben voted no.

**121819.7**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Rotary Club of Lockport to organize a ceremony/dedication to recognize those in the community who have enabled the restoration of the clock at the corner of Main and Pine Streets and formally dedicate the clock to the City of Lockport, and be it further

Resolved that this dedication be held on Saturday December 21, 2019 from 10:30 am till 12:00 pm on Pine Street between Main Street and Heritage Court and in case of poor weather, permit access to the lobby of City Hall to provide a protected location for the Ceremony, 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 Abbott and adopted. Ayes 6.

**121819.8**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Joseph Godzisz, a retired City of Lockport Waste Water Treatment Operator employee who recently passed away.

Seconded by Alderman Eggert 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 Farrell and adopted. Ayes 6.

**121819.9**

By Alderman Oates:



City of Lockport  
Local Law No. 3 of the year 2019

**A local law amending the City of Lockport Hotel Occupancy Tax Law**

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

**SECTION 1  
TITLE**

This local law shall be known as the City of Lockport Hotel Occupancy Tax Law.

**SECTION 2  
DEFINITIONS**

When used in this enactment the following terms shall mean:

**“Hotel or Motel”** A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" or "motel" includes an apartment hotel, a motel, boarding house or club, bed and breakfast, inns, and tourist homes, whether or not meals are served.

**“Occupancy”** The use or possession, or the right to the use or possession, of any room in a hotel.

**“Occupant”** A person who, for consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

**“Operator”** Any person operating a hotel.

**“Permanent resident”** Any occupant of any room or rooms in a hotel for at least ninety consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

**“Rent”** The consideration received for occupancy valued in money, whether received in money or otherwise.

**“Room”** Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

**SECTION 3  
IMPOSITION OF SALES TAX**

On and after December 1, 2019, or as soon thereafter as the Governor approves the legislation, for a period of three years from the date of the enactment of this Local Law, there is hereby imposed and there shall be paid a tax of 5 percent upon the rent for every occupancy of a room or rooms in a hotel in this state, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of two dollars per day.

The tax imposed herein shall be paid upon any occupancy on and after December 1, 2019, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed herein to the extent that it covers any period on and after December 1, 2019 and such rent shall be apportioned on the basis of the ratio of the number of days falling within said period to the total number of days covered thereby.

#### **SECTION 4 EXEMPT ORGINAZATIONS**

Except as otherwise provided in this section, any occupancy by any of the following shall not be subject to the tax imposed under this enactment:

- (1) The State of New York, or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement of compact with another state or Canada) or political subdivisions where it is the purchaser, user or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons;
- (2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private person;
- (3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;
- (4) Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, (except as otherwise provided in subsection (h) of section five hundred one of the United States internal revenue code of nineteen hundred fifty-four, as amended), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;
- (5) A post or organization of past or present members of the armed forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization:
  - (a) organized in this state,
  - (b) at least seventy-five percent of the members of which are past or present members of the armed forces of the United States and substantially all of the other members of which are individuals who are cadets or are spouses, widows, or widowers of past or present members of the armed forces of the United States or of cadets, and

- (c) no part of the net earnings of which inures to the benefit of any private shareholders or individual.
- (6) The following Indian nations or tribes residing in New York State: Cayuga, Oneida, Onondaga, Poospatuck, Saint Regis Mohawk, Seneca, Shinnecock, Tonawanda and Tuscarora, where it is the purchaser, user or consumer.
- (7) A not-for-profit corporation operating as a health maintenance organization subject to the provisions of article forty-four of the public health law.
- (8) Cooperative and foreign corporations doing business in this state pursuant to the rural electric cooperative law.

## **SECTION 5 TERRITORIAL LIMITATIONS**

Any tax imposed under the authority of this enactment shall apply only within the territorial limits of the City of Lockport except that any establishment located partially within the City of Lockport and partially within a town or towns and receiving any services or utilities provided by the City of Lockport shall be deemed to be wholly within the City of Lockport for the purposes of the taxes imposed herein.

## **SECTION 6 REGISTRATION**

Within ten days after the effective date of this local law or amendment, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the City Clerk a certificate of registration in a form prescribed by the City Clerk. The City Clerk shall, within five days after such registration, issue, without charge to each operator, a certificate of authority empowering such operator to collect the tax from occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the City Clerk upon the cessation of business at the hotel named or upon its sale or transfer.

## **SECTION 7 ADMINISTRATION AND COLLECTION**

- (1) The tax imposed by this local law shall be administered and collected by the City Treasurer.
- (2) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax

collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant.

- (3) The City Treasurer may, wherever he deems it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file returns and pay directly to the City Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.
- (4) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the City Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the City Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

## **SECTION 8 RECORDS TO BE KEPT**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the City Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the City Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the City Treasurer may consent to their destruction within that period or may require that they be kept longer.

## **SECTION 9 RETURNS**

- (1) Every operator shall file with the City Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first of each year. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The City Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the City Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.
- (2) The forms of returns shall be prescribed by the City Treasurer and shall contain such information as he may deem necessary for the proper administration of this local law.

The City Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

- (3) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face, the City Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

## **SECTION 10 PAYMENT OF TAX**

At the time of filing a return of occupancy and of rents each operator shall pay to the City Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this local law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the City Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the City Treasurer in his discretion deems it necessary to protect revenues to be obtained under this local law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to the solvency and responsibility, in such amount as the City Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the City Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the City Treasurer at which the necessity, propriety and amount of the bond shall be determined by the City Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the City Treasurer or case in such amount as he may prescribe may be deposited which shall be kept in the custody of the City Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

## **SECTION 11 DETERMINATION OF TAX**

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the City Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale or rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed within thirty days after giving of notice of such determination, shall apply to the City Treasurer for a hearing, or unless the City Treasurer of his own motion shall redetermine the same. After such hearing, the City Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the City shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided however, that such

proceeding is instituted in the Supreme Court within thirty days after the giving of the notice of such determination. A proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

## **SECTION 12 REFUNDS**

- (1) In the manner provided in this section the City Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the City Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the City Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application when made by an operator who has collected and paid over such tax to the City Treasurer, provided that the application is made within one year of the payment by the occupant to the operator, shall be acted upon and refunded any moneys due, only after such operator shall first establish to the satisfaction of the City Treasurer, under such regulations as the City Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the application for refund is made. The City Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.
- (2) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the City Treasurer, and such City Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that final determination of tax due was not previously made, and that an undertaking be filed with the City Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
- (3) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section thirteen of this local law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the City Treasurer made pursuant to section thirteen of this local law unless it be found that such determination was erroneous or unconstitutional

or otherwise improper by the City Treasurer after a hearing or of his own motion or in a proceeding under article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event or refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

### **SECTION 13 DISPOSITON OF REVENUES**

All revenues from the imposition of the tax under this local law shall be paid into the treasury of the City of Lockport and shall be credited to and deposited in the General Fund Account of the City of Lockport. Four percent (4%) of said revenue shall be retained by the City of Lockport for administration and collection costs. The disposition of the remaining "net" revenues shall be as follows: Twenty-five percent (25%) of the net revenue from the tax shall be used for the promotion of community and economic development in the City of Lockport; Seventy-five percent (75%) of the net revenue shall be allocated and paid to a not-for-profit Corporation under contract with the County for the promotion of tourism in the County. The terms "economic development" and "tourism" may be defined by resolution of the Lockport City Council. Upon approval of the Governor, the additional 1% of such revenue of this tax shall be dedicated to the operation of the Discover Niagara Shuttle.

### **SECTION 14 RESERVES**

In cases where the occupancy or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the City Treasurer shall set up appropriate reserves to meet any decision adverse to the City.

### **SECTION 15 REMEDIES EXCLUSIVE**

The remedies provided in this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the City Treasurer prior to the institution of such suit and posts a bond for costs as provided in this local law.

### **SECTION 16 PROCEEDING TO RECOVER TAX**

- (1) Whenever any operator or any officer of a corporate operator or any occupancy or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as therein provided, the Corporation Counsel shall, upon the request of the City Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of the City of Lockport in any court of the State of New York or of any other state or of United States. If, however, the City Treasurer in his discretion believes that any such operator, officer, occupant or other person is about to

cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

- (2) As an additional or alternate remedy, the City Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or of the occupant or other person liable for the tax, which may be found within the City for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the City Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall within five days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon any interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the City Treasurer a warrant of like terms, force and effect may be issued and directed to any officer or employee of the City Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is

returned not satisfied in full, the City Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the City has recovered judgment therefore and execution thereon has been returned unsatisfied.

- (3) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or his lease, license or other agreement or right to possess or operate such hotel, apartment hotel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, of the said premises or lease, license or other agreement or right to possess or operate such hotel, apartment hotel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of such hotel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the City Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the City Treasurer as required by the preceding paragraph or whenever the City Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor



shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the City's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the Uniform Commercial Code, shall be personally liable for the payment to the City of any such taxes theretofore or thereafter determined to be due to the City from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

## **SECTION 17 GENERAL POWERS OF THE CITY TREASURER**

In addition to the powers granted to the City Treasurer in this local law, he is hereby authorized and empowered:

- (1) To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- (2) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percentum per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
- (3) To request information from the tax commission of the State of New York or the Treasury Department of the United States relative to any person, any other provision of this local law to the contrary notwithstanding;
- (4) To delegate his functions hereunder to a Deputy City Treasurer or any employee or employees of the office of City Treasurer;
- (5) To prescribe methods for determining rents for occupancy and to determine the taxable and non-taxable rents;
- (6) To require any operator within the City to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the City Treasurer.
- (7) To assess, determine, revise and readjust the taxes imposed under this local law.

## **SECTION 18 ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY**

- (1) The City Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The City Treasurer shall have power to subpoena and require the attendance of witnesses and

the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

- (2) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called from by the subpoena of the City Treasurer under this local law.
- (3) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the City Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of no more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.
- (4) The officers who serve the summons or subpoena of the City Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the City Treasurer, designated to serve such process.

## **SECTION 19 PENALTIES AND INTEREST**

- (1) Any person failing to file a return or to pay or pay over any tax to the City Treasurer within the time required by this local law shall be subject to a penalty of five percentum of the amount of tax due plus interest at the rate of one percentum of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.
- (2) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to this local law, or failing to file a registration certificate and such data in connection therewith as the City Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator failing to keep the records required by section nine of this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and

imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties herein above imposed.

- (3) The certificate of the City Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

## **SECTION 20 RETURNS TO BE SECRET**

Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the City Treasurer or any officer or employee of the office of City Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the City Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which

events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Corporation Counsel or other legal representatives of the City or by the District Attorney of Niagara County, of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the City Treasurer permits them to be destroyed.

## **SECTION 21 NOTICES AND LIMITATIONS OF TIME**

- (1) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of filing of such notice.
- (2) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the City to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false

or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

- (3) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

## **SECTION 22 CONSTRUCTION AND ENFORCEMENT**

This enactment shall be construed and enforced in conformity with articles twenty-eight and twenty-nine of the tax law of the State of New York pursuant to which the same is enacted.

## **SECTION 23 SEPARABILITY**

If any provision of this enactment or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this enactment but shall be confined in its operation to the provisions thereof directly involved in the controversy in which such judgment shall have been rendered and the application of such provision to other persons or circumstances shall not be affected thereby.

## **SECTION 24 EFFECTIVE DATE**

This enactment shall take effect on the first day of December, two thousand nineteen, and continue for a period of three years from the date of said enactment, except that certificates of registration may be filed and certificates of authority to collect tax may be issued prior to said date.

Seconded by Alderman Wohleben. 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.

**121819.10**

By Alderman Oates:

Whereas, New York State Electric & Gas desires to place a guy wire and anchor on City owned property located at 69 Canal Street, Lockport, New York, SBL # 109.45-2-15; and

Whereas, the property falls under an environmental easement between the City of Lockport and New York State Department of Environmental Conservation; and

Whereas, the Department of Environmental Conservation must approve of any action on said parcel; and

Whereas, New York State Electric & Gas has requested an easement to place the guy wire and anchor on said property;

NOW, THEREFORE, BE IT

Resolved, The Mayor, subject to Corporation Counsel and New York State Department of Conservation approval, is authorized and directed to sign an easement with New York State Electric & Gas for the placement of a guy wire and anchor at 69 Canal Street, Lockport, New York, SBL #109.45-2-15, and be it

Resolved, that the easement and any work at the project site shall comply with the Richmond Avenue Project Soils Management Plan dated June 7, 2004, Site Number B-00154-9 and any Federal, State, and Local Law, rule, and regulation.

Seconded by Alderman Farrell and adopted. Ayes 6.

**121819.11**

By Alderman Abbott:

Whereas, the Common Council of the City is conducting a review of the Comprehensive Plan and Zoning for the RA Zone; and

Whereas, such pursuant to Section 28-a of the General City Law the Common Council may designate the Planning Board or a special board to prepare a plan amendment.

Now therefore be it resolved by the Common Council of City of Lockport as follows:

1. The Common Council declares the proposed amendment of the RA Zone Comprehensive Plan a Type I action under the State Environmental Quality Review Act (SEQRA).

2. Because the change in the Comprehensive Plan could result in the loss of open space, loss of recreational resource, increase in traffic, increase in density, drainage and infrastructure changes, significant increase in demand for public services, and potentially significant cumulative impacts (along with changes proposed in the neighboring Town of Lockport), the Board finds the Plan Amendment may result in a significant negative impact on the environment and therefore issues a Positive Declaration under SEQRA..

3. The Planning Board, assisted by City Staff appointed by the Mayor, shall consider and prepare the Comprehensive Plan Amendment.

4. This Resolution shall be effective immediately.

Seconded by Alderman Oates and adopted. Ayes 6.

**121819.12**

By Alderman Oates:

Whereas, by resolution 120419.7 the Mayor was authorized to execute a contract with GAR Associates, LLC for an Equity Improvement Project at a total cost not to exceed \$400,000, paid over a three-year period; and

Whereas, such resolution amended the 2019 General Fund budget to provide initial funding in the amount of \$133,000; and

Whereas, an additional sum of \$500 will be transferred by resolution of even date herewith, and

Whereas, the City desires to encumber the entire cost of the project at this time; and  
NOW THEREFORE BE IT

Resolved, that the sum of \$266,500 is hereby encumbered from the Surplus Funds for future installment payments.

Seconded by Alderman Wohleben and adopted. Ayes 6.

### **121819.13**

By Alderman Oates:

Whereas, it is necessary to extend the existing contract dated April 28, 2017, with Municipal Solutions, Inc., for an additional 12 months with no change in the total fee for the contract; NOW THEREFORE BE IT

Resolved, that Mayor Roman is hereby authorized to execute an extension of the April 28, 2017, contract with Municipal Solutions, Inc. for an additional 12-month period at no additional cost to the City.

Seconded by Alderman Farrell and adopted. Ayes 6.

### **121819.14**

By Alderman Oates:

Whereas, Title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulations 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 that 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 of 2019 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>Reg#</u>	<u>Term</u>	<u>Record</u> <u>Activity</u> <u>Results</u>
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Deputy Corporation Counsel	David Haylett Jr.	8794	43436013	1/1/2019-12/31/2019	10.51
Deputy Corporation Counsel	Jason Cafarella	7854		1/1/2019-12/31/2019	11.15

Seconded by Alderman Eggert and adopted. Ayes 6.

#### 121819.14.A

By Alderman Oates:

Whereas, the City of Lockport Finance Director recently submitted his letter of resignation effective December 31, 2019; and

Whereas, the City of Lockport desires to contract with a municipal accounting firm to provide general oversight and consultation services to the City of Lockport financial departments until a new finance director is employed by the City of Lockport, now therefore be it

Resolved, that the City of Lockport Common Council determines that the services of a municipal accounting firm involve a high degree of expertise and involve matters of professional judgment and trust and thus constitutes "professional services" which are exempt from the requirement to seek alternate proposals, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to contract with the Bonadio Group to provide municipal accounting advisement services to the City of Lockport on a monthly basis and said expense shall be taken from account A.1310.51010 – Personal Services.

Seconded by Alderman Wohleben and adopted. Ayes 5. Abstained, Alderman Eggert

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.

#### 121819.14B

By Alderman Oates:

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

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

Whereas, closure of all completed projects requires 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>
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H171*	Sewer	WW Engineering Planning Study	State/Sewer	.00
H175	Water	Water Intake Crib	State	.00
H172	Sewer	WW-Sewage Pollution-Right to Know	State/Sewer	3,998.00
H173	Water	Water Fluoridation Equipment	State/Water	700.00
H174	Sewer	WW-Sanitary Sewer Main	Debt	4,479.85
H177	General	Facilities Renovation	State	186.00
H180	General	Holy Edison Elect Bldg Rehab	State	.00
H183	General	Veterans Monument Renovation	State	.00
H188	General	Kayak Launch	General	.00
H189*	General	Fire Apparatus (Fire Truck)	General	.00
<b>TOTAL</b>				<b>\$9,363.85</b>

*\* Pending State Aid Reimbursement*

And be it further

RESOLVED, that the cash balance total of \$9,363.85 be returned to the original funding source as follows:

Debt Service Reserve, General	\$	.00
Debt Service Reserve, Water	\$	.00
Debt Service Reserve, Sewer	\$	4,479.85
Water Fund	\$	700.00
Sewer Fund	\$	3,998.00
General Fund	\$	186.00
<b>TOTAL</b>	<b>\$</b>	<b>9,363.85</b>

Seconded by Alderman Farrell and adopted. Ayes 6.

#### **121819.14C**

By Alderman Oates

Whereas, by resolution 120419.7 the Mayor was authorized to execute a contract with GAR Associates, LLC for an Equity Improvement Project at a total cost not to exceed \$400,000, paid over a three-year period; and

Whereas, such resolution amended the 2019 General Fund budget to provide initial funding in the amount of \$133,000; and

Whereas, the appropriate amount should have been \$133,500; and

**NOW THEREFORE BE IT**

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

Decrease:	A.1900.54775	Contingency	\$500
Increase:	A.9901.59000H	Transfer to Capital	\$500

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **121819.15**

#### **ADJOURNMENT**



At 6:37 P.M. Alderman Devine moved the Common Council be adjourned until 11:00 A.M., Wednesday, January 1, 2020.

Seconded by Alderman Wohleben and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk