

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 19, 2020  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Kantor, Oates, Schratz, and Van De Mark.

**INVOCATION**

**STATE OF THE CITY**

**RECESS**

Recess for public input.

**021920.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of February 5, 2020 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 erect a non-illuminated ground sign at 58 Main Street.

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

2/11/20 Terry Harmon, 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

### Declination:

1/26/20 Debra R. Allport declined the recommendation from the Mayor to be reappointed to the Lockport Assessment Review Board.  
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)

2/11/20 Town of Lockport Zoning Board of Appeals – Notice of a Public Hearing to be held February 25, 2020 at 6:00 p.m. at the Town Hall, 6560 Dysinger Rd., Lockport, NY to consider the following property and property owner:

Owner/Applicant: LHC Holdings LLC/Cazenovia Recovery Systems, Inc.

Location: 4901 Davison Road, Lockport, NY

Received and filed.

1/9/20 Katie Constantino, Catholic Charities – request permission to conduct a “Healthy Baby Festival” at Altro Park on August 3, 2020.

Referred to the Committee of the Whole.

1/16/20 Deborah Adorian, Never Give Up 5K Race Committee – request permission to conduct a 5K and promote with Banners on June 12, 2020.

Referred to the Committee of the Whole.

## MOTIONS & RESOLUTIONS

### 021920.2

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 19, 2020 as follows:

#### 2019 Expenses

Fund A General - \$68,808.22

Fund FX Water - \$292.62

Fund G Sewer - \$14,234.06

Fund H Capital Expenses - \$180.64

**Total** - \$83,515.54

#### 2020 Expenses

Fund A General - \$94,119.13

Fund CL Refuse & Recycling - \$95,028.31

Fund FX Water - \$18,315.85

Fund G Sewer - \$21,942.46

Fund MS Health Insurance - \$143,919.25

**Total** - \$373,325.00

Payroll                      Pay Date    2/13      \$455,378.84

Seconded by Alderman Kantor and adopted. Ayes 6.

**021920.3**

By Alderman Kantor:

Resolved, that the request for a special use permit made by Ulrich Sign Company to erect a 37' x 1' x 5' non-illuminated ground sign, located at 58 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 Sign shall maintain a minimum 5' setback from the sidewalk.

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 Schratz and adopted. Ayes 6.

**021920.4**

By Alderman Oates:

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 11<sup>th</sup> through September 14<sup>th</sup>, 2020 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 Schratz and adopted. Ayes 6.

**021920.5**

By Alderman Vandemark:

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 August 3, 2020 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 Schratz and adopted. Ayes 6.

**021920.6**

By Alderman Oates:

Resolved, that pursuant to her request Deborah Adorian is hereby granted permission to conduct the 2<sup>nd</sup> Annual Stephen J. Adorian Memorial “Never Give Up!” 5K race on June 12, 2020, subject to approval of the race route by the Police Chief, and be it further

Resolved, permission, is additionally granted 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 “Never Give Up!” 5K Race. 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. Said permissions are subject to the event coordinator 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.

Seconded by Alderman Schratz and adopted. Ayes 6.

**021920.7**

By Alderman Abbott:

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 17, 2020 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 Schratz and adopted. Ayes 6.

**021920.8**

By Alderman Vandemark:

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 14, 2020, from 12:00 p.m. until 6 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 Abbott and adopted. Ayes 6.

**021920.9**

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a lease agreement with Pitney Bowes for a postage meter to be charged to account A.1670.54065.

Seconded by Alderman Oates and adopted. Ayes 6.

**021920.10**

By Alderman Vandemark:

Resolved, that a public hearing be held at the Common Council Meeting of March 4, 2020 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY to hear and consider a Local Law amending Chapter 38 of the Lockport City Code relative to PACE financing, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**021920.11**

By Alderman Abbott:

Whereas, the current Comprehensive Plan in the City of Lockport was developed and adopted in 1998; and

Whereas, the City desires to update its Comprehensive Plan and Zoning Code; now, therefore, be it

Resolved, that the Mayor, with assistance from Corporation Counsel, is authorized and directed to prepare and issue a Request for Proposals (RFP) for a Professional Planning Consultant to aid the City with updating its Comprehensive Plan and Zoning Code; and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Oates and adopted. Ayes 6.

**021920.12**

By Alderman Abbott:

Whereas, the City has received a proposal from The Spyglass Group LLC for the auditing of the City’s telecommunications service accounts (Voice, Data, Internet, Cloud Services and Mobility/Cellular); and

Whereas, fees for the auditing services are success-based fees as follows:

1. If SpyGlass does not find anything or the City chooses not to implement anything, there is no cost to the City.
2. 50% of any refund, credit or compensation received by the City.
3. 12 times any “Service Elimination Savings” or “Cost Reduction Savings”.

Now, therefore, be it resolved, that the Common Council of the City of Lockport hereby approve the Agreement between the City of Lockport and the SpyGlass Group LLC for auditing of the City’s telecommunications service billing, as set forth in the proposal; and be it further Resolved, that the Common Council authorizes the Mayor to sign the agreement on behalf of the City.

Seconded by Alderman Vandemark and adopted. Ayes 6.

**021920.13**

By Alderman Abbott:

Whereas, the City of Lockport Traffic Advisory Committee has the authority to direct the installation of traffic control devices throughout the City; and

Whereas, the Traffic Advisory Committee, by a vote of the majority of its committee members, deemed it necessary to place a two stops signs on Walnut Street, at its intersection with Harrison Avenue; and

Whereas, the City Council desires to express its support for the placement of these stop signs on Walnut Street at Harrison Avenue; now therefore be it

Resolved, that the Common Council of the City of Lockport hereby supports the determination of the Traffic Advisory Committee to place two stop signs on Walnut Street at its intersection with Harrison Avenue.

Seconded by Alderman Kantor and adopted. Ayes 6.

**021920.14 – Video Inspection East Ave. - WITHDRAWN**

**021920.15**

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 North Pavilion, 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 Saturday, July 4, 2020, 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 Abbott and adopted. Ayes 6.

**021920.16**

By Alderman Oates:

Whereas, the City’s Finance and Accounting Department and Treasurer have shared the services of a consultant to assist with special projects related to both departments, however the payment of these services have come from the Treasurer’s budget line. It has been determined that the services provided are more appropriately performed under the direction of, and for projected related to, the Finance and Accounting Department; and

Whereas, the City’s has also authorized a contract for professional services with Bonadio & Co., LLP via resolution 121819.14.A to fill the temporary vacancy in the Director of Finance position. The resolution authorized the use of A.1310.51010 – Personal Services, however the payment of professional services should not be made from a payroll budget line; and while the vacancy in the position exists it is necessary to amend the 2020 General Fund budget to allow for these costs to be paid from the Finance and Accounting Department professional services budget line;

Whereas, the 2020 General Fund budget must be amended to allow for these costs to be paid from the Finance and Accounting Department; Now, therefore, be it

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

Expense:

Decrease:

A.1325.54055	Professional Services	\$ 17,000
A.1310.51010	Personal Services	\$100,000

Increase:

A.1310.54055	Professional Services	\$ 17,000
A.1310.54055	Professional Services	\$100,000

Seconded by Alderman Kantor and adopted. Ayes 6.

**021920.17**

By Alderman Kantor:

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 Years 2020 and 2021.

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, Buffalo, New York.

Seconded by Alderman Abbott and adopted. Ayes 6.

**021920.18**

By Alderman Kantor:

Whereas, in 2019 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: Hunt Engineers; Erdman Anthony Engineering Infrastructure Solutions; CPL Architecture, Engineering and Planning; Barton & Loguidice, D.P.C.; EI Team, Architecture, Engineering, Planning, and Construction; GHD Consulting Services Inc.; KHEOPS Architecture, Engineering, and Survey; APEX Consulting; and Nussbaumer & Clarke, Inc.; and

Whereas, the City wishes to allow the ability to solicit formal proposals and utilize the most qualified engineering firm for specific projects that arise from time to time; now therefore be it

Resolved, that the City Council hereby pre-qualifies all firms submitting proposals and qualifications and authorizes the City Engineer to request proposals from any and all of the firms based upon the firms’ level of expertise; 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 Devine and adopted. Ayes 6.

**021920.19**

By Alderman Devine:

Whereas, the Civil Service Employees Association, Inc., Local 1000 AFSCME AFL-CIO and the City of Lockport are parties to a collective bargaining agreement which expired in December 2014; and

Whereas, the parties have resolved their differences and have negotiated a successor agreement; and

Whereas, the Civil Service Employees Association, Inc., Local 1000 AFSCME AFL-CIO ratified the successor agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby ratifies and approves the Collective Bargaining Agreement by and between the City of Lockport and the Civil Service Employees Association, Inc., Local 1000 AFSCME AFL-CIO for the period January 1, 2015 through December 31, 2025 as attached hereto and made part hereof as Exhibit "A" and
2. The Mayor is authorized on behalf of the City to execute said collective bargaining agreement with the Civil Service Employees Association, Inc., Local 1000 AFSCME AFL-CIO.

Seconded by Alderman Vandemark and adopted. Ayes 1 - Devine. No's 5.

**021920.20**

By Alderman Devine:

Whereas, the Local 855, International Union American Federation of State, County and Municipal Employees AFL-CIO District Council 66 and the City of Lockport are parties to a collective bargaining agreement which expired in December 2012; and

Whereas, the parties have resolved their differences and have negotiated a successor agreement; and

Whereas, the Local 855, International Union American Federation of State, County and Municipal Employees AFL-CIO District Council 66 ratified the successor agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby ratifies and approves the Collective Bargaining Agreement by and between the City of Lockport and the Local 855, International Union American Federation of State, County and Municipal Employees AFL-CIO District Council 66 for the period January 1, 2013 through December 31, 2026 as attached hereto and made part hereof as Exhibit "A"; and
2. The Mayor is authorized on behalf of the City to execute said collective bargaining agreement with the Local 855, International Union American Federation of State, County and Municipal Employees AFL-CIO District Council 66.

Seconded by Alderman Vandemark and adopted. Ayes 1 - Devine. No's 5.

**021920.20A**

By Alderman Schratz:

Resolved, that a public hearing be held at the Common Council Meeting of March 4, 2020 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY to hear and consider a Local Law to adopt a Ninety (90) day



moratorium on ground mounted solar panel and solar farm installations within the City, 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 6.

**021920.21**

**ADJOURNMENT**

At 6:15 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 4, 2020.

Seconded by Alderman Vandemark and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk