

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 1, 2020
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

040120.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman _____, the minutes of the Regular Meeting of March 18, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Resignation:

3/23/20 Timothy Russo, resigned as a member of the Audit Committee. Effective March 23, 2020.

Received and filed.

Appointments:

3/12/20 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 to Commissioner of Deeds for the term of two years expiring on December 31, 2021:

Sandra Jean Hutchison, 6632 Heather 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)
4/1/20 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 10th

There will be no change in the garbage pickup schedule.

Referred to the Media.

Notice of Defect:
3/10/20 108 Irving Street - tree
Referred to the Director of Streets and Parks.

Notice of Claim:
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

040120.2

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 1, 2020 as follows:

General Fund	Fund A	\$ 134,753.14
Water Fund	Fund FX	\$ 16,773.10
Sewer Fund	Fund G	\$ 26,529.58
Capital Projects	Fund H	\$ 15,064.25
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 3/19	\$ 455,318.43

Seconded by Alderman _____ and adopted. Ayes _____.

040120.3

By Alderman Vandemark:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
James G. DiLaura	30	Heavy Equipment Operator
Brian M. Smith	5	Dir. Of Planning and Development

Seconded by Alderman _____ and adopted. Ayes _____.

040120.4

By Alderman XXXX:

Whereas, the City of Lockport (City), applied for and has been awarded a grant for a City Streetscape Green Infrastructure Enhancement Project on Pine St., South St. and Washburn St. 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 City was awarded a GIGP Grant through NYS Environmental Facilities Corporation (NYSEFC) for \$1,500,000 of the project cost; and

Whereas, the GIGP program requires a **minimum** local match of 10% of the grant amount, which is a **minimum** of \$166,667 for this project; Now, therefore, be it;

RESOLVED that 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; and be it further;

RESOLVED that the City authorizes and appropriates a minimum of 10% local match as required by the Green Innovation Grants Program. The source of the local match shall be from the Lockport Downtown Revitalization Initiative (DRI) funds awarded to the City to implement Green Infrastructure in the project area and The Mayor may increase this local match through the use of in-kind services without further approval from the City. Funds in excess of the required match shall be from the DRI and the Community Development Block Grant awarded to the City which included funds to implement Green Infrastructure in the project area.

Seconded by Alderman _____ and adopted. Ayes _____.

040120.5

By Alderman Oates:

Resolved, that pursuant to the recommendation of the City Treasurer, the Manufacturers & Traders Trust Company, J. P. Morgan Chase & Co. Bank and Key Bank, be designated as depositories of City funds for fiscal year 2020, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman _____ and adopted. Ayes _____.

040120.6

By Alderman Abbott:

Whereas, the City of Lockport desires to conduct sediment sampling of Eighteen Mile Creek in the City, and

Whereas, the City received a proposal from Turnkey Environmental, LLC to obtain three (3) creek sediment samples and perform a laboratory analysis of said samples for a total price of \$6,335.00, and

Whereas, said proposal is a professional service and exempt from the City procurement policy. Now, therefore be it

Resolved, that the Common Council hereby authorizes and directs the Mayor, subject to Corporation Counsel approval, to enter into an agreement with Turnkey Environmental, LLC to obtain and test sediment samples of Eighteen Mile Creek at a cost not to exceed \$6,335.00.

Seconded by Alderman _____ and adopted. Ayes _____.

040120.7

By Alderman Abbott:

WHEREAS, Governor Cuomo has declared a State of Emergency for all of New York State in response to the COVID-19 public health crisis; and

WHEREAS, Governor Cuomo has directed that each employer shall reduce the in-person workforce at any work locations by 100% no later than March 22, 2020, which restriction is to continue until April 19, 2020; and

WHEREAS, Section 185 of the City of Lockport Code provides that a 10% penalty shall be added to any water/sewer bill if said bill is not paid within 30 days from the date of issue; and

WHEREAS, due to the public health crisis and Governor Cuomo's directive, numerous City residents are out of work through no fault of their own; and

WHEREAS, the Common Council of the City of Lockport desires to waive the 10% penalty on water/sewer bills due to the City if not paid within 30 days during this period of the public health crisis; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby directs the City Treasurer to waive the 10% late fee on water/sewer bills remaining unpaid after 30 days from the date of issue; and be it further

RESOLVED, that the waiver of the 10% water/sewer bill penalty shall be effective for any water/sewer bill that has a due date of March 30, 2020 and no other previous balance owed; and be it further

RESOLVED, that the water/sewer bill that has a due date of March 30, 2020 will be due on and no later than April 30, 2020 to avoid the 10% late fee and if payment is received later than April 30, 2020, the full penalty shall apply; and be it further

RESOLVED, that the waiver of the 10% water/sewer bill penalty shall be effective for any water/sewer bill that has a due date of April 30, 2020 and no other previous balance owed; and be it further

RESOLVED, that the water/sewer bill that has a due date of April 30, 2020 will be due on and no later than June 1, 2020 to avoid the 10% late fee and if payment is received later than June 1, 2020, the full penalty shall apply; and be it further

RESOLVED, that the Common Council will assess the water/sewer bill 10% late penalty on a monthly basis until the State of Emergency for all of New York State has been rescinded.

Seconded by Alderman _____ and adopted. Ayes _____.

040120.8

By Alderman Schratz:

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 City of Lockport appealed the Arbitrator's ruling to Niagara County Supreme Court on December 9, 2019; and

WHEREAS, the City's appeal was denied and petition dismissed by written Order of Supreme Court Justice Frank Caruso on March 6, 2020; and

WHEREAS, the annual reoccurring cost to the taxpayers to add 12 additional firemen to the budget will exceed \$850,000 a year; and

WHEREAS, the Common Council of the City of Lockport desires to appeal the Order of Supreme Court denying the City's Petition to vacate the Arbitrator's decision.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council does hereby request that the Mayor and Corporation Counsel to immediately direct outside counsel, Bryan Goldberger, Esq. to move to appeal the Order issued by Justice Frank Caruso on March 6, 2020 that denied the City's Petition to vacate the Arbitrator's decision.

Seconded by Alderman _____ and adopted. Ayes _____.

040120.9

By Alderman Oates:

Whereas, through resolution 112019.8, the Council directed the City Treasurer 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.

Whereas, the City Treasurer and the Interim Director of Finance have prepared and posted the necessary budgetary amendments to balance the budgets for 2019. The adjustments recorded have been attached to this resolution.

Now, therefore, be it

Resolved, that the 2019 General Fund, Water, Sewer and Refuse Budgets are hereby amended.

Seconded by Alderman _____ and adopted. Ayes _____.

040120.9A

By Alderman Eggert:

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

Seconded by Alderman _____ and adopted. Ayes _____.

040120.10

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk