

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 5, 2020
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

MAYOR'S UPDATE

RECESS

Recess for public input.

080520.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of July 15, 2020 and the Special Meeting of July 22, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Resignation:

7/20/20 Erika Kastel, resigned as a member of the Human relations Commission.
Effective July 20, 2020.
Received and filed.

Appointments:

7/13/20 Paula J. Halladay, 42 Genesee Street, Lockport, NY – appointed to the Human Relations Committee. Said term expires on July 13, 2023.

7/15/20 Wayne F. Hale, 828 East High Street Apt. C, Lockport, NY – appointed to the Human Relations Committee. Said term expires on July 15, 2023.

7/15/20 Anthony J. Stevenson, 32 John Street, Lockport, NY – reappointed to the Human Relations Committee. Said term expires on July 15, 2023.

7/20/20 Leah N. Brown, 422 West Caledonia Street, Lockport, NY – appointed to the Human Relations Committee to fill the unexpired term of Kandyce Cauley. Said term expires on July 15, 2022.

7/21/20 James D. Schultz, 11 Continental Drive, Lockport, NY – reappointed to the Human Relations Committee to fill the unexpired term of Erika Kastel. Said term expires on June 27, 2021.

7/20/20 Lucius Brundage, 48 Treehaven Drive, Lockport, NY – appointed to the Traffic Advisory Committee. Said term expires on July 20, 2025.

7/29/20 Paulina A. Narchus, 257 High Street, Lockport, NY – appointed to the Audit Committee effective July 29, 2020.

Received and filed.

FROM THE CITY CLERK

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

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

Notice of Complaint:

7/20/20 138 Lincoln Avenue – 2 trees

7/23/20 69 Morrow Avenue – stump

7/27/20 315 Pine Street – 2 trees

7/31/20 266 South Street – tree

8/3/20 319 Willow Street - tree

Referred to the Director of Streets and Parks.

Notice of Claim:

7/20/20 Iliia Correa, 56 Boardus, Buffalo, NY

7/28/20 Jay Wolf, 1395 Quaker Rd., Barker, NY

Referred to the Corporation Counsel.

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

7/28/20 Lockport Professional Park LLC – vs- City of Lockport

7/28/20 Lockport Plaza, LLC – vs – City of Lockport

7/28/20 Odd Fellows Home Association – vs – Tracey A. Farrell, Assessor of the City of Lockport and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

Referred to the Assessor.

Consent Order:

- **In the matter of the application under Article 7 of the Real Property Tax Law:**

7/30/20 Lockport Professional Park, LLC – for tax years 2015-16, 2016-17, 2017-18, 2018-19, and 2019-20.

Referred to the Assessor.

MOTIONS & RESOLUTIONS

080520.2

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 6, 2020 as follows:

General Fund	Fund A		\$115,508.06
Water Fund	Fund FX		\$ 17,366.34
Sewer Fund	Fund G		\$ 49,200.75
Capital Projects	Fund H		\$103,151.09
Refuse Fund	Fund CL		\$ 682.52
Self Insurance	Fund MS		\$ 93,918.00
Payroll	Pay Date	7/16	\$450,948.22
Payroll	Pay Date	7/30	\$451,126.70

Seconded by Alderman Kantor and adopted. Ayes 6.

080520.3

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>
Adam R. Piedmont	15	Police Detective
Matthew T. Streckwald	15	K-9 Officer

Seconded by Alderman Abbott and adopted. Ayes 6.

080520.4 City Clerk Employment Contract - WITHDRAWN

080520.5

By Alderman Vandemark:

Whereas, the existing contract dated April 28, 2018, with Municipal Solutions, Inc., is up for an additional 24 months with no change in the total fee for the contract; NOW THEREFORE BE IT

Resolved, that Mayor Roman is hereby authorized to renew as of the May 8, 2020, contract with Municipal Solutions, Inc. for an additional 24-month period at no additional cost to the City.

Seconded by Alderman Oates and adopted. Ayes 6.

080520.6

By Alderman Kantor:

Resolved, that the Corporation Counsel be and the same is hereby authorized and directed to prepare a local law relative to amending the bed tax, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, August 19, 2020 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 Schratz and adopted. Ayes 6.

080520.7

By Alderman Kantor:

WHEREAS, the City of Lockport's contract for solid waste collection expires on September 30, 2021; and

WHEREAS, the Director of Engineering is the appropriate City employee to make requests for proposals for the solid waste collection; and

NOW, THEREFORE, BE IT RESOLVED, that the Director of Engineering is hereby authorized and directed to prepare a request for proposal for solid waste collection.

Seconded by Alderman Oates and adopted. Ayes 6.

080520.8

By Alderman Oates:

WHEREAS, the City of Lockport Common Council directed the Planning Board to conduct a review of the Comprehensive Plan and the uses of property in the RA Reserve Area District to determine whether any changes to the Plan or the zoning code and/or zoning map are appropriate; and

WHEREAS, the Planning Board has completed its review and submitted its report to the Council; and

WHEREAS the Common Council wishes to continue the review of the proposed Comprehensive Plan Update.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LOCKPORT as follows

1. The Proposed Partial Update of the Comprehensive Plan Relating to the RA-Reserve Area District, a copy of which is attached and incorporated herein, is referred to the Niagara County Planning Board.
2. A public hearing shall be held on the Proposed Partial Update of the Comprehensive Plan Relating to the RA-Reserve Area District at 5:30 p.m. on August 19, 2020. The Clerk shall post and publish notice of the hearing.
3. This Resolution is effective immediately.

Seconded by Alderman Abbott and adopted. Ayes 6.

080520.9

By Alderman Schratz:

WHEREAS, the City of Lockport Common Council directed the Planning Board to conduct a of review the Comprehensive Plan and the uses of property in the RA Reserve Area District to determine whether any changes to the Plan or the zoning code are appropriate; and

WHEREAS, the Planning Board has completed its review and submitted a recommended amendment to Section 190-77 of the City Code of the City of Lockport; and

WHEREAS the Common Council wishes to continue the review of the proposed amendment of the RA-Reserve Area District.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LOCKPORT as follows

1. A Local Law Amending Section 190-77 of the City Code of the City of Lockport, a copy of which is attached and incorporated herein, is hereby introduced.
2. The proposed Local Law is hereby referred to the Niagara County Planning Board.
3. A public hearing shall be held on the Proposed Local Law at 5:30 p.m. on August 19, 2020. The Clerk shall post and publish notice of the hearing.
4. This Resolution is effective immediately.

Seconded by Alderman Kantor and adopted. Ayes 6.

080520.10

By Alderman Abbott:

WHEREAS, the Common Council of the City of Lockport (the "Common Council") has received the Application of Cazenovia Recovery Systems, Inc. ("CRS") seeking to rezone the site of the former Niagara County Infirmary, located at 102 Davison Road, Lockport, New York to R-3 for multi-family residential use and provision of medical services (herein the "Application"); and

WHEREAS, the Application was referred to the Niagara County Planning Board; and

WHEREAS, the Application was referred to the City Planning Board which has completed its review and submitted to recommendation to the Common Council; and

WHEREAS the Common Council wishes to continue the review of Application.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LOCKPORT as follows

1. A public hearing shall be held on the Application at 5:30 p.m. on August 19, 2020. The Clerk shall post and publish notice of the hearing.
2. This Resolution is effective immediately.

Seconded by Alderman Oates and adopted. Ayes 6.

080520.11

By Alderman Oates:

WHEREAS, the City of Lockport and the State of New York have been under a State of Emergency due to the Covid-19 pandemic; and

WHEREAS, City of Lockport Resolution No. 031820.15B, sponsored by Alderman Devine, states that due to the global pandemic of Covid-19, in the event the Common Council is unable to meet due to same, that the Mayor is hereby authorized to sign and execute any and all documents, contracts or agreements relative to COVID-19, following consultation with Corporation Counsel and Alderwoman at Large, and after receiving their written approval; and

WHEREAS, said Resolution provides that said authorizations may be rescinded by the Common Council if the Council deems it appropriate; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby rescinds Resolution No. 031820.15B.

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

080520.12

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 seasonal disinfection of the WWTP effluent, and specifically 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 engaged Nussbaumer & Clarke, Inc. (Nussbaumer) to provide professional design and construction related services per Common Council Resolution 082119.7 for a fee of \$169,700, and

WHEREAS, subsequent to execution of the agreement with Nussbaumer, the City was awarded a Water Infrastructure Improvement Act (WIIA) Grant and a Hardship Loan from the Clean Water State Revolving Fund (CWSRF) for implementation project, and

WHEREAS, the services of a Fiscal Advisor are necessary to support Nussbaumer meet the WIIA and CWSRF program requirements and was included in the proposed budget of the funding applications, and

WHEREAS, Nussbaumer has submitted a proposal dated July 29, 2020 for a Contract Amendment to retain Municipal Solutions, Inc., a New York Certified Woman Owned Business (WBE) as Fiscal Advisor subconsultant for a Not-to Exceed fee of \$27,000.

NOW, THEREFORE, BE IT:

RESOLVED that the Mayor is hereby authorized to execute a Contract with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed of \$27,000.00, inclusive of the Scope of Work included in their July 29, 2020 proposal to the City increasing the total contract to a Not-to-Exceed fee of \$196,700.

Seconded by Alderman Vandemark and adopted. Ayes 6.

080520.13

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 seasonal disinfection of the WWTP effluent, and specifically 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 was awarded a Water Infrastructure Improvement Act (WIIA) Grant and a Hardship Loan from the Clean Water State Revolving Fund (CWSRF) for implementation project, and

WHEREAS, the services of a Fiscal Advisor are necessary to support the City with the closing of CWSRF loan and other CWSRF and WIIA program requirements and was included in the proposed budget of the funding applications, and

WHEREAS, Municipal Solutions, Inc., a New York Certified Woman Owned Business (WBE), has submitted a proposal dated July 23, 2020 to provide Fiscal Services related to the CWSRF loan closing and other program requirements for a Not-to Exceed fee of \$10,000.

NOW, THEREFORE, BE IT:

RESOLVED that the Mayor is hereby authorized to execute a Contract with Municipal Solutions, Inc. for a fee Not-to-Exceed of \$10,000.00, inclusive of the Scope of Work included in their July 23, 2020 proposal.

Seconded by Alderman Vandemark and adopted. Ayes 6.

080520.14

By Alderman Abbott:

WHEREAS, the City of Lockport currently uses Windstream PRI circuit for its phone systems; and

WHEREAS, Spectrum Enterprise has offered a proposal to replace Windstream PRI circuit for a substantial savings to the City, to wit: from \$422.18 per month down to \$360.00 per month; and

WHEREAS, the Spectrum Enterprise contract would be for a 12-month period from August 2020 to August 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council hereby approves of the City to enter into a 12-month contract, attached hereto, at \$360.00 per month, with Spectrum Enterprise.

Seconded by Alderman Schratz and adopted. Ayes 6.

080520.14A

By Alderman Kantor:

Resolved, that a public hearing be held at the Common Council Meeting of August 19, 2020 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by C.E. Beney, LLC, for approval to utilize existing building as a medical office to be located at 1149 Lincoln Avenue, situated in a B-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 Schratz and adopted. Ayes 6.

080520.15

ADJOURNMENT

At 5:58 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 19, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES
City Clerk