

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

Lockport Municipal Building

Regular Meeting  
Official Record

January 20, 2021  
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, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**012021.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman \_\_\_\_\_, the minutes of the Regular Meeting of January 6, 2021 are hereby approved as printed in the Journal of Proceedings.  
Ayes \_\_\_\_\_. Carried.

**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.

**PUBLIC HEARING**

The Mayor announced a public hearing on the report from the Police Policy Review Committee.

The Mayor asked the City Clerk if any petitions or communications relative to a plan on the Police Policy Review Committee report for the City of Lockport have been received.

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Resignation:**

1/12/21 Margaret F. Truax, submitted resignation as City Historian effective December 28, 2020.

1/13/2021 Christina Quagliano, submitted resignation from the Citizen's advisory Board effective January 4, 2021.

1/13/2021 Craig Hugill, submitted resignation from the Planning Board effective January 13, 2021.

Received and filed.

#### **Appointments:**

1/12/21 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, 2021:**

|                                  |                        |
|----------------------------------|------------------------|
| President of the Common Council  | Mark S. Devine         |
| Corporation Counsel              | Laura Miskell Benedict |
| Deputy Corporation Counsel       | Jason J. Cafarella     |
| Deputy Corporation Counsel       | Patricia M. McGrath    |
| Niagara Community Action Program | John Lombardi III      |
| Traffic Advisory Committee       | Patricia M. McGrath    |

#### **2021 Common Council Standing Committees:**

**Finance Committee-** Alderman Oates, Chairman  
Members: Aldermen Abbott, Allport, Devine, Kantor, Schratz,  
City Treasurer, Staff Accountant

**Public Health & Safety Committee-** Alderman Devine, Chairman  
Members: Fire Chief, Police Chief, and Chief Building Inspector, Aldermen Abbott,  
Allport, Kantor, Oates, Schratz

**Highways & Parks Committee-** Alderman Oates, Chairman  
Members: Aldermen Abbott, Allport, Devine, Kantor, Schratz  
City Engineer, Director of Streets and Parks

**Water & Sewer Committee-** Alderman Devine, Chairman  
Members: Aldermen Abbott, Allport, Kantor, Oates, Schratz  
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water,  
Water Distribution Supervisor

**Youth Committee-** Alderman Kantor, Chairman

**Personnel Committee-** Alderman Allport, Chairman  
Members: Aldermen, Abbott, Devine, Kantor, Oates, Schratz  
City Clerk, Personnel Officer

**Washington Hunt Committee-** Mayor Roman, Chairman  
Members: Alderman Devine, Deputy Corporation Counsel Laura Miskell Benedict

**Commissioner of Deeds:** For the term of two years expiring on December 31, 2022

1. Paul M. Beakman, Jr., 104 Caledonia Street, Lockport, NY 14094
2. Benjamin Briskey, 120 Grant Street, Lockport, NY 14094
3. James G. Budde, 7665 Highland Drive, Gasport, NY 14067
4. Roxanne M. Devine, 114 Maple Street, Lockport, NY 14094
5. Amanda J. Irons-Rindfleisch, 5785 Tonawanda Creek Road, Lockport, NY 14094
6. John Jacoby 4621 Lower River Road, Lewiston, NY 14092
7. Molly A. Lawson, 24 Grosvenor Street, Lockport NY 14094
8. Thomas E. Lupo, 17 Boblink Lane, Lockport, NY 14094
9. Matthew Martinello, 181 Independence Drive, Lockport, NY 14094
10. Anita Mullane, 93 Lindhurst Drive, Lockport, NY 14094
11. Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY 14094
12. Jeanann Page, 532 Irving Drive, Lewiston, NY 14092
13. Mark Pietrzykowski, 323 East Avenue, Lockport, NY 14094
14. Michelle M. Roman, 30 Cherry Street, Lockport, NY 14094
15. William C. Rutland, 5798 Locust Street, Lockport, NY 14094
16. Carla L. Speranza, 6438 Lincoln Avenue, Lockport, NY 14094
17. Jeanette Stump, 450 Tryon Drive, Lewiston, NY 14092
18. Wendy Guild Swearingen, 3075 N.Creek Road, Youngstown, NY 14174
19. Kevin M. Watier, 784 East Avenue, Lockport, NY 14094
20. John M. Wick, 6617 N.Canal Road, Lockport, NY 14094

Received and filed.

1/12/21 Craig E. Bacon, 739 Walnut Street, Lockport, NY – appointed as the City of Lockport Historian effective January 1, 2021. Received and filed.

1/13/21 Sheila M. Tracy, 19 Grosvenor Street, Lockport, NY – re-appointed to the Zoning Board of Appeals effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 Andrew Rosenberg, 268 Genesee Street, Lockport, NY – re-appointed to the Zoning Board of Appeals effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 Robert Bragg, 536 Willow Street, Lockport, NY – re-appointed to the Planning Board effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 David Pynn, of Pynn Plumbing, 31 Simonds Street, Lockport, NY – re-appointed to the Plumbing Board effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 John F. Swan, 28 Maple Street, Lockport, NY – appointed to the Building and Grounds Accessibility Committee. Said term expires on December 31, 2021. Received and filed.

1/12/21 Denise C. Michel, 135 Church Street, Lockport, NY – appointed to the Fire Board effective January 1, 2021. Said term expires on December 31, 2024. Received and filed.

1/13/21 Miles D. Patterson, 12 Hoover Parkway, Lockport, NY – re-appointed to the Police Board effective January 1, 2021. Said term expires on December 31, 2024. Received and filed.

1/11/21 Kristin M. Schubring, 6 Wilson Parkway, Lockport, NY – appointed to Principal Account Clerk for the Accounting Department effective January 1, 2021. 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)

1/15/21 Mayor Michelle M. Roman – recommendation that Kathleen Sparks DiMillo appointed as an alternate member of the Lockport Board of Ethics. Referred to the Committee of the Whole

#### **Notice of Complaint:**

Referred to the Director of Streets and Parks.

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

Referred to the Corporation Counsel.

### MOTIONS & RESOLUTIONS

#### **012021.2**

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 21, 2021 as follows:

|              |         |    |
|--------------|---------|----|
| General Fund | Fund A  | \$ |
| Water Fund   | Fund FX | \$ |
| Sewer Fund   | Fund G  | \$ |

|                  |               |               |
|------------------|---------------|---------------|
| Capital Projects | Fund H        | \$            |
| Refuse Fund      | Fund CL       | \$            |
| Self Insurance   | Fund MS       | \$            |
| Worker's Comp    | Fund S        | \$            |
| Payroll          | Pay Date 1/14 | \$ 554,901.76 |

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

### 012021.3

By Alderman Abbott:

Whereas, the City of Lockport has been invited by the New York State Homes and Community Renewal to submit an application for the New York State HOME Local Program, and

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

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

Resolved that the Mayor be and is hereby authorized to execute and submit a \$800,000 application to the New York State Homes and Community Renewal for the New York State HOME Local Program and any other future documents related to this grant should funding be awarded.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

### 012021.4

By Alderman Kantor:

Resolved, that pursuant to their request, Score This!!! is hereby granted permission to conduct the Lockport 10 Open Road Race from 9am until 12:30pm on Saturday, February 13, 2021. The race route will require closing East Avenue between Elm and Charles Streets; closing Elm Street for the finish of the race; and, disrupting traffic flow on Market Street. Permission is granted 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, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

### 012021.5

By Alderman Schratz:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 45<sup>th</sup> Annual Lockport Optimists Arts and Crafts Festival on June 26<sup>th</sup> and 27<sup>th</sup>, 2021 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 25<sup>th</sup> and 26<sup>th</sup> subject to the approval of the Chief of Police, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

#### **012021.6**

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 10<sup>th</sup> through September 13<sup>th</sup>, 2021 from 5:30 p.m. to 8:30 p.m., (Memorial Day and Labor Day Super Cruise begin at 4:00 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, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**012021.7**

By Alderman Schratz:

Resolved, that a virtual public hearing be held at the Common Council Meeting of February 3, 2021 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Marc & Ashley Pietrzykowski, for approval to utilize house and outdoor space for dining, drinking and entertainment from May to October located at 484 West Avenue, situated in a I-3 Zone, and be it further

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

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**012021.8**

By Alderman Allport:

Resolved, that pursuant to the approval of the Civil Service Commission at their regular meeting on December 15, 2020, the following job title, Network Coordinator, be and the same is hereby incorporated into the City of Lockport and part of the 2021 Budget.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**012021.9**

By Alderman Oates:

Whereas, the City of Lockport (City) owns and operates a potable water treatment plant (WTP) and water distribution system which serves City residents, and

Whereas, the City WTP includes a high service pump station which delivers treated water to the City water distribution system utilizing a combination of multiple types and vintages of pumps which are operated to maintain pumping redundancy and ensure adequate flow and pressure to the City water distribution system, and

Whereas, on August 12, 2020 high service pump #1 (HSP-1) went off line and could not be restored to normal operation, requiring a Public Emergency Declaration by the Mayor on August 13, 2020, due to the loss of redundancy of pumping capacity to supply the City potable water system, and

Whereas, HSP-1 has subsequently been removed, inspected, repaired and placed back into service, and

Whereas, based upon the condition inspection of HSP-1 severe degradation of the hardware was discovered which likely contributed to the failure of HSP-1 and had potential for addition adverse impacts, and

Whereas, HSP-3 is of the same type and vintage and has reportedly been in service longer than HSP-1, therefore it is recommended to remove, inspect and rebuild HSP-3 due to the anticipated severe degradation of its hardware, and

Whereas, due to the specialized nature of the equipment/means/method to repair or replace components of HSP-3, it is anticipated that the lead time to accomplish such repairs will be significant, however, time is of the essence and the work cannot be performed independently by City forces; and

Whereas, City WTP operations staff has previously successfully utilized Moley Magnetics (Moley) to perform pump and motor services at the WTP, and

Whereas, Moley staff has visited the project site and met with City WTP operations staff and submitted an estimate dated December 30, 2020 to perform repairs to HSP-3 in the amount of \$73,283.70, and

Whereas, City WTP operations staff have reviewed the estimate and recommend Moley to perform the repairs to HSP-3, now, therefore, be it;

Resolved, that the Mayor is authorized to execute an Agreement with Moley Magnetics, 5202 Commerce Drive, Lockport, NY 14094, for a not-to-exceed fee of \$73,283.70 per their estimate dated December 30, 2020, plus a contingency of 20%, subject to Corporation Counsel review.

Seconded by Alderman \_\_\_\_\_ Ayes \_\_\_\_\_.

#### **012021.10**

By Alderman Devine:

Whereas, the City of Lockport, NY (City) owns and operates a Combined Sewer system which has a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Permit, No. NY0027057, and

Whereas, per the SPDES Permit requirements, an annual Combined Sewer Overflow (CSO) system report must be submitted to NYSDEC by January 31st of each year for the previous reporting year, and

Whereas, Nussbaumer & Clarke, Inc. has prepared the annual CSO report in conjunction with and on behalf of the City since 2016 and submitted a proposal dated January 7, 2021 to prepare the 2020 annual CSO report for a lump sum fee of \$3,000, representing no fee increase since 2016, now, therefore, be it;

Resolved, that the Mayor is authorized to execute an Agreement with Nussbaumer & Clarke, Inc. 80 Main St., Unit A, Lockport, NY 14094 for a lump sum fee of \$3,000 per their proposal dated January 7, 2021, subject to Corporation Counsel review.

Seconded by Alderman \_\_\_\_\_ Ayes \_\_\_\_\_.

#### **012021.11 Call for P.H. Electrical Inspection Ordinances-being prepared**

#### **012021.X**

#### **ADJOURNMENT**

At \_\_\_\_\_ P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 3, 2021.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

PAUL K. OATES  
City Clerk