

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

Palace Theater

Regular Meeting  
Official Record

January 1, 2020  
11:00 A.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.

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

**INVOCATION**

**OFFICIAL SWEARING IN CEREMONY**

**Conducted by the Honorable Judge Thomas M. DiMillo**

**MAYOR'S UPDATE**

**010120.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Abbott, the minutes of the Regular Meeting of December 18, 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.

**MOTIONS & RESOLUTIONS**

**010120.2**

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 3, 2020 as follows:

General Fund	Fund A	\$ 90,646.35
Water Fund	Fund FX	\$ 6,300.47
Sewer Fund	Fund G	\$ 39,935.43
Capital Projects	Fund H	\$ 182.91
Self Insurance	Fund MS	\$ 1,419.00
Community Dev.	Fund CD	\$ 8,400.00
Payroll	Pay Date 12/19	\$493,078.51

Seconded by Alderman Kantor and adopted. Ayes 6.

### **010120.3**

By Alderman Abbott:

WHEREAS, the City of Lockport (City), is seeking a grant for the 2019 TD Green Space Grant program and intends to submit via the Arbor Day Foundation; and

WHEREAS, the TD Green Space Grant Program through the Arbor Day Foundation is authorized to fund up to \$20,000 of the project cost; and

WHEREAS, Under the TD Green Space Grant Program, the local match must be at least 50% of the total maximum grant of \$20,000 for a total cost to the City of \$10,000 local share. NOW, THEREFORE, BE IT:

RESOLVED, that the City authorizes and appropriates a minimum of 50% local match as required by the TD Green Space Grant Program; and be it further

RESOLVED, that 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, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the Arbor Day Foundation to the TD Green Space Grant Program; and be it further

RESOLVED that the Mayor is authorized to sign a grant application on behalf of the City via the Arbor Day Foundation to the TD Green Space Grant Program; and be it further

RESOLVED that should a TD Green Space Grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the Arbor Day Foundation and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the TD Green Space Grant Program through the Arbor Day Foundation.

Seconded by Alderman Vandemark and adopted. Ayes 6.

### **010120.4**

### **ADJOURNMENT**

At 11:23 A.M. Alderman Devine moved the Common Council be adjourned until 5:00 P.M., Wednesday, January 15, 2020.

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

January 15, 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, and Van De Mark.

Alderman Schratz absent.

By Alderman Devine:

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

Seconded by Alderman Vandemark and adopted. Ayes 5.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**011520.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of January 1, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

By Alderman Devine:

Resolved, that the reading of the resolutions for the foregoing meeting be and the same is hereby waived.

Seconded by Alderman Oates and adopted. Ayes 5.

**FROM THE MAYOR**

**Appointments:**

1/2/20 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;

**For the term of one year expiring on December 31, 2020:**

President of the Common Council	Mark Devine
Corporation Counsel	David Haylett Jr.
Deputy Corporation Counsel	Jason Cafarella
Deputy Corporation Counsel	Laura Miskell Benedict
Traffic Advisory Committee	David Haylett Jr
Niagara Community Action Program	John Lombardi, III

**2020 Common Council Standing Committees:**

**Finance Committee-** Alderman Oates, Chairman

Members: Aldermen Abbott, Devine, Kantor, Schratz, Vandemark  
City Treasurer, Staff Accountant

**Public Health & Safety Committee-** Alderman Devine, Chairman

Members: Fire Chief, Police Chief, and Chief Building Inspector, Aldermen Abbott, Kantor, Oates, Schratz, Vandemark

**Highways & Parks Committee-** Alderman Oates, Chairman

Members: Aldermen Abbott, Devine, Kantor, Schratz, Vandemark  
City Engineer, Director of Streets and Parks

**Water & Sewer Committee-** Alderman Devine, Chairman

Members: Aldermen Abbott, Kantor, Oates, Schratz, Vandemark  
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water, Water Distribution Supervisor

**Youth Committee-** Alderman Kantor, Chairman

Members: Aldermen Vandemark

**Personnel Committee-** Alderman Vandemark, 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

**For their term of office:**

Police Board	Alderman Mark Devine
Fire Board	Alderman Luke Kantor
Community Pride	Aldermen Devine, Oates

**License Revocation Board-** Alderman Oates

Members- Chief Building Inspector

**Tree Advisory Committee- (Ad Hoc)-** Alderman Abbott, Chairman

**Commissioner of Deeds:** For the term of two years expiring on December 31, 2021

1. Nakeesha M. Bradley, 2724 South Ave., Niagara Falls, NY 14305
2. Leah Burns, 2739 Maple Ave., Newfane, NY 14108
3. Nicole Cafarella, 826 James Ave., Niagara Falls, NY 14305
4. Susan Dunford, 6762 Bear Ridge Rd., Lockport, NY 14094
5. Lawrence Eggert, 194 Independence Dr., Lockport, NY 14094
6. Danielle Hagen, 7498 Chestnut Ridge Rd., Lockport, NY 14094
7. Christopher Janese, 1508 Ferry Ave., Niagara Falls, NY 14303
8. Annie Coburn-Kane, 99 Lake St., Wilson, NY 14172
9. William D. Kennedy II, 2239 Forest Ave., Niagara Falls, NY 14301
10. James P. Majka, 4213 Washington St., Niagara Falls, NY 14305
11. Tyler J. O'Callaghan, 130 70<sup>th</sup> St., Niagara Falls, NY 14304
12. Zachary Parker, 114 Niagara St., Lockport, NY 14094
13. Christopher Robins, 534 College Ave., Niagara Falls, NY 14305
14. Andrew G. Rosenberg, 242 Genesee St., Lockport, NY 14094
15. Jessica Sadler, 512 Locust St., Lockport, NY 14094
16. Risky Sanabria, 927 90<sup>th</sup> St., Niagara Falls, NY 14304
17. Gordon Stewart III, 672 Orchard Parkway, Niagara Falls, NY 14301
18. Austin J. Tylec, 121 Center Ave., North Tonawanda, NY 14120
19. Adam Vandemark, 587 Pine St., Lockport, NY 14094
20. Jason Zona, 3927 Washington St., Niagara Falls, NY 14305

Received and filed.

12/31/19 Flora Hawkins, 199 West Avenue, Lockport, NY – reappointed as a member of the Police Board. Said term expires December 31, 2023. Received and filed.

12/31/19 Robert E. Bates, 147 Outwater Drive, Lockport, NY – appointed as a member of the Fire Board. Said term expires December 31, 2023. Received and filed.

12/31/19 Kathy K. O'Keefe, 27 Windsor Street, Lockport, NY – appointed to the Youth Board. Said term expires on December 31, 2022. Received and filed.

1/9/20 Rick Hamilton, 7068 Akron Road, Lockport, NY – reappointed as a member of the Plumbing Board. Said term expires December 31, 2022. Received and filed.

12/10/19 Abbey J. Polichette, 1368 Abington Place, N. Tonawanda, NY – appointed to Real Property Appraisal Associate in the Assessors Department. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

1/10/20 Michelle M. Gelnett, 5700 Keck Road, Lockport, NY – appointed to Senior Account Clerk for the Fire and Police Department. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

1/13/20 Jennifer L. Torrey, 54 Regent Street, Lockport, NY – appointed to Payroll and Benefits Coordinator in the Accounting Department. 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)

10/10/19 Ken Genewick, Co-Race Director, Great Lakes Racing LLC, Lockport, NY – request permission to conduct the 2020 Beast of Burden Ultra Marathon Race Series on Feb. 8<sup>th</sup> & 9<sup>th</sup> and Aug. 1<sup>st</sup> & 2<sup>nd</sup>, 2020.

1/1/20 Jeff Tracy, Race Director, Score This!!! – on behalf of the Historic Palace Theater requests permission to conduct the annual Lockport 10 Open Road Race on Feb. 8, 2020.

11/26/18 Ed Sandusky, Vice President of Optimist Club of Lockport – request permission to conduct the 45<sup>th</sup> annual Lockport Optimist Outdoor Arts & Craft Festival on June 27<sup>th</sup> & 28<sup>th</sup>, 2020.

1/2/20 Rachel Zwitzer, Brand Ambassador of Soccer Shots Buffalo – request permission to use Altro Park for their upcoming 2020 season.

Referred to the Committee of the Whole.

### Notice of Defect:

1/7/20 247 Price Street - tree  
Referred to the Director of Streets and Parks.

**Notice of Petition** (for a judgment pursuant to Article 78 of the New York Civil Practice Laws and Rules) Wallace vs. City of Lockport  
Referred to Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 011520.2

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 15, 2020 as follows:

Payroll	Pay Date	12/26	\$ 458,208.19
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Seconded by Alderman Abbott and adopted. Ayes 5.

### 011520.3

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>
Michael E. Hoffman	5	Director of Streets and Parks

Seconded by Alderman Oates and adopted. Ayes 5.

**011520.4**

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 the weekends of February 8 and 9, and August 1 and 2, 2020, 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 Kantor and adopted. Ayes 5.

**011520.5**

By Alderman Kantor:

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 8, 2020, 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 Vandemark and adopted. Ayes 5.

**011520.6**

By Alderman Oates:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 45<sup>th</sup> Annual Lockport Optimists Arts and Craft Festival on June 27<sup>th</sup> and 28<sup>th</sup> 2020 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 26<sup>th</sup> and 27<sup>th</sup> subject to the approval of the Chief of Police.

Seconded by Alderman Abbott and adopted. Ayes 5.

#### **011520.7**

By Alderman Vandemark:

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 18, 2020 through November 22, 2020, 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 Kantor and adopted. Ayes 5.

#### **011520.8**

By Alderman Abbott:

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 25<sup>th</sup> through May 2<sup>nd</sup>, 2020.

Seconded by Alderman Vandemark and adopted. Ayes 5.

#### **011520.9**

By Alderman Vandemark:

Resolved, that the following Rules and Order of the Common Council are hereby adopted:

#### **RULES AND ORDERS OF THE COMMON COUNCIL**

1. **Roll Call** - At the hour appointed for the meeting of the Council, the Mayor shall take the chair and direct a call of the members of the Council, and the Clerk shall note the absentees. Upon the appearance of a quorum, the Mayor shall call the members to order. If a quorum be not present, they shall send for absent members. Following shall be the

#### **ORDER OF BUSINESS**



- a. Reading of minutes. Reading and approval of the minutes preceding meeting; but a majority of the members present may approve of, or dispense with, the reading of the minutes of any previous meeting.
- b. Communications from the Mayor.
- c. Communications and reports of officers of the corporation.
- d. Petitions and remonstrances.
- e. Reports of Standing Committees, in the order named in rule.
- f. Reports of Special Committees.
- g. Committee of the Whole.
- h. Executive business.
- i. Motions, resolutions and notices.
- j. Unfinished business.

#### **DUTIES OF THE MAYOR AS PRESIDING OFFICER**

**2. The Mayor, as presiding officer, shall possess the powers and perform the duties as herein prescribed:**

- a. They shall preserve order and decorum.
- b. Question of Order. They shall decide all questions of order, subject to appeal of the Council. On every appeal they shall have the right in his/her place to assign his/her reason for his/her decision; but any member may state the grounds for his/her appeal.
- c. Appointment of Committees. He/she shall appoint all committees except where the council shall otherwise order.
- d. Temporary Chairman. He/she may substitute any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment of the Council, except by special consent of the Council.
- e. Committee of the Whole. When the Council shall be ready to go into Committee of the Whole, he/she shall name a chairman to preside therein.
- f. Privileges of the floor. He/she shall have the right to invite to the floor of the Council such persons as he/she shall deem deserving of the privilege; but the right of admission under such invitation shall not extend beyond the day on which it shall be given.

- 3. **While a question is being put** - While the presiding officer is putting a question, no member shall walk across or out of the room; nor in such case, or when a member is speaking, shall entertain any private discourse, nor, while a member is speaking, shall pass between him and the chair.
- 4. **Speaking** - Every member, when he/she speaks, shall, from his/her chair, address the presiding officer as Mr. /Madam Mayor, or proper title and shall not proceed until recognized by the presiding officer; and no member shall speak more than twice to the same question, nor more than five minutes each time at the same meeting, without requesting and receiving the consent of a majority of the members present, by a roll call vote.
- 5. **Speaker recognized** - When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.
- 6. **Call to order** - Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated at the request of the presiding officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.

7. **Vote** - Every member shall vote when a question is stated from the chair, unless excused by the Council; and every member voting shall be in his/her place.
8. **Petitions, etc.** - Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he/she shall first endorse on the petition or paper the substance thereof.
9. **Motions or Resolutions** - No motion or resolution shall be debated or put until seconded. No member shall make or second a motion or resolution except he/she request recognition from his/her chair for that purpose; and when seconded the motion or resolution shall be stated distinctly by the presiding officer, before being put or debated. No motion or resolution shall be presented for action, unless it has been reviewed by Corporation Council and submitted in writing to the Clerk by noon of the day of the Committee of the Whole work session, one week prior to the Common Council meeting, excluding the work session the day of the Common Council Meeting, or unless by prior authorizations of the Mayor, City Clerk, and City Attorney and then by consent of two-thirds of the whole number of the Council. Resolutions submitted for consideration may go to the appropriate committee prior to submission. A motion or resolution referred to any committee may be recalled from that committee at any subsequent Council meeting by vote of a majority of the whole number of the Council. If any motion or resolution referred to a committee shall not have been reported out within forty-five days of the time when it was referred, then the sponsor of the motion or resolution may have it brought out for Council consideration without any committee report. Any motion or resolution may be withdrawn at any time before decision, commitment or amendment by unanimous consent.
10. **Ayes and noes** - If any member require it, the ayes and noes upon any question shall be taken and entered upon the minutes of the Council. In taking the same, the names of members shall be taken alphabetically.
11. **Appointment of committees** - All committees shall be appointed by the presiding officer, unless otherwise specially directed by the Council, in which case they shall be appointed by ballot.

#### **PRIVILEGED QUESTIONS**

12. **Order of motions** - When a question is pending, no motion shall be received, except as hereinafter specified; which motion shall have preference in the order stated:
  - a. For an adjournment of the Council.
  - b. A call of the Council.
  - c. To lay on the table.
  - d. For the previous question.
  - e. To postpone indefinitely.
  - f. To postpone to a day certain.
  - g. To refer to the Committee of the Whole.
  - h. To refer to a standing committee.
  - i. To refer to a special or select committee.
  - j. To amend.
13. **Non-debatable motions** - A motion to adjourn, lay on the table, or for the previous question, shall be decided without amendment or debate; and all questions of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone or to refer, shall preclude all debate of the main question.

14. **Reconsideration** - A motion for reconsideration if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.
15. **Executive business** - Executive business shall be governed by Chapter 511 of the Laws of 1976.
16. **Concerning applicant for office** - All information, or any remarks by any member concerning the character or qualifications of any person whose name shall be before the council for an appointment to any office, shall be kept secret, and all proceedings and things of the Council, or any member thereof, in secret session, shall be kept secret until the Council shall remove all injunctions to secrecy.
17. **Divisions of questions** - If any question contains several distinct propositions, it may be divided by the chair.
18. **Reading of paper** - Any member may have any paper in possession of the council read, upon request, unless the same shall be objected to by some other member; and then the question shall be determined by a vote of a majority of the whole council, without debate.
19. **Speaking to question** - After the roll-call upon any question has commenced, no member shall speak to the question except to explain his/her vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.
20. **Committee's Report** - No report shall be received from any committee unless the committee, or a quorum thereof, shall have met and considered the matter in a regular or special meeting of the committee.
21. **Robert's Rule of Order** - Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order. The Corporation Counsel shall preside as the Parliamentarian at all meetings. (Amended 4/2/14)
22. **Standing Committees** - The following standing committees shall be appointed by the Mayor at the commencement of the session, or as soon thereafter as may be practicable:

FINANCE COMMITTEE – to consist of Common Council members as appointed by the Mayor, and ex-officio members: City Treasurer and Director of Finance.

PUBLIC HEALTH & SAFETY – to consist of Common Council members as appointed by the Mayor and ex-officio members: Police Chief, Fire Chief, and Chief Building Inspector.

HIGHWAYS & PARKS - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

WATER & SEWER - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

YOUTH – to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer.

PERSONNEL – to consist of Common Council members as appointed by the Mayor and ex-officio member: City Clerk and Personnel Officer.

WASHINGTON HUNT - to consist of three members: Mayor and two aldermen as appointed by the Mayor.

The Common Council President shall be qualified to sit as a member of any standing committee whenever his/her presence will enable such committee to reach a quorum for the transaction of business.

23. **Changing of Rules** - No standing rule or order of the council shall be amended, repealed, rescinded, changed or superseded, except by a vote of two-thirds of the whole council, nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by a two-thirds consent of the whole council.
24. **Regular Meetings:**
  - a. The regular meeting of the Council shall be held on the first and third Wednesday of each month, except when otherwise directed by resolution of the Common Council. The hour of meeting shall be 5:30 P.M., and if a quorum shall not be present at 6:00 P.M. the Common Council shall stand adjourned. The Committee of the Whole shall meet one half hour prior to the start of the regularly scheduled Common Council meetings.
  - b. The Committee of the Whole work sessions if scheduled shall be held at 5:00 P.M. every Wednesday of each month or any other day and time if so directed by the President of the Common Council.
25. **Business of Special Meeting** - It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, unless by unanimous consent of all members present.
26. **Regular Committee Meetings** - The standing committees shall have regular meetings for the transaction of committee business.
27. **Report of Committees** - It shall be the duty of the committees to report on every subject referred to them, within two weeks from the time of such reference, unless the time shall have been extended by the council.
28. **General rules and regulations for the letting of contracts for materials, supplies, equipment or public works projects (including local public improvements).**
  1. After any materials, supplies, equipment or public works project shall have been ordered, the Common Council shall, at the time of adopting the ordinance therefor, or at any time thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received.
  2. All notices shall be given by the City Clerk by publishing same in the official paper of this city.
  3. Notices for the receiving of proposals shall be of the following form - the blanks therein to be filled at the time of publication as necessities require: NOTICE TO BIDDERS City Clerk's Office, Lockport, New York Sealed proposals shall be received by the undersigned at his office, Lockport Municipal Building, One Locks Plaza, Lockport, NY until (day), (date), at (time) for in accordance with the specifications made therefor and obtainable at the (appropriate City office). Proposals must be for the amount in gross and include everything connected with the proposed materials, supplies, equipment or public works project being bid. Each proposal must be accompanied by a certified check or bid bond in an amount equal to ten percent of the bid. The Common Council hereby reserves the right to reject any or all proposals. By order of the Common Council of the City of Lockport, N.Y. \_\_\_\_\_ City Clerk

4. No proposal after time expires. After the time in said notice specified for the reception of proposals shall have expired no further proposals for the work specified therein shall be received; and each and every plan and specification therein published shall be particularly and strictly observed by all concerned.

5. Proposals to be guarded. The City Clerk shall receive all proposals at his office in this City, and shall carefully guard and preserve the same unopened; he shall not permit either or any of them to be taken from his custody until such time and in such manner as the Common Council may order and direct.

6. Clerk to open. The Clerk shall publicly open and read the bids on the date and at the time specified in the Notice to Bidders.

7. Clerk to report to Council. The City Clerk shall submit a summary of those bids received and opened to the Common Council at its first regular meeting thereafter, under the order of "unfinished business."

8. Recess to examine. The Mayor may thereupon declare a recess, stating the duration thereof, in order that the members of the Council may critically examine each proposal.

9. Action on proposals. Upon re-assembling, the Common Council shall consider said proposal, and shall without adjournment take some action in relation thereto, either by accepting the proposal of the lowest responsible bidder, or by rejecting all bids, or by referring the same to some proper committee.

10. To again advertise. In case all bids are rejected, the Common Council shall again direct the publication of a notice to bidders, similar in all respects to that first advertised, and shall so continue to advertise for, receive and consider proposals for said items until by a vote of a majority of the council, a contract is finally awarded, except, however, in cases where the Common Council shall reconsider its action requiring such work to be performed by contract.

11. Certified Check or Bid Bond. Each proposal shall be accompanied by a certified check or bid bond in a sum not less than ten percent of the amount of the proposal. In the event the successful bidder fails to enter into contract within five days after being notified by the City Clerk, the check will be forfeited.

12. The Common Council reserves the right to reject any or all proposals.

29. **Two-thirds vote to repeal** - No legislative ordinance, act or resolution passed during any previous meeting of the current term of this council, shall be amended, repealed, rescinded, changed or superseded, in whole or in part, except by two-thirds vote of the whole Council.

30. **Recess for public input** - Following roll call at the Common Council meetings, any speaker desiring to speak at the Common Council meetings that signs up prior to the commencement of the meeting may be heard regarding city business on the Agenda for a period not to exceed 5 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker that has signed up who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 3 minutes with a 1 minute warning to conclude his or her speaking. No speaker shall be permitted to transfer their time to another speaker.

Seconded by Alderman Devine and adopted. Ayes 5.

**011520.10**

By Alderman Devine:

Whereas, the City of Lockport Payroll and Benefits Administrator recently retired; and

Whereas, the processing of payroll and benefits is a critical function that must be performed in the City of Lockport to meet payroll and contractual obligations; and

Whereas, the previous City of Lockport Payroll and Benefits Coordinator has offered to train and assist the new Coordinator during the transition period; now therefore be it

Resolved, that the Mayor is authorized to execute a contract with Christina Brown for such services from January 2020 through February 2020, with fees not to exceed \$3,000.00 to be charged against account A.1310.54055.

Seconded by Alderman Oates and adopted. Ayes 5.

**011520.10A**

By Alderman Vandemark:

RESOLVED, Notice is hereby given that the Common Council of the City of Lockport will hold a Public Hearing on February 5, 2020 at 5:30 p.m. at Lockport City Hall, One Locks Plaza, Lockport, New York to hear and consider a Local Law amending Section 66-15(C) of the City of Lockport Code. Said Local Law reduces the penalties for offenses of the Uniform Code, the Energy Code and Chapter 66 of the City of Lockport Code to \$250.00 per violation or imprisonment for a period not exceeding 15 days or both. 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 Abbott and adopted. Ayes 5.

**011520.11**

**ADJOURNMENT**

At 5:43 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 5, 2020.

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

February 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.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **020520.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of January 15, 2020 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 Chapter 66 of the Lockport City Code Building Construction Administration.

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**

### **Appointments:**

1/15/20 James C. Elmer, 6963 Mourning Dove Lane, Wheatfield, NY 14304 – appointed to Director of Engineering, for the Engineering Department effective January 15, 2020. Said appointment is Provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

1/22/20 Jason R. Saunders, 209 Saxton Street, Lockport, NY – appointed to Water/Wastewater Operator Trainee for the Water Filtration Department effective January 24, 2020. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

1/23/20 Nicholas D. Saunders, 426 Pine Street, Lockport, NY- appointed to Senior Water Treatment Plant Operator for the Water Filtration Department effective January 24, 2020. 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)

1/21/20 Mayor Michelle M. Roman – notification that Alderman Abbott has been named a volunteer for the Community Pride Program, and welcomes and appreciates any and all Alderman to volunteer.  
Referred to the Committee of the Whole.

1/9/20 Mayor Michelle M. Roman - recommendation that Mark S. Devine, 110 Corinthia Street, Lockport, NY be appointed to the Lockport Community Cable Commission.  
Referred to the Committee of the Whole.

1/15/20 State Senator, 62<sup>nd</sup> District Robert G. Ort – extending congratulations on the grant money awarded from the Western New York Regional Economic Development Council.  
Received and filed

1/3/20 Lynn Harrington, Stephen C. Harrington Memorial Erie Canal Fishing Derby – requests permission to hang two banners to promote the 2020 Erie Canal Fishing Derby.  
Referred to the Committee of the Whole.

1/29/20 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 10<sup>th</sup>

Monday, February 17<sup>th</sup>

There will be no change in the garbage pickup schedule.

Referred to the media.

**Notice of Defect:**

1/15/20 75 Hyde Park – Trees  
1/24/20 62 Bridlewood Drive - Tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

1/17/20 New York Central Mutual, FBO Beverly J. Wilson, 249 Church St., Lockport, NY  
1/27/20 The Hanover Insurance Co., FBO Tamara Smith, 2618 Transit, Newfane, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

By Alderman Vandemark:



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

Seconded by Alderman Kantor and adopted. Ayes 6.

## **020520.2**

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 a special run January 22 & 23, 2020 as follows:

### **2019 Expenses**

Fund A General - \$26,160.45

Fund FX Water - \$7,683.18

Fund G Sewer - \$5,355.18

Fund MS Health Insurance - \$85.48

Fund S Worker's Comp - \$1,137.00

**Total** - \$40,421.29

### **2020 Expenses**

Fund A General - \$19,258.67

Fund FX Water - \$1,370.88

Fund G Sewer - \$1,762.36

**Total** - \$22,391.91

And be it further 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 5, 2020 as follows:

### **2019 Expenses**

Fund A General - \$232,737.13

Fund CD Community Development - \$45,685.00

Fund CL Refuse & Recycling - \$96,664.01

Fund FX Water - \$128,209.09

Fund G Sewer - \$46,461.23

Fund H Capital Expenses - \$259,757.44

Fund S Worker's Comp - \$2,861.74

**Total** - \$824,939.62

### **2020 Expenses**

Fund A General - \$262,898.73

Fund CD Community Development - \$89,536.14

Fund CL Refuse & Recycling - \$419.00

Fund FX Water - \$43,268.33

Fund G Sewer - \$14,097.01

Fund MS Health Insurance - \$146,341.90

Fund S Worker's Comp - \$92,069.00

**Total** - \$648,630.11

Payroll	Pay Date 1/16	\$632,838.92
Payroll	Pay Date 1/30/20	\$460,243.68

Seconded by Alderman Kantor and adopted. Ayes 6.

**020520.3**

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>
Barbara A. McGaffin	30	Staff Accountant
Anthony J. Palumbo	25	Police Captain
John F. Sakowski	25	Fire Captain

Seconded by Alderman Abbott and adopted. Ayes 6.

**020520.4**

By Alderman Kantor:

Resolved, that pursuant to the recommendation of Mayor Roman, Mark S. Devine, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a two-year term expiring on December 31, 2021.

Seconded by Alderman Schratz and adopted. Ayes 6.

**020520.5**

By Alderman Vandemark:

Resolved, that a public hearing be held at the Common Council Meeting of February 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 Ulrich Sign Company, for approval to erect a 37' x 1' x 5' non-illuminated ground sign to be located at 58 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 Schratz and adopted. Ayes 6.

**020520.6**

By Alderman Oates:

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 16<sup>th</sup> through July 26<sup>th</sup>, 2020. 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 Devine and adopted. Ayes 6.

**020520.7**

By Alderman Abbott:

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 16, 2020, 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 Oates and adopted. Ayes 6.

#### **020520.8**

By Alderman Schratz:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct their third annual St. Patrick's Day Event on March 14, 2020, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue on Friday March 13<sup>th</sup> and Saturday March 14<sup>th</sup> 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 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 Abbott and adopted. Ayes 6.

#### **020520.9**

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 16, 2020.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **020520.10**

By Alderman Vandemark:

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 28<sup>th</sup> & 29<sup>th</sup>, 2020. 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 Kantor and adopted. Ayes 6.

#### **020520.11**

By Alderman Schratz:

**City of Lockport  
Local Law No. 1 of the year 2020.**

A LOCAL LAW to amend Chapter 66 of the Lockport City Code Building Construction Administration

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

Section 66-15(C) of the Lockport City Code is hereby amended by deleting the same in its entirety and substituting therefore a new Section 66-15(C) to read as follows:

§ 66-15(C). Penalties for Offenses. In addition to those penalties prescribed by State law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of completion, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter shall be liable to a penalty of not more than \$250.00 or imprisonment for a period not exceeding 15 days or both. Each day that a violation continues shall be deemed a separate offense and punishable as such.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Vandemark. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

**020520.12**

By Alderman Kantor:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to sign a Memorandum of Agreement with Lockport Professional Firefighters Association IAFF Local 963 related to calculation of overtime pay and longevity pay to resolve an Improper Practice Charge No. U-36915 and Grievance No. 19-001 regarding the same.

Seconded by Devine and adopted. Ayes 6.

**020520.13**

By Alderman Abbott:

Whereas, the City has solicited applicants for Director of Engineering, and  
Whereas, the City has received numerous applications and the Mayor has selected James Elmer to the Director of Engineering position, and  
Whereas, the appointee, the Department Head Association and the City wish to memorialize the terms and conditions of employment and clarify current contractual terms; now therefore, be it  
Resolved, that the City agrees that the appointee will reside in the City of Lockport. In consideration of this, the City will grant, as allowed by the Collective Bargaining Agreement between the City and Department Head Association, ten days' vacation to accommodate this move. In addition, in agreement with the Department Head Association, the appointee shall be compensated at step 3 of the grade for a period of 6 years then in accordance with the step movement provisions contained in the Collective Bargaining Agreement; and be it further  
Resolved, that all other terms and conditions of employment for the appointee will be in accordance with the Collective Bargaining Agreement between the City and the Department Head Association as it may be amended by the parties from time to time; and be it further  
Resolved, that the City agrees to clarify contract language regarding sick time buyout and holiday schedule in the current Collective Bargaining Agreement; and be it further  
Resolved, that the Mayor is authorized to execute a Memorandum of Agreement setting forth the terms and conditions above.

Seconded by Oates and adopted. Ayes 6.

#### **020520.14**

By Alderman Vandemark:

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 2020; 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 2020.

Seconded by Schratz and adopted. Ayes 6.

#### **020520.15**

By Alderman Oates:

Whereas, the Building Inspection overtime budget for 2020 was inadvertently funded at \$5,000; and

Whereas, the anticipated Building Inspection Department overtime budget for 2020 is \$10,000; Now therefore, Be it

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

Expense:

Decrease:	A.1900.54765	Contingency	\$5,000
Increase:	A.3620.51100	Building Inspection Overtime	\$5,000

Seconded by Kantor and adopted. Ayes 6.

## 020520.16

By Alderman Abbott:

Whereas, the current STAR real property tax savings may be less than the amount of the STAR real property tax savings from the prior year and has no floor values, and

Whereas, the New York State Legislature is considering legislation amending Subparagraph (i) of Paragraph (a) of Subdivision 2 of Section 1306-a of the Real Property Tax Law, as amended by Section 1 of Part LL of Chapter 59 of the Laws of 2019 to add language in relation to providing that the amount of a STAR real property tax savings may not be less than the amount of the STAR real property tax savings from the previous year, which will create a floor for the STAR program, and

Whereas, the establishment of such legislation would create a floor that protects low income individuals and those on fixed incomes to ensure they receive, at a minimum, the same STAR real property tax savings in the following year, and

Whereas, the New York State Assessor's Association supports this Bill, now therefore be it

Resolved, by the Common Council of the City of Lockport that the Real Property Tax Law be amended to provide that the amount of a STAR real property tax savings not be less than the amount of the STAR real property tax savings from the prior year and hereby supports the New York State Bill, and be it further

Resolved, that the City Clerk is hereby authorized to forward a copy of said resolution to the following persons:

- Governor Andrew Cuomo
- Assemblyman Michael Norris
- Senator Robert Ort
- Assemblywoman Sandy Galef
- Assemblyman Kenneth Zebrowski

Seconded by Alderman Vandemark and adopted. Ayes 6.

On motion of Alderman Devine, seconded by Alderman Kantor, the Common Council moved to Executive Session for pending litigation matters at 6:29 PM. Ayes 6. Carried.

On motion of Alderman Abbott, seconded by Alderman Oates, the Common Council ended Executive Session at 6:37 PM. Ayes 6. Carried.

## 020520.17

## ADJOURNMENT

At 6:40 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 19, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk

**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 Nusbaumer & 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

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 4, 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.

**030420.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of February 18, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing to hear and consider a Local Law amending Chapter 38 of the Lockport City Code relative to PACE financing.

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

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing 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.

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**

### **Appointments:**

2/26/20 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:

Autumn R. Mattox, 373 N. Transit Street, Lockport, NY 14094  
Leah Burns, 2739 Maple Avenue, Newfane, NY 14108  
Christopher Janese, 1508 Ferry Avenue, Niagara Falls, NY 14303  
Stephanie Teichman, 100 Haines Street, Lockport, NY 14094

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)



2/13/20 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 25, 2020.

Referred to the Committee of the Whole.

2/24/20 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.

**Notice of Defect:**

3/3/20 108 Jackson Street - sidewalk

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**030420.2**

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 4, 2020 as follows:

Payroll	Pay Date 2/27	\$530,401.37
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Seconded by Alderman Kantor and adopted. Ayes 6.

**030420.3**

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>
Charles J. Morello, Jr.	25	Firefighter
Todd A. Chenez	20	Police Lieutenant Detective
Yvonne N. Prica	20	Senior Acct. Clerk
David P. Pytlik	10	Police Lieutenant
James C. Bennett	5	Sr. Water Treatment Operator

Seconded by Alderman Abbott and adopted. Ayes 6.

**030420.4**

By Alderman Kantor:

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 months of March and April 2020 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 Vandemark and adopted. Ayes 5. Ald. Schratz Abstained.

**030420.5**

By Alderman Kantor:

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 25, 2020 at Widewaters Marina starting at approximately 8:00 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 Devine and adopted. Ayes 6.

#### **030420.6**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of March 18, 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 Silva, LLC / Joseph M. Silva, to use a portion of the building for an art/pottery business and to install three wall signs 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 Schratz and adopted. Ayes 6.

By Alderman Vandemark:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **030420.7**

By Alderman Abbott:

### **City of Lockport Local Law No. 2 of the year 2020**

#### **A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE CITY OF LOCKPORT**

Be it enacted by the City of Lockport (the "Municipality") as follows:

**Section 1.** Chapter 38 of the Lockport City Code is hereby amended by deleting the same in its entirety and replacing it with this local law known as the "Energize NY Open C-PACE Financing Program" that shall read as follows:

#### **ARTICLE I**

##### **§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both the Municipality and the State of New York (the "State") to achieve energy efficiency and renewable energy improvements, reduce greenhouse

gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the "Municipal Agreement") to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the "Enabling Act").

- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the "Energize NY Open C-PACE Local Law".

## **§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

**Municipality** – the City of Lockport, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

### **§4. Procedures for eligibility**

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

## **§5. Application criteria**

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

## **§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

## **§7. Terms and conditions of repayment**

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

#### **§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase

the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

#### **§9. Verification and report**

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.



**§10.** Separability If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

**Section 2.** This local law shall take effect upon filing with the Secretary of State.

Seconded by Alderman Oates. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

**030420.8**

By Alderman Vandemark:

**City of Lockport  
Local Law No. 3 of the year 2020**

**A Local Law “Imposing a Ninety (90) Day Moratorium on Ground Mounted Solar Panel and Solar Farm Installations within the City”**

Be it enacted by the Common Council of the City of Lockport as follows:

**SECTION 1. PURPOSE AND INTENT**

The purpose of this Local Law is to amend the Code to place a ninety (90) day moratorium on the processing, permitting and/or construction of ground mounted solar panels and solar farms within the City to allow time for the drafting and adoption of amendments to the Code of the City of Lockport affecting these types of uses. These amendments, among other things, will amend the location where ground mounted solar panels and solar farms may be allowed set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the City of Lockport and its citizens.

**SECTION 2. FINDINGS.**

The City of Lockport Common Council does hereby find that without a temporary halt on the processing, permitting, and approvals for ground mounted solar panels and solar farms there is the potential that such uses could be located in unsuitable areas within the City and/or on

particular lots without adequate dimensional regulations for, such uses would have materially adverse and irreversible impacts on the City.

The Common Council also finds that it is in need of time to perform the necessary analysis of the potential types of ground mounted solar panels and solar farms that could be located in the City. By maintaining the status quo regarding such uses the Common Council can provide for the planned orderly growth and development of the City.

### **SECTION 3. MORATORIUM IMPOSED; APPLICABILITY.**

For the period commencing on the effective date of this Local Law, and for ninety (90) days thereafter, there shall be a moratorium on the processing, permitting, and/or construction of ground mounted solar panels and solar farms within the City of Lockport. This moratorium shall not effect an existing or proposed rooftop-mounted solar energy system that is designed and intended to generate electricity solely for use on said lot.

### **SECTION 4. TERM.**

This moratorium shall be in effect for a period of ninety (90) consecutive days from its effective date.

### **SECTION 5. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Abbott. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

### **030420.9**

By Alderman Oates:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

WHEREAS, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation (NYSEFC) Engineering Planning Competitive Grant Program to investigate sewers tributary to CSO 14 which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000, and

WHEREAS, NYSEFC requires that the City submit an executed engineering agreement in order to enter into a Grant Agreement between NYSEFC and the City; and

WHEREAS, the City's engineering consultant Nussbaumer & Clarke, Inc. assisted the City with preparation of the grant application and submitted a proposal dated February 25, 2020 to provide engineering services related to the CSO 14 tributary evaluation; and

WHEREAS, TECsmith, Inc. submitted a proposal to the City dated February 3, 2020 for flow monitoring services required for the CSO 14 tributary evaluation and has successfully competed similar work for the City on previous such studies; NOW, THEREFORE, BE IT:

RESOLVED, that the Mayor is authorized to execute agreements for the proposal dated February 25, 2020 from Nussbaumer & Clarke, Inc. for \$17,700 and proposal dated February 3, 2020 from TECsmith for \$18,300 to complete the proposed Wastewater Planning Study; and BE IT FURTHER

RESOLVED, that no work shall commence on the project until the Grant Agreement is executed between the City and New York State Environmental Facilities Corporation.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **030420.10**

By Alderman Kantor:

Resolved, that pursuant to their request, the VFW Post 2535, organizers for a Leprechaun 5K run and Leprechaun-in-training 1 mile walk are hereby granted permission to conduct the run and walk on March 14, 2020 starting at 9:00 am, subject to the VFW 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 Devine and adopted. Ayes 6.

#### **030420.11**

By Alderman Vandemark:

Resolved, that pursuant to their request, Molinaro's Ristorante is hereby granted permission to close Pine Street from South Street to Walnut Street and to use City parking lot #5 on Sunday, August 2, 2020 from 9:00 a.m. to 9:00 p.m. to conduct an Italian Festival, 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 Molinaro's 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 "street closed" signs, barricades, picnic tables and traffic cones to the area prior to the event.

Seconded by Alderman Schratz and adopted. Ayes 6.

**030420.12**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Hospice to conduct their Annual Hospice Gran Fondo Bike Ride, on Saturday, August 1, 2020 beginning at 8:00 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.

Seconded by Alderman Kantor and adopted. Ayes 6.

**030420.13**

By Alderman Abbott:

Whereas, on February 26, 2020, the City received a proposal from I-Evolve to provide VMWare support to the City for a period of three years at a total amount of \$3,051.84; and

Whereas, the services provided by I-Evolve are deemed to be professional services, which are exempt from the City procurement policy; now therefore be it

Resolved, that the Mayor is authorized to enter into a contract with I-Evolve for VMWare support for three years at an amount not to exceed \$3,051.84.

Seconded by Alderman Oates and adopted. Ayes 6.

**030420.13A**

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 2020 William G. Mayne, Jr. Grant Fund for a grant to be used for community enhancement.

Seconded by Alderman Schratz and adopted. Ayes 6.

**030420.13B**

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 ("CRS") 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 CRS request amounted to a request for spot zoning, and therefore, to accommodate the request the Common Council directed the Planning Board to conduct an update of the RA District while simultaneously reviewing the CRS application so as to keep the process moving; and

WHEREAS the Planning Board has completed its review and the moratorium on acting on the application has expired, and therefore the Common Council wishes to move forward with its review; and

WHEREAS, the Common Council must comply with the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6 NYCRR 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;

WHEREAS, the Common Council has ordered that the  
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 or objections.
5. This Resolution shall be effective immediately

Seconded by Alderman Oates and adopted. Ayes 6.

**030420.14**

## **ADJOURNMENT**

At 6:01 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 18, 2020.

Seconded by Alderman Oates and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk

On motion of Alderman Oates, seconded by Alderman Kantor, the Common Council moved to Executive Session for personnel matters at 6:01 PM. Ayes 6. Carried.

On motion of Alderman Kantor, seconded by Alderman Schratz, the Common Council ended Executive Session at 6:24 PM. Ayes 6. Carried.

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 18, 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  
Alderman Van De Mark absent.

## **MAYOR'S UPDATE**

**031820.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of March 4, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **PUBLIC HEARING - POSTPONED**

The Public Hearing for a Special Use Permit to use a portion of the building for an art/pottery business and to install three wall signs at 485 Niagara Street will be postponed.

## **FROM THE MAYOR**

### **Declaration of State of Emergency:**

3/17/20 A State of Emergency has been declared to respond effectively to the outbreak of COVID-19, a virus that threatens the public safety of the citizens of the City of Lockport.

### **Appointments:**

3/4/20 Erika Kastel, 273 Beattie Avenue #3, Lockport, NY – appointed to the Human Relations Committee to fill the unexpired term of Joseph M. Taylor. Said term expires on June 27, 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)

3/9/20 Terry Harmon, Chairman Lockport Planning Board – recommendation to not alter the Comprehensive Plan regarding the RA Zone.

3/10/20 Mike Hanley, Chairman, American Legion, Inc., Lockport, NY requests permission to host the Memorial Day Observance and Parade for 2020. Referred to the Committee of the Whole.

### **Notice of Defect:**

3/10/20        142 Park Avenue - tree  
Referred to the Director of Streets and Parks.

## **MOTIONS & RESOLUTIONS**

### **031820.2**

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 10, 2020 as follows:

#### **2019 Expenses**

Fund A General - \$27,964.70

Fund CL Refuse & Recycling - \$130.40

**Total** - \$28,095.10

#### **2020 Expenses (Approved at 3/11/2020 Finance Meeting)**

Fund A General - \$181,547.27

Fund CL Refuse & Recycling - \$418.49

Fund FX Water - \$14,630.38

Fund G Sewer - \$48,105.76

Fund H Capital Expenses - \$3,621.75

**Total** - \$248,323.65

#### **Approved at 3/18/2020 Finance Meeting**

Fund A General - \$59,398.90

Fund CD Community Development - \$97,287.00

Fund CL Refuse & Recycling - \$91,355.70

Fund FX Water - \$18,850.3

Fund G Sewer - \$14,148.95

Fund MS Health Insurance - \$149,915.45

Fund S Worker's Comp - \$6,025.00

**Total** - \$436,981.30

Payroll	Pay Date 3/5	\$463,348.84
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Seconded by Alderman Schratz and adopted. Ayes 5.

### **031820.3 – Approval of the Special Use Permit - Withdrawn**

### **031820.4**

By Alderman Abbott:

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 Oates and adopted. Ayes 5.

**031820.5**

By Alderman Oates:

Resolved, that pursuant to their request, the American Legion is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 24, 2020 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 Schratz and adopted. Ayes 5.

**031820.6 - Authorize agreement with JFG for website/social media management services - Withdrawn**

**031820.7**

By Alderman Schratz:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to erect a banner at least 17' from the ground on East Avenue at Davison Road to promote their 50<sup>th</sup> Annual "100 American Craftsmen" event which will be held from May 29<sup>th</sup> through May 31<sup>st</sup>, 2020. 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 Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50 for the 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 Kantor and adopted. Ayes 5.

**031820.8 - Authorize agreement for sediment removal - Withdrawn**

**031820.9 - Grant permission LPFFA for use of Softball Field- Withdrawn**

**031820.10 - Extend IT Shared Service Agreement with Niagara County-Withdrawn**

**031820.11- Call for PH – Amendment to Comprehensive Plan -Withdrawn**

**031820.12 - Call for PH – Amendment to Zoning Code -Withdrawn**

**031820.13 - Call for PH – Cazenovia Recovery Systems application- Withdrawn**

**031820.14**

By Alderman Abbott:



Whereas, the City of Lockport desires to contract with a vendor to provide IT services to the City; now therefore be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to prepare and issue a written Request for Proposal to provide IT services to the City of Lockport.

Seconded by Alderman Schratz and adopted. Ayes 5.

### **031820.15 - Recommend Solar Law to Lockport Planning Board – Withdrawn**

#### **031820.15A**

By Alderman Schratz:

Whereas, the City of Lockport declared a State of Emergency to effectively respond to the public health emergency known as COVID-19, effective March 17, 2020 at 5:00 p.m.; and

Whereas, the City was directed by Governor Cuomo to reduce its workforce by 50% to prevent the transmission of COVID-19; and

Whereas, due to the public health emergency, some employees of the City will be required to work remotely via computer to complete essential City services; and

Whereas, the City needs to purchase up to five (5) laptops to provide to certain employees to work remotely; and

Whereas, there is insufficient time to solicit quotes for the purchase of the laptops due to the public health emergency and expediency of City business; now therefore be it

Resolved, that the Common Council hereby determines that the delay caused by the solicitation of quotes for the purchase of five (5) laptops would hinder essential services of the City of Lockport; and be it further

Resolved, that the Mayor is authorized to procure five (5) laptops for essential employees to work remotely during the pendency of the State of Emergency and said purchase is an emergency under the City procurement policy and be it further resolved the 2020 Budget must be amended as follows:

Decrease:	A.1620.54003	\$2500.00
Increase:	A.1680.52060	\$2500.00

Seconded by Alderman Oates and adopted. Ayes 5.

#### **031820.15B**

By Alderman Devine:

Whereas, the Section C-62 of the City of Lockport Charter grants the Common Council the power to “make, continue, modify and repeal such ordinances, bylaws and regulations as may be necessary to carry into full effect any and all of the powers conferred upon said City...”; and

Whereas, Section C-75(1) of the City of Lockport Charter provides that the Mayor shall “take care that within said city the laws of this state and the ordinances and bylaws passed by the Common Council and the Board of Health be faithfully obeyed and executed... (6) expedite and cause to be carried out all such measures as shall be adopted by the Common Council...”; and

Whereas, COVID-19 has become a pandemic and requires emergency action on behalf of the City of Lockport and its Departments in order to protect the health and safety of the residents of the City of Lockport; and

Whereas, on March 7, 2020, the Governor of the State of New York, Andrew M. Cuomo, by Executive Order No. 202, Declared a Disaster Emergency in the State of New York, and

Whereas, said Executive Order temporarily suspends or modifies any local law, order or rules if compliance with such would prevent, hinder or delay action necessary to cope with the disaster or emergency; and

Whereas, on March 17, 2020, the Mayor of the City of Lockport declared a State of Emergency for the City of Lockport; and

Whereas, Section 23 of the Rules and Order of the Common Council permit the suspension at any time by a two-thirds consent of the whole Council any rule or order of the council; and

Whereas, the necessary responses by the City of Lockport Common Council require immediate actions for which no unnecessary delay can occur; and

Whereas, it is the intent of the Common Council to solely authorize the Mayor, following consultation with the Corporation Counsel and Alderwoman at Large and the consent of such persons to sign any and all documents and/or contracts necessary to protect the City of Lockport residents from COVID-19; now therefore be it

Resolved, in the event the Common Council is unable to meet due to COVID – 19, 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 be it further

Resolved, that this additional authority given to the Mayor of the City of Lockport concerning COVID-19 shall remain in full force and effect until such time as the Common Council shall repeal, rescind or otherwise amend this Resolution, or until New York State or the City of Lockport State of Emergency has been lifted, and be it further

Resolved, that members of the Common Council shall be informed of any and all actions so taken by the Mayor of the City of Lockport by email and any and all documents so executed within forty-eight hours of such execution by the Mayor of the City of Lockport.

Seconded by Alderman Abbott and adopted. Ayes 5.

**031820.16**

## **ADJOURNMENT**

At 6:02 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 1, 2020.

Seconded by Alderman Kantor and adopted. Ayes 5.

RICHELLE J. PASCERI

City Clerk

### **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.

## **MAYOR'S UPDATE**

### **TREASURER'S REPORT**

#### **040120.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of March 18, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Resignation:**

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

3/18/20 David J. Haylett, Jr, resigned as Corporation Counsel. Effective April 3, 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 10<sup>th</sup>

There will be no change in the garbage pickup schedule.  
Referred to the Media

4/1/20 Christopher Lane, President IAFF Local 963 – Letter opposed to Resolution #8 and urging Council members to vote in the negative.

Referred to the Committee of the Whole

**Notice of Defect:**

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

**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 Kantor and adopted. Ayes 6.

**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 Schratz and adopted. Ayes 6.

**040120.4**

By Alderman Oates:

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 Vandemark and adopted. Ayes 6.

#### **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 Abbott and adopted. Ayes 6.

#### **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 Oates and adopted. Ayes 6.

#### **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, April 30, 2020 and May 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, April 30, 2020 and May 30, 2020 shall be due on and no later than the next applicable due date for said property to avoid the 10% late fee and if payment is received later than the next applicable due date, 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 7, 2020, May 7, 2020 and June 7, 2020 and no other previous balance owed, and be it further

Resolved, that the water/sewer bill that has a due date of April 7, 2020, May 7, 2020 and June 7, 2020 shall be due on and no later than the next applicable due date for said property to avoid the 10% late fee and if payment is received later than the next applicable due date, 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 has been rescinded.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **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 Vandemark. Ayes 3. Nos – Aldermen Abbott, Devine, Kantor. The Mayor voted in the negative. Motion failed.

#### **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 Kantor and adopted. Ayes 6.

#### **040120.9A**

By Alderman Vandemark:

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 Abbott and adopted. Ayes 6.

#### **040120.9B**

By Alderman Schratz:

Whereas, the Common Council of the City of Lockport previously transferred \$100,000 from A.1310.51010 – Personal Services to A.1310.54055 – Professional Services to pay for the services of Bonadio & Co., LLP to fill the temporary vacancy in the Director of Finance Position; and

Whereas, the Mayor has advertised and interviewed candidates to fill the position of Director of Finance at an annual salary of \$77,686; and

Whereas, the 2020 General Fund budget must be amended to fund the position of Director of Finance; now therefore be it

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

Decrease:

A.1310.54055	Professional Services	\$10,000
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Increase:

A.1310.51010	Personal Services	\$10,000
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Seconded by Alderman Devine and adopted. Ayes 6.

#### **040120.9C**

By Alderman Schratz:

Whereas, the City of Lockport has adopted a salary schedule for the position of Director of Finance; and

Whereas, upon the resignation of the previous Director of Finance, the City of Lockport Civil Service Commission adjusted the job duties and description of the position; and

Whereas, the City of Lockport desires to amend the salary schedule for the position of Director Finance in the Unrepresented Employee Policy to reflect the amended job description and duties; now therefore be it

Resolved, that the salary schedule for the position of Director of Finance is hereby abolished and replaced with the following:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Hire	Complete 2	Complete 4	Complete 6	Complete 8	Complete 10

\$77,686                \$81,570                \$85,648                \$89,930                \$94,426                \$99,147

Seconded by Alderman Devine and adopted. Ayes 6.

**040120.10**

**ADJOURNMENT**

At 6:58 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 15, 2020.

Seconded by Alderman Schratz and adopted. Ayes 6.

RICHELLE J. PASCERI

City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 15, 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**

**041520.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of April 1, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

4/1/20                Timothy Russo, 59 Continental Drive, Lockport, NY – appointed to Director of Finance for the City of Lockport effective April 6, 2020.

Received and filed.



4/6/20 Laura Miskell Benedict, 38 Woodbury Drive, Lockport, NY – appointed to Corporation Counsel to fill the unexpired term of David Haylett, Jr. Said term expires on December 31, 2020.

4/6/20 Patricia M. McGrath, 70 Lakeview Parkway, Lockport, NY – appointed to Deputy Corporation Counsel to fill the unexpired term of Laura Miskell Benedict. Said term expires on December 31, 2020.

4/13/20 Paul K. Oates, 623 Market Street, Lockport, NY – appointed to the position of City Clerk to fill the unexpired term of Richelle J. Pasceri. Said term expires on June 30, 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)

4/13/20 Neal Turvey, Niagara Jr. Thunderwolves – request permission to conduct the 2020 Youth Baseball Tournaments in Outwater Park.  
Referred to the Committee of the Whole.

#### Notice of Defect:

3/30/20 485 Pine Street – sidewalk  
3/31/20 245 Akron Street – tree  
3/16/20 23 Massachusetts – tree  
3/9/20 40 Vermont Avenue – 3 trees

Referred to the Director of Streets and Parks.

#### Notice of Claim:

3/30/20 Cameron & Judy Rehm, 197 Olcott Street, Lockport, NY  
Referred to the Corporation Counsel.

### MOTIONS & RESOLUTIONS

#### 041520.2

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 15, 2020 as follows:

General Fund	Fund A	\$ 94,682.44
Water Fund	Fund FX	\$ 40,951.42
Sewer Fund	Fund G	\$ 14,278.74
Self Insurance	Fund MS	\$147,755.10
Payroll	Pay Date 4/9	\$442,519.00

Seconded by Alderman Vandemark and adopted. Ayes 6.

**041520.3**

By Alderman Kantor:

Resolved, that pursuant to their request, the Buffalo Niagara YMCA, is hereby granted permission to conduct the "Fitness in the Parks" program at Nelson C Goehle Marina Park Monday thru Thursday beginning May 26, 2020 until August 20, 2020. Said permission is subject to the YMCA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Abbott and adopted. Ayes 6.

**041520.4**

By Alderman Schratz:

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 15, 2020, from 11 a.m. until 5 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; and be it further

Resolved said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Vandemark and adopted. Ayes 6.

**041520.5**

By Alderman Oates:

Whereas, the City of Lockport (City), applied for and has been awarded a \$10 million New York State Downtown Revitalization Initiative (DRI) Grant; and

Whereas, \$3,295,000.00 of the DRI has been allocated to rehabilitation of the Spaulding Mill building and adjacent site as well as streetscape improvements and green infrastructure along Pine Street and South Street (Project); and

Whereas, the New York State Department of State (DOS) will be administering the funds for the Project; Now, therefore, be it;

RESOLVED that the Mayor is authorized to execute a Grant Agreement for \$3,295,000.00 with the New York State Department of State and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Downtown Revitalization Initiative Program.

Seconded by Alderman Kantor and adopted. Ayes 6.

**041520.6**

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their 2020 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; and be it further

Resolved said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations; and be it further

Seconded by Alderman Devine and adopted. Ayes 6.

**041520.7**

By Alderman Abbott:

WHEREAS, the City of Lockport was gifted two (2) evergreen trees from Patrick Blackley and Mari Jo Thistle; and

WHEREAS, the value of the 2 evergreen trees together is estimated to be approximately \$3,000; and

WHEREAS, the cost of removing the trees and replanting them was \$1250. Said trees were replanted in Levan Park and Rogers Park; and

WHEREAS, the trees were planted in memoriam of Carl and Mary Lou Blackley and Laura Blackley; and NOW, THEREFORE, BE IT

RESOLVED, that the City of Lockport Common Council hereby authorizes the Mayor accept the gifts of the evergreen trees on behalf of the City of Lockport, and dedicate said trees on April 24, 2020, in conjunction with Arbor Day, with a Proclamation from Mayor Roman.

Seconded by Alderman Schratz and adopted. Ayes 6.

**041520.7A**

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to enter into contract with United Business Systems, 316 Seneca Street, Buffalo, NY 14204 for Copier services.

Seconded by Alderman Abbott and adopted. Ayes 6.

**041520.8**

**ADJOURNMENT**

At 5:55 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 6, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 6, 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**

**050620.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Kantor, seconded by Alderman Abbott, the minutes of the Regular Meeting of April 15, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

5/6/20 Timothy K. Russo, Director of Finance for the City of Lockport – appointed to the Labor Negotiating Committee.  
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)

4/16/20 Randall Shepard, CPA, Bonadio & Co., LLP – terminating their agreement with the City effective April 30, 2020.  
Received and filed.

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

4/22/20 318 Ontario Street – trees  
4/30/20 403 Pine Street – trees  
5/4/20 235 Pine Street – trees  
Referred to the Director of Streets and Parks.

### **MOTIONS & RESOLUTIONS**

**050620.2**

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 6, 2020 as follows:

General Fund	Fund A	\$140,639.08
Water Fund	Fund FX	\$ 27,763.51
Sewer Fund	Fund G	\$ 12,475.69
Refuse Fund	Fund CL	\$ 94,543.36
Self Insurance	Fund MS	\$ 93,468.90
Payroll	Pay Date 4/23	\$431,330.80

Seconded by Alderman Vandemark and adopted. Ayes 6.

### 050620.3

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>
Jeffrey M. Bower	35	Public Works Mechanic
Lucas P. Herman	30	Firefighter
Erick M. Hinton	15	Municipal Worker

Seconded by Alderman Schratz and adopted. Ayes 6.

### 050620.4

By Alderman Schratz:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Gregory C. Eckert, a City of Lockport Waste Water Treatment Plant Operator employee who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

### 050620.5

By Alderman Oates: :

WHEREAS, the City of Lockport Street Maintenance Department is in need of a roller for general maintenance; and

WHEREAS, the 2020 General Fund budget must be amended to accommodate this;

NOW THEREFORE, BE IT

RESOLVED, that the 2020 Budget is hereby amended as follows:

Increase:

Expense	A.5110.52035	Public Works Equipment	\$20,000
Decrease:			

Expense	A.5110.54065	Equipment Rental/Lease	\$20,000
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Seconded by Alderman Kantor and adopted. Ayes 6.

### 050620.5A

By Alderman Schratz:

WHEREAS, the City of Lockport wishes to join certain members of the New York Assembly and New York Legislature in support of opening the NYS Canal System, specifically the Erie Canal, for the 2020 season; and

WHEREAS, the Council wishes to have an abundance of caution with regard to the workers' safety, but still ensure a proper opening of the Canal system for full navigational, recreational and marina use; and

WHEREAS, the Council would like to join the Mayor in a letter of a united Lockport City Government to the New York State Power Authority regarding this issue; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council hereby authorizes composition of a letter to the NYS Power Authority, respectfully requesting that the Power Authority provide the proper resources to assist the workforce to open the canal system for purposes of navigational use, marina use, and exercise along the canal while maintaining social distancing, for the 2020 season, and to provide any necessary safety precautions to ensure public health and compliance with Governor Cuomo's Executive Orders.

Seconded by Alderman Oates and adopted. Ayes 6.

**050620.6**

## **ADJOURNMENT**

At 5:42 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 20, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 20, 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, Schratz, and Van De Mark.

Alderman Oates absent.

## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

**052020.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of May 6, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

5/11/20 Jon D. Wiley, 39 Harrison Avenue, Lockport, NY – appointed to the Lockport Housing Authority. Said term expires April 26, 2025.  
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)

5/18/20 Paul K. Oates, 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 25

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

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

5/5/20 224 Olcott Street – sidewalk

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

5/15/20 362 Ohio Street - tree  
Referred to the Director of Streets and Parks

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

5/18/20 NYCM Insurance, Subrogation Claim for Arron and Cheryl Rozek, 3861 Lockport Rd. Sanborn, NY  
Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

**052020.2**

By Alderman Abbott:

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 22, 2020 as follows:

General Fund	Fund A	\$ 64,920.05
Water Fund	Fund FX	\$ 16,614.76
Sewer Fund	Fund G	\$ 22,159.27
Capital Projects	Fund H	\$174,931.52
Refuse Fund	Fund CL	\$ 98,688.34
Self Insurance	Fund MS	\$147,650.41
Worker's Comp	Fund S	\$ 15,403.63
Payroll	Pay Date 5/7	\$426,635.14

Seconded by Alderman Kantor and adopted. Ayes 5.

### **052020.3**

By Alderman Schratz:

Whereas, the City of Lockport (City) is seeking a grant for the Zero-Emissions Vehicle (ZEV) Infrastructure Grant program and intends to submit via the New York State Grants Gateway to the Department of Environmental Conservation ZEV Infrastructure grant opportunity to install a Dual Pedestal Vehicle Charge Station for public use in the Pine Street public parking lot adjacent to the Spaulding Mill, and

Whereas, the City project cost estimate for the Dual Pedestal Vehicle Charge Station is estimated to be \$30,000; and

Whereas, the ZEV through NYS DEC requires a 20% local match of the total project cost; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via NYS Grants Gateway to the NYSDEC Zero-Emissions Vehicle Infrastructure Grant opportunity for the installation of a Dual Pedestal Charge Station in Spaulding Mill Parking Lot; and

Whereas, the Mayor is required to sign the grant application on behalf of the City of Lockport as well as a Grant Agreement with the NYSDEC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; NOW, THEREFORE, BE IT:

RESOLVED that the City authorizes and appropriates a minimum of 20% local match as required by the Zero-Emissions Vehicle Infrastructure Grant program. Under this program, the local match must be at least 20% of total estimated project cost of \$30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$6,000 subject to receipt of a ZEV grant and available funding. The total estimated maximum grant is \$24,000. 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 the Mayor is authorized to sign a grant application on behalf of the City via the Grants Gateway to the NYSDEC ZEV Infrastructure Grant opportunity for a Dual Pedestal Charge Station in Pine Street Parking Lot and that should a ZEV 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 Zero-Emissions Vehicle Infrastructure Grants Program through NYSDEC.

Seconded by Alderman Vandemark and adopted. Ayes 5.

#### **052020.4 WITHDRAWN** (sign New Freedom Church)

#### **052020.5**

By Alderman Vandemark:

Whereas, the City of Lockport has adopted and will maintain the technologies afforded us through the Digital Towpath Cooperative's (DTC) systems and services, and

Whereas, the City of Lockport has realized an increase in service to the residents of our city through the use of these tools, and

Whereas, the continued use of the systems and services will continue to enhance our citizens' e-government interaction with our city and promote the security, authenticity and availability of electronic public records we hold; and

Whereas, The Agreement for Services outlining our participation in this cooperative has been presented to and reviewed by this board; now, therefore, be it

Resolved that the Mayor is authorized to enter into an Agreement establishing our membership in the Digital Towpath Cooperative and hereby designate Paul K. Oates, City Clerk to represent our city in all proceedings of that body.

Seconded by Alderman Schratz and adopted. Ayes 5.

#### **052020.5A**

By Alderman Abbott:

WHEREAS, the current COVID-19 (Coronavirus) pandemic and subsequent effect on the State of New York has resulted in an unprecedented economic impact to all businesses and public entities, including the City of Lockport; and

WHEREAS, a State of Emergency was declared in the County of Niagara in response to the COVID-19 pandemic effective March 13, 2020; and

WHEREAS, Governor Andrew Cuomo has issued, and continues to issue Executive Orders 202 and 202.1 – 202.18 et al directing actions in response to the COVID-19 pandemic in New York State; and

WHEREAS, as a result of the Executive Orders, City operations have been significantly curtailed, creating a temporary situation where the workforce can be reduced without a negative impact to operations, and as a result revenue projection indicates that labor costs for 2020 need to be reduced; and

WHEREAS, the current Collective Bargaining Agreement does not contain provisions which speak to Temporary Layoff as a method of implementing temporary reductions in staffing; and

WHEREAS, the parties have met and conferred as to the terms and conditions of utilization of such temporary layoff provisions which are provided in the memorandum of agreement; now, therefore, be it

RESOLVED, that the Mayor is authorized to enter into a memorandum of agreement with the CSEA regarding temporary voluntary layoffs through July 31, 2020, in response to the state of emergency, as a result of COVID-19.

Seconded by Alderman Kantor and adopted. Ayes 5.

**052020.5B**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Benjamin C. Trudnowski, a retired City of Lockport Building Maintenance Department employee who recently passed away.

Seconded by Alderman Vandemark and adopted. Ayes 5.

**052020.6**

**ADJOURNMENT**

At 5:48 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 3, 2020.

Seconded by Alderman Schratz and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

June 3, 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, Schratz, and Van De Mark.

Alderman Oates absent.

**MAYOR'S UPDATE**

## **TREASURER'S REPORT**

### **RECESS**

Recess for public input.

#### **060320.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of May 20, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 5. 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)

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

5/29/20 158 Gooding Street – tree

5/29/20 150 Juniper Street – tree

Referred to the Director of Streets and Parks.

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

5/8/20 Utica National Insurance, Subrogation Claim for Norman Crawford, 516 Park Avenue, Lockport, NY

Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **060320.2**

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, 2020 as follows:

General Fund	Fund A	\$76,817.98
Water Fund	Fund FX	\$16,534.61
Sewer Fund	Fund G	\$4,677.21
Capital Projects	Fund H	\$5,600.00
Payroll	Pay Date 5/21	\$429,037.51

Seconded by Alderman Abbott and adopted. Ayes 5.

#### **060320.3**

By Alderman Schratz:

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

Whereas, the Gulf Interceptor project Resolution 080719.16A amended the 2019 Sewer Fund Budget; and

Whereas, the Gulf Interceptor project expensed \$47,274.38 of the total \$83,295 FY 2019 appropriation and the FY 2020 Sewer Fund operating appropriation did not carryover the remaining expenditures or revenues associated to the Gulf Interceptor project Resolution 080719.16A.

RESOLVED, that the FY 2020 Sewer Fund budget is amended as follows:

Increase:

Revenue: G.8120.34989 Federal Revenue \$36,020.62

Expense: G.8120.54055 Professional Services \$36,020.62

Seconded by Alderman Vandemark and adopted. Ayes 5.

#### **060320.4**

By Alderman Vandemark:

WHEREAS, the City Council is authorized to establish fees to recover the cost incurred in providing various services, and

WHEREAS, currently the fee charged for a tax search is \$15 which was set in 2002 by CC Resolution #051502.4, and

WHEREAS, the City Treasurer has conducted a review of the process and has recommended that the Tax Search fee be increased from the present \$15 charge to \$25 to better cover the cost related to producing this document, now, therefore, be it

RESOLVED, that the above fee increase be implemented with an effective date of August 1, 2020.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **060320.5**

By Alderman Devine:

WHEREAS, the New Freedom Church, located at 339 Ontario Street, requests permission to have a portion of their sign in the City right of way on the North side of W. Ontario Street; and

WHEREAS, the Building Inspector Department has granted a variance for the sign to protrude into the City Right of Way; and

WHEREAS, the Zoning Board of Appeals approved the sign variance at their November 26, 2019 meeting; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council hereby authorizes the New Freedom Church to place their sign in the City Right of Way, on the North side of Ontario Street, 339 Ontario Street, with the following restrictions:

- (1) Pending the filing of 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; and
- (2) The sign is not to exceed protruding more than five feet from the Right of Way; and
- (3) The sign is not to exceed 7 feet by 3.5 feet; and
- (4) The sign is only to be illuminated from 6:30am – 10:00pm; and
- (5) There must be no change to the character of the neighborhood; and
- (6) There will be no adverse physical or environmental effect by the sign; and
- (7) The sign and grounds surrounding same shall be kept in a neat, clean and orderly condition.

Seconded by Alderman Schratz and adopted. Ayes 5.

**060320.6**

By Alderman Devine:

Resolved, that the Director of Highways and Parks is hereby authorized and directed to sell via online auction, to the highest bidders, used vehicles and surplus equipment supplies, including 1987 John Deere 444k diesel loader, 1999 Leboy 1-ton roller, 2010 Chevrolet Caprice, 9' Western salter, Perkin Elmer Optima 2100DV icp-oes, various city street signs, and other outdated or replacement parts; and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Abbott and adopted. Ayes 5.

**060320.6A**

By Alderman Vandemark:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Graduation Parade in the City of Lockport on Saturday, June 20<sup>th</sup>, 2020 starting at 11am, with a rain date of Saturday, June 27<sup>th</sup>, 2020, subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Kantor and adopted. Ayes 5.

**060320.7**

**ADJOURNMENT**

At 5:57 P.M. Alderman Devine moved the Common Council be adjourned until 5:15 P.M., Wednesday, June 17, 2020.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

June 17, 2020  
5:15 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, Oates, Schratz, and Van De Mark.

Alderman Kantor absent.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **061720.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Schratz, the minutes of the Regular Meeting of June 3, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 5. 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)  
6/17/20 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of July in observance of Independence Day.

Friday, July 3<sup>rd</sup>

There will be no change in garbage collection.  
Referred to the Media.

### **Notice of Defect:**

6/2/20 62 Minard Street – tree  
6/15/20 16 Alabama Place – tree  
Referred to the Director of Streets and Parks.

### **Notice of Claim:**

6/10/20 Jady Hausler, 77 High Street, Lockport, NY  
Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

## **061720.2**

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, 2020 as follows:

General Fund	Fund A	\$124,047.90
Water Fund	Fund FX	\$ 14,342.46
Sewer Fund	Fund G	\$ 37,594.39
Capital Projects	Fund H	\$323,404.95
Refuse Fund	Fund CL	\$ 145.35
Self Insurance	Fund MS	\$ 53,586.15
Community Dev.	Fund CD	\$ 2,200.00
Payroll	Pay Date 6/4	\$439,933.72

Seconded by Alderman Vandemark and adopted. Ayes 5.

### **061720.3**

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 two years.

Seconded by Alderman Abbott and adopted. Ayes 5.

### **061720.4**

By Alderman Devine:

Whereas, the City of Lockport Common Council believes that the Rotary Club is able and willing to assist the City's Highways and Parks Departments with regard to clean-up, repair and general improvements in the City trails on Market Street from Scalzo Park to Vine Street; and

Whereas, the City of Lockport Common Council understands that the Rotary Club will also work with AFSCME Union members and leaders, with regard to the clean-up, repair and general improvements to said trails in the City; now, therefore be it

Resolved, that the City of Lockport Common Council hereby permits the Rotary Club to work in conjunction with the City of Lockport Highways and Parks Departments, and the AFSCME Union members and leaders, to clean, repair, and make general improvements to the trails in the City of Lockport on Market Street from Scalzo Park to Vine Street.

Seconded by Alderman Oates and adopted. Ayes 5.

### **061720.5 Uniform Paving Standards - WITHDRAWN**

#### **061720.5A**

By Alderman Schratz:

Resolved, that pursuant to his request, Lockport City Court Judge William J. Watson is hereby granted permission to conduct a Community Forum in Ida Fritz Park on Saturday, June 27<sup>th</sup>, 2020 at 12 noon, 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,
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 filing of a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in conjunction with New York State guidelines, 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, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs during the Community Forum due to pedestrian traffic.

Seconded by Alderman Vandemark and adopted. Ayes 5.

**061720.6**

## **ADJOURNMENT**

At 5:53 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 1, 2020.

Seconded by Alderman Oates and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

July 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.

## **MAYOR'S UPDATE**

## **RECESS**

**070120.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of June 17, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.



## FROM THE MAYOR

### Appointments:

6/23/20 Kevin Clark, 10 Hi Point Drive, Lockport, NY – re-appointed as a member of the Civil Service Commission. Said term expires on May 31, 2026.  
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)

6/17/20 Darryl Barrow, Pastor, Emmanuel United Methodist Church, requests permission to hold a Community drive through event on July 15, 2020.  
Referred to Committee of the Whole.

6/26/20 Jessica Dittly, Lockport Main Street, Inc., requests permission for oversight of Canal Street for the 2020 Tourist season from July 4<sup>th</sup> thru October 31, 2020.  
Referred to the Committee of the Whole.

### Notice of Defect:

6/19/20 30 Prentice Street – trees  
6/19/20 14 Woodbury Drive – tree  
6/22/20 88 Vine Street - tree  
Referred to the Director of Streets and Parks.

### Notice of Claim:

6/22/20 Safeco Insurance Co., FBO Joan Yeager, 724 Walnut St. Lockport, NY  
6/24/20 Elmer A. Granchelli, 1 Sargent Drive, Lockport, NY  
Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 070120.2

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 2, 2020 as follows:

General Fund	Fund A	\$97,241.86
Water Fund	Fund FX	\$30,979.42
Sewer Fund	Fund G	\$14,836.17
Refuse Fund	Fund CL	\$101,611.50
Self Insurance	Fund MS	\$94,882.80
Worker's Comp	Fund S	\$13,525.00
Payroll	Pay Date 6/18	\$466,647.72

Seconded by Alderman Abbott and adopted. Ayes 6.

### 070120.3

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>
Russell J. Sprung	15	Heavy Equipment Operator
Jessica E. Stopa	15	WW Industrial Pretreatment Coordinator
Matthew T. Vosler	5	Police Officer

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **070120.4**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Emmanuel United Methodist Church to barricade Wakeman Alley on Wednesday July 15, 2020 from 12 p.m. to 9 p.m. for a drive through event for the Community in lieu of 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 event.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **070120.5**

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 Vandemark and adopted. Ayes 6.

#### **070120.6**

By Alderman Oates:

Whereas, Resolution 120419.7 authorized the mayor to execute a contract with GAR Associates, LLC for an Equity Improvement Project at a total cost not to exceed \$400,000 and the FY 2019 general fund provided the initial funding in the amount of \$133,500; and

Whereas, Resolution 121819.12 encumbered \$266,500 from the surplus funds for future installment dates; now therefore, be it

Resolved, to follow resolution 121819.12, the FY 2020 General Fund and Capital Fund budgets are amended as follows:

Decrease:

Expense: A.1900.54775 Contingency \$133,500

Increase:

Expense: A.9901.59000.H Interfund Transfer to Capital  
\$133,500

Revenue: H198.1355.35031.A Interfund Transfer from General  
\$133,500

Expense: H198.1355.52490 Capital Improvements - Expense  
\$133,500

Seconded by Alderman Abbott and adopted. Ayes 6.

**070120.7**

By Alderman Oates:

Whereas, the NYS Department of Transportation has awarded the City of Lockport \$570,648.23 in CHIPS funding, \$130,256.14 in PAVE NY funding, and \$86,308.81 in EWR funding for FY 2020; now therefore, be it

Resolved, that the FY 2020 Capital Fund budget is amended as follows:

Increase:

Revenue: H082.5112.33501 Consolidated Highway Aid  
\$629,770.54

Expense: H082.5112.52450 Infrastructure - Roads  
\$629,770.54

Seconded by Alderman Kantor and adopted. Ayes 6.

**070120.8**

By Alderman Oates:

Whereas, Resolution 070319.12 authorized the Mayor to execute a grant agreement with the NYS Environmental Facilities Corporation to conduct a wastewater infrastructure planning study for sewers tributary to Willow/Price Interceptor and CSO 14 to identify location of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; now therefore, be it

Resolved, that the FY 2020 Sewer and Capital Fund budgets are amended as follows:

Decrease:

Expenditure: G.8120.1900.54775 Contingency \$6,000.00

Increase:

Expenditure: G.9901.59000.H Interfund Transfer to Sewer  
\$6,000.00

Revenue: H199.8197.35031.G Interfund Transfer from Sewer  
\$6,000.00

Revenue: H199.8197.3399 State Aid – Sewer Capital Projects  
\$30,000.00

Expenditure: H199.8197.52481 Infrastructure – Sewer System  
\$36,000.00

Seconded by Alderman Schratz and adopted. Ayes 6.

**070120.9**

By Alderman Oates:

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 2020 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the need to improve and maintain the technologies afforded us through the Digital Towpath Cooperative's (DTC) systems and services; now, therefore, be it

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

Increase:

Expense: A3120.54115 Computer Licenses and Software \$11,857.00

Revenue: A.3120.34389 Other Federal Public Safety \$11,857.00

Seconded by Alderman Vandemark and adopted. Ayes 6.

**070120.10**

By Alderman Schratz:

Resolved, that a public hearing be held at the Common Council Meeting of July 15, 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 Brandon Marvin, for approval to hold outdoor social events to be located at 767 & 801 Market Street, situated in a R-2 Zone, provided that the practice of social distancing and the use of masks by attendees is followed in conjunction with New York State guidelines; 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.

**070120.11**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Margaret M. Scinta, a retired City of Lockport School Crossing Guard for 42 years who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**070120.12**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of July 15, 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 Silva,

LLC / Joseph M. Silva, to use a portion of the building for an art/pottery business and to install three wall signs 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 Kantor and adopted. Ayes 6.

#### **070120.12A**

By Alderman Schratz:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have oversight of Canal Street on Saturdays starting July 4<sup>th</sup> through October 31, 2020, and be it further

Resolved, that said permission includes the following:

- Oversight of vendors, food trucks, and tourist entities set up for commerce on Canal St and the adjoining parking lots of Canal St from July 4<sup>th</sup> thru October 31, 2020.
- Use of Canal St. as a location for select artists to use for Chalk Fest on July 11<sup>th</sup> and 12<sup>th</sup>
- Use of the full Canal St. campus on September 26<sup>th</sup> for Locktoberfest including parking lot closure on Friday, September 25<sup>th</sup> for festival setup.
- In regards to the Lockport Community Market; ability to place up to 20 yard signs in the City rights of way at major intersections as promotion for the market from July 4<sup>th</sup> thru October 31<sup>st</sup>.

And be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in conjunction with New York State guidelines; and be it further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange for delivery of refuse containers and barricades to the area prior to the said dates; and be it further

Resolved, that said permission is subject to Lockport Main St. Inc. filing a certificate of insurance with the City clerk naming the City of Lockport as additional insured.

Seconded by Alderman Vandemark and adopted. Ayes 6.

#### **070120.12B**

By Alderman Abbott:

Whereas, services provided by The Spyglass Group, LLC were approved and delivered but not appropriated in the FY 2020 general fund budget; now therefore be it

RESOLVED, that the FY 2020 General Fund budget is amended as follows:

Decrease:

Expense: A.1900.54775	Contingency	\$12,923.76
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Increase:

Expense: A.1010.54055 Professional Services

\$12,923.76

Seconded by Alderman Kantor and adopted. Ayes 6.

**070120.12C**

By Alderman Devine:

Whereas, the software for the Water Department of the City of Lockport needs to be updated and upgraded; and

Whereas, the City has received quotes to update said system at the following rates: Springbrook \$1,352; Lock City Supply \$23,976; Dell \$3,000; and

Whereas, the City's monies for same will be taken from budget line: FX.9310.52015, Technical Equipment, which has \$28,000 in same.

NOW, THEREFORE, BE IT

Resolved, that the Common Council hereby approves the City upgrading and updating the software system for the Water Department, for a total cost of \$28,328; and be it further

Resolved, that the Council hereby authorizes the Mayor to enter into a contract with Springbrook, Badger Meter, Dell, and Lock City Supply Inc. to fulfill the project's objectives and goals.

Seconded by Alderman Vandemark and adopted. Ayes 6.

**070120.12D**

By Alderman Abbott:

Whereas, the City of Lockport's maintenance agreement contract with Transwave Communication Systems, who provides the microwave communication system that connects the City of Lockport with Niagara County, is due for renewal; now therefore be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to sign the renewal contract with Transwave Communication Systems.

Seconded by Alderman Schratz and adopted. Ayes 6.

**070120.13**

**ADJOURNMENT**

At 5:50 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 15, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

July 15, 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, Oates, Schratz and Van De Mark.

Alderman Kantor absent.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**071520.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of July 1, 2020 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 hold outdoor social events at 767 & 801 Market Street.

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

7/14/20 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request with stipulations.

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 use a portion of the existing building at 485 Niagara Street for a pottery/art studio.

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

3/4/20 Terry Harmon, 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**

##### **Resignation:**

7/8/20 Stephanie Teichman, resigned as a Commissioner of Deeds. Effective July 7, 2020.

7/7/20 Sharon Davis, resigned from the Human Relations Commission. Effective July 6, 2020.

7/7/20 Kandyce Cauley, resigned from the Human Relations Commission. Effective July 6, 2020.

Received and filed.

##### **Appointments:**

7/7/20 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:

Kevin P. Newman, 18 McIntosh 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)

7/8/20 Erin Strassburg, The Dale Association – requests permission to use Church Ally for a drive thru event on July 23, 2020.  
Referred to the Committee of the Whole.

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

6/24/20 52 Spring Street – tree

6/29/20 578 Pine Street – trees

6/29/20 33 Butler Street – tree

7/1/20 152 Roosevelt Drive – tree



7/14/20 41 Allen Street - tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

6/26/20 Stacey Stoll, 461 Washburn Street, Lockport, NY  
7/10/20 Christopher Redding, 385 Mill Street, Lockport, NY  
7/15/20 Edith Flanagan, 225 S. Transit Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**071520.2**

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 16, 2020 as follows:

General Fund	Fund A	\$141,921.09
Water Fund	Fund FX	\$ 16,343.75
Sewer Fund	Fund G	\$ 22,734.89
Capital Projects	Fund H	\$514,171.58
Refuse Fund	Fund CL	\$102,174.68
Self Insurance	Fund MS	\$ 57,449.62
Worker's Comp	Fund S	\$ 12,648.50
Comm. Dev.	Fund CD	\$ 8,440.00
Payroll	Pay Date 7/2	\$489,981.79

Seconded by Alderman Schratz and adopted. Ayes 5.

**071520.3**

By Alderman Schratz:

Resolved, that the request for a special use permit made by Brandon Marvin to hold outdoor social events, located at 767 & 801 Market 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 recommendation is for social events through the end of the 2020 calendar year only.
- The social events shall be held only on Thursday, Saturday or Sunday during normal business hours.
- The social events shall not extend past 8 p.m.
- Any alcohol sales must be provided by an outside vendor.

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 Vandemark and adopted. Ayes 5.

**071520.4**

By Alderman Devine:

Resolved, that the request for a special use permit made by Joseph Silva to utilize a portion of the building for a pottery/art studio, 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 4.

**071520.5**

By Alderman Vandemark:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Carl H. Berry, a retired Niagara County Water District employee who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 5.

**071620.6**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted to the Dale Association the use of Church Alley from Church Street to Lock Street on July 23, 2020, from 12:00 pm to 1:00 pm for a hot dog drive thru.

Seconded by Alderman Oates and adopted. Ayes 5.

**071520.7**

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 8, 2020 from 10AM until 6PM for a Family Picnic, 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, 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 5.

**071520.8**

**ADJOURNMENT**

At 5:48 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 5, 2020.  
Seconded by Alderman Vandemark and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Special Meeting  
Official Record

July 22, 2020  
5:00 P.M.

A Special Meeting was called by Mayor Michelle M. Roman relative to the stipulated settlement of the Lockport Professional Park tax assessment.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Oates, Schratz and Van De Mark.

Alderman Devine absent.

Alderman Kantor arrived late.

**072220.1**

By Alderman Schratz:

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

Seconded by Alderman Van De Mark and adopted. Ayes 4.

On motion of Alderman Van De Mark, seconded by Alderman Schratz, the Common Council moved to Executive Session regarding foregoing resolution at 5:07 PM. Ayes 4. Carried.

On motion of Alderman Schratz, seconded by Alderman Oates, the Common Council ended Executive Session at 5:25 PM. Ayes 5. Carried.

**072220.2**

By Alderman Kantor:

WHEREAS, Lockport Professional Park (“Petitioner”) is the owner of a block of parcels of property located in the City of Lockport which is known as the Lockport Professional Park, and

WHEREAS, the Petitioner has filed a tax assessment proceeding seeking a reduction in the combined assessment of the parcels, plus a tax refund with interest for the 2015-2021 tax years, and

WHEREAS, the Lockport Professional Park has a significant and increasing number of vacancies, is in Court Ordered Receivership, has been the subject to Foreclosure Proceedings, and is in disrepair, and

WHEREAS, a settlement has been proposed which will resolve all pending tax assessment proceedings through the 2021 tax year; and

WHEREAS, the tax assessment for 2015-2016, 2016-2017 and 2017-2018 for the premises shall be set at \$6,300,000; and

WHEREAS, the tax assessment for 2018-2019 for the premises shall be set at \$5,306,000; and

WHEREAS, the tax assessment for 2019-2020 for the premises shall be set at \$5,200,000; and

WHEREAS, the tax assessment for 2020-2021 for the premises shall be set at \$1,192,000; and

WHEREAS, the Petitioner is entitled to receive a tax refund from the City of Lockport for the 2015-2016, 2016-2017, and 2017-2018 tax years and said refunds shall be paid by two payments, one in January 2021 and one in January 2022; and

WHEREAS, the Petitioner is entitled to statutory interest for each year that a tax refund is owed, however, that statutory interest is capped at a total of \$9,000 and shall be divided pro rata by the three taxing authorities; and

WHEREAS, the City of Lockport’s legal counsel recommends the approval of the proposed settlement, and

WHEREAS, the Lockport School District and County of Niagara have approved the proposed settlement; now, therefore, be it

Resolved, that the proposed settlement reducing the combined assessment for the Lockport Professional Park in the City of Lockport as herein described and delineated in the Consent Order for tax years 2015 through 2021, including the tax refunds and statutory interest is hereby approved by the Lockport Common Council.

Seconded by Alderman Schratz and adopted. Ayes 5.

At 5:28 P.M. Alderman Kantor moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 5, 2020.

Seconded by Alderman Schratz and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

**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 Ilia 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 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 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

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

Lockport Municipal Building

Regular Meeting  
Official Record

August 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.

**MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**081920.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of August 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 utilize the existing building located at 1149 Lincoln Ave. as a medical office.

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

8/4/20 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing to hear and consider a 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 amendment have been received.

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Partial Update of the Comprehensive Plan Relating to the RA-Reserve Area District of the City of Lockport.

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

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing to hear and consider a Local Law amending section 190-77 Special Uses allowed in the RA Reserve Area District.

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 on the application made by Cazenovia Recovery Systems, Inc. seeking to rezone the site of the former Niagara County Infirmary, located at 102 Davison Rd., Lockport, NY.

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

8/17-8/19/20 Received both written and electronic correspondence from the following expressing opposition to the rezoning of 102 Davison Road.

Molly Case, 34 Windermere Road  
Sandra D. Scrace, 17 Alanview Drive  
David & Beth Kinyon, 117 Windermere Road  
Marcia Tilney, 22 Keswick Road  
Margo Covell, 51 Coolidge Avenue  
John Sakowski, 39 Independence Drive  
Christopher Niver, 47 Windermere Road  
Diane Masse-Woods, 30 Windermere Road  
Connie Conley, 21 Keswick Road  
Nancy Roth, 98 Ambleside Drive  
Robert G. Nodine, 35 Keswick Road  
Kristin Barnard, 36 Bonner Drive  
Judy Thunhorst, 44 Grasmere Road  
Camille & John Pasceri, 123 Grasmere Road  
David & Carol Mellor, 98 Windermere Road  
Steven & Jayette Sinclair, 22 Rydalmount Road  
Sharon & Hans Braun, 155 Ambleside Drive  
Janet Gould, 130 Ambleside Drive  
Teresa Niver, 47 Windermere Road  
Pamela Firkins, 102 Windermere Road  
Luciana Gaskill, 40 Grasmere Road  
Jean Alfonso, 1 Keswick Road  
Maggie & Jim Hagenbach, 8 Grasmere Road  
Pat & Shannon Kennedy, 126 Windermere Road  
John & Susan Coyle, 2 Grasmere Road  
Karen Kilbury-Mensch, 52 Ambleside Drive  
John & Linda Kugler, 691 Davison Road  
Deborah & Paul Drinkwalter, 142 Windermere Road  
Mike & Carol Manning, 4 Grasmere Road

Paul & Gail Perona, 30 Rydalmount Road  
Kristopher Schultz, President AnJo Summer Baseball Program  
Arthur E. & Kathy Jackson, 4 Davison Road  
Heather Mosher, 68 Grasmere Road  
Margret Emerson, 24 Windermere Road  
Demosthenes Nestoros, 64 Grasmere Road  
Michael T. O'Malley, 238 Windermere Road  
Henry & Linda Sperduti, 5 Desales Circle

8/19/20 Charles Grieco, Esq., with Bond, Schoeneck & King, PLLC, on behalf of Cazenovia Recovery Systems, Inc. submitted a letter of support of its application to rezone the former Niagara County Infirmary Property.

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)

8/13/20 Mayor Michelle M. Roman – recommendation that Anna M. Mauri be appointed as a member of the Lockport Board of Ethics.

Referred to the Committee of the Whole

### **Notice of Complaint:**

8/4/20 109 & 119 Niagara Street – trees

8/7/20 298 Locust Street – tree

8/10/20 2 Hoover Pkwy – tree

8/10/20 50 Beattie Avenue – tree

8/10/20 125 Akron Street – tree

8/10/20 348 High Street - trees

Referred to the Director of Streets and Parks.

### **Notice of Claim:**

8/7/20 Teresa Swider, 24 Sunnyside Street, Lockport, NY

Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **081920.2**

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 20, 2020 as follows:

General Fund	Fund A	\$102,378.47
Water Fund	Fund FX	\$ 21,158.09
Sewer Fund	Fund G	\$ 31,925.94

Refuse Fund	Fund CL	\$ 718.14
Self Insurance	Fund MS	\$ 54,980.08
Payroll	Pay Date 8/13	\$470,751.62

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**081920.3**

By Alderman Schratz:

## City of Lockport

### Local Law No. 4 of the year 2020

#### A LOCAL LAW amending Section 13 of Local Law No. 3 of the year 2019:

Be it hereby enacted by the City Council of the City of Lockport as follows:

### 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. Five percent (5%) of said revenue shall be retained by the City of Lockport for administration and collection costs. One percent (1%) of such revenue from this tax shall be dedicated to the operation of the Discover Niagara Shuttle. 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; and 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.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Vandemark. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes



The Local Law was thereupon declared duly adopted.

**081920.4**

By Alderman Kantor:

Resolved, that the request for a special use permit made by C. E. Beney, LLC. to utilize the existing building as a medical office, located at 1149 Lincoln Avenue, situated in a B-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 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.

**081920.5**

By Alderman Schratz:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to host a "Saturday Sidewalk Sale" utilizing the City right of way in front of local businesses on August 29, 2020 from 10:00 a.m. to 5:00 p.m., subject to 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.

**081920.6**

By Alderman Abbott:

Whereas, the City has previously made an agreement with Troy and Banks Smart Solutions to perform a NYSEG pole and light audit in the fiscal year 2020, and

Whereas, Troy and Banks Smart Solutions has identified savings and has invoiced the City for their services according to their contract, but there are not enough funds in the line item to pay for their invoice, and

Whereas, the City will move funds that will no longer be required for utilities into the appropriate line item to pay for this service; now, therefore, be it

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

Expense:

Decrease:

A.1900.54623

Utilities – Electricity

\$ 2,395.93

Increase:

A.1010.54055	Professional Services	\$ 2,395.93
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Seconded by Alderman Schratz and adopted. Ayes 6.

#### 081920.7

By Alderman Oates:

Whereas, Resolution 121920.16 moved \$17,000 in funding from the Treasurer to the Finance Department to be used for professional services, and

Whereas, the Finance Department has required only \$11,910 of the funding for year-end services relating to FY 2019, and

Whereas, the Common Council's FY 2020 budget for professional services does not have enough funding to pay an outstanding Lumsden and McCormick invoice for the FY 2019 audit; now, therefore, be it

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

Expense:

Decrease:

A.1310.54055	Professional Services	\$ 5,000
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Increase:

A.1010.54055	Professional Services	\$ 5,000
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Seconded by Alderman Vandemark and adopted. Ayes 6.

#### 081920.8

By Alderman Kantor:

WHEREAS, the Fire Department, through the Fire Chief's office, was authorized to apply for a Federal Emergency Management Agency (FEMA) - Assistance to Firefighters Grant (AFG) to assist in the purchase of three new cardiac defibrillator/monitors to replace the three aged units the Fire Department currently has in use, and

WHEREAS, the Fire Chief received notification from FEMA on Wednesday August 5<sup>th</sup>, that the Department had received an award from the FEMA AFG program that would allow for the purchase of these defibrillator/monitors now has until September 4<sup>th</sup>, 2020 to accept this award, and

WHEREAS, if this grant award is accepted the Federal share of these funds will be for \$96,468.35, while the Non-Federal share of these funds will be for \$9,646.84 to complete the total funds applied for at \$116,115.94; NOW THEREFORE BE IT

RESOLVED, the Fire Chief is hereby directed and authorized to accept this FEMA AFG grant award to pay for the purchase of three new cardiac/defibrillator monitors and that the 2020 General Fund Budget is hereby amended as follows:

Revenue:

Increase:

A.3410.34389 Other Federal Public Safety Aid	\$ 96,468.35
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Expense:

Increase:

A.3410.52070 Public Safety Equipment	\$ 96,468.35
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Seconded by Alderman Abbott and adopted. Ayes 6.

#### 081920.9

By Alderman Oates:

Resolved, that Mulvey Construction Inc. is hereby granted permission to place equipment on the sidewalk in front of 45 Main Street and along the Pine Street portion of the building if necessary, in the city right-of-way, for an exterior window project. The work will begin upon approval of this resolution.

Said permission is subject to Mulvey Construction 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.

**081920.10**

By Alderman Devine:

Resolved, that pursuant to the recommendation of Mayor Roman, Anna M. Mauri, 57 Coolidge Avenue, Lockport, NY is hereby appointed as a member of the Board of Ethics. Said term expires on August 7, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

**081920.11**

**ADJOURNMENT**

At 6:26 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 2, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

September 2, 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.

## **Minutes Correction – August 19, 2020:**

### **081920.7**

By Alderman Oates:

Whereas, Resolution ~~121920.16~~ **021920.16** moved \$17,000 in funding from the Treasurer to the Finance Department to be used for professional services, and

Whereas, the Finance Department has required only \$11,910 of the funding for year-end services relating to FY 2019, and

Whereas, the Common Council's FY 2020 budget for professional services does not have enough funding to pay an outstanding Lumsden and McCormick invoice for the FY 2019 audit; now, therefore, be it

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

Expense:

Decrease:

A.1310.54055	Professional Services	\$ 5,000
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Increase:

A.1010.54055	Professional Services	\$ 5,000
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Seconded by Alderman Devine and adopted. Ayes 6.

### **090220.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of August 19, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

### **Resignation:**

8/29/20 Tim Walsh resigned from the City of Lockport Police Board of Commissioners effective immediately.

Received and filed.

### **Appointments:**

9/2/20 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 create The Ad-Hoc Police Policy Review Committee, effective today September 2, 2020 and make the following appointments:

Steven Abbott	192 Grand Street
Cheryl Brown	422 W. Caledonia Street
Jason Cafarella	754 Park Place, Niagara Falls, NY
Mary Pat Filbert	323 Church Street
Felicia Grooms	104 S. Bristol Avenue
Flora Hawkins	199 West Avenue
Kevin Lucinski	3454 Murphy Road, Newfane, NY
Michelle Roman	30 Cherry Street
Mark Sanders	22 Kelley Avenue, Middleport, NY
Ellen Schratz	390 Locust Street
Kelly Van De Mark	587 Pine Street

Tricia Vosburgh  
Laura Lee Zaggarigo

7154 Ellicott Road  
514 High 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)

8/31/20 Paul K. Oates, 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 7

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

Bulk collection is scheduled to be the week of September 14<sup>th</sup>.

Referred to the media.

**Notice of Complaint:**

8/19/20 21 Church Street – sidewalk  
8/26/20 292 Hawley Street – tree  
8/31/20 36 N. Adam Street – tree  
8/31/20 94 & 96 Massachusetts Avenue – trees  
8/31/20 104 & 106 Gooding Street – trees  
8/31/20 156 John Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/24/20 Joe Ferchen, 125 Garden Street, Lockport, NY  
8/27/20 Kristy L. Schaefer, 2546 Maple Road, Wilson, NY

Referred to the Corporation Counsel.

### MOTIONS & RESOLUTIONS

**090220.2**

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 3, 2020 as follows:

General Fund	Fund A	\$ 98,179.72
Water Fund	Fund FX	\$ 17,920.85
Sewer Fund	Fund G	\$ 29,088.52
Capital Projects	Fund H	\$204,232.27
Self Insurance	Fund MS	\$145,216.99
Payroll	Pay Date 8/27	\$452,972.12

Seconded by Alderman Vandemark and adopted. Ayes 6.

**090220.3**

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>
Roger F. LaRoach	30	Heavy Equipment Operator
Kevin M. Watier	25	Firefighter

Seconded by Alderman Schratz and adopted. Ayes 6.

**090220.4**

By Alderman Kantor:

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 16, 2020 from 4 p.m. to 6 p.m., 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, and be it further

Resolved, that said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines.

Seconded by Alderman Schratz and adopted. Ayes 6.

**090220.5**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Grosvenor to barricade Grosvenor Street from Church Street to N. Transit Street on September 19, 2020, for a block party, and be it further

Resolved, that said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines, 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.

**090220.6**

By Alderman Abbott:

Whereas, the City of Lockport currently uses KVS Enterprise for a number of operational systems, including general ledger and receipts, billing, collections, and reporting; and

Whereas, Springbrook has provided their annual renewal agreement for KVS support and service at a cost of \$17,786; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into a renewal contract with Springbrook, attached hereto, and be it further

Resolved, that \$17,786 for the KVS agreement be utilized from line A.1680.54075 of the 2020 General Fund budget.

Seconded by Alderman Oates and approved. Ayes 6.

**090220.7**

By Alderman Oates:

Whereas, the City of Lockport has experienced higher than anticipated retirements in the current fiscal year, and

Whereas, the general fund budget designated for retirement buyouts does not contain enough funding for current outstanding requests, and

Whereas, the City is facing financial difficulty because of the complications from COVID-19, including a loss of revenue and unforeseen expenditures; now, therefore, be it

Resolved, that to pay for current retirement buyout obligations, the 2020 General Fund Budget is hereby amended as detailed below;

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 6.

<b>Expenditures:</b>		
	<b>Increase:</b>	
	A.9000.58010 FICA	\$ 22,098
	A.9000.58052 Retirement Leave Payout	\$ 221,172
	<b>Total</b>	<b>\$ 243,270</b>
	<b>Decrease:</b>	
	A.1210.54035 Training and Education	\$ 500
	A.1210.54045 Travel Related Costs	\$ 400
	A.1355.54035 Training and Education	\$ 500
	A.1355.54055 Professional Services	\$ 3,000
	A.1355.54115 Computer Software	\$ 1,500
	A.1410.54003 Furniture	\$ 250
	A.1410.54035 Training and Education	\$ 500
	A.1430.54041 Publications	\$ 100
	A.1430.54510 Program Expenses	\$ 1,800
	A.1440.54040 Membership Dues	\$ 700
	A.1440.54041 Publications	\$ 200
	A.1440.54041 Maintenance Contract	\$ 10,300
	A.1490.54005 Supplies	\$ 200
	A.1490.54605 Phone	\$ 420
	A.1620.54003 Office Furniture	\$ 1,868
	A.1620.54076 Property Repairs	\$ 1,119
	A.1620.54075 Maintenance Contract	\$ 1,500
	A.1620.54076 Property Repairs	\$ 3,000
	A.1620.54520 Chemicals	\$ 500
	A.1640.54065 Equipment Lease	\$ 1,550
	A.1640.54300 Vehicle Repair	\$ 10,000
	A.1640.54500 Medical Fees	\$ 100
	A.1640.54515 Special Supplies	\$ 1,327
	A.1670.54610 Internet Services	\$ 15,000
	A.1900.54620 Utilities - Gas	\$ 10,000
	A.1900.54623 Utilities - Electric	\$ 20,000
	A.3120.51170 Additional Compensation	\$ 26,496
	A.3120.52070 Safety Equipment	\$ 25,000
	A.3120.54065 Equipment Lease	\$ 59,250
	A.3128.54085 Clothing	\$ 1,000
	A.3410.54065 Equipment Lease	\$ 10,940
	A.3620.54055 Professional Services	\$ 1,500
	A.3620.54065 Equipment Lease	\$ 8,500
	A.3620.54077 Maintenance Supplies	\$ 250
	A.3620.54083 Support Services	\$ 1,000
	A.5110.54500 Medical Services	\$ 1,000
	A.8021.54055 Professional Services	\$ 10,000
	A.8510.54510 Program Expenses	\$ 2,500
	A.8730.52015 Technical Equipment	\$ 1,000
	A.8730.54110 Landscape Materials	\$ 3,000
	A.8510.54510.HH Hometown Hero	\$ 5,000
	A.8510.54510.VB Veteran Bricks	\$ 500
	<b>Total:</b>	<b>\$ 243,270</b>



Seconded by Alderman Abbott and adopted. Ayes 6.

**090220.8**

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

SUPPLEMENTAL BOND ORDINANCE DATED SEPTEMBER 2, 2020.

AN ORDINANCE SUPPLEMENTING A BOND ORDINANCE DATED AND DULY ADOPTED ON SEPTEMBER 4, 2019 OF SAID CITY.

WHEREAS, on September 4, 2019, the Common Council of the City of Lockport, Niagara County, New York (the "City") duly adopted a bond ordinance to finance the cost of effluent disinfection upgrade project at the Wastewater Treatment Plant, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for said City (the "Project"), a specific object or purpose, at a maximum estimated cost of \$3,125,000, with \$3,125,000 bonds authorized to be issued therefor (the "Bond Ordinance"); and

WHEREAS, on May 15, 2019 the Common Council had adopted a resolution determining said capital project to be an Unlisted Action and thereby superseding a 2017 resolution of the Common Council determining said project to be a Type II Action; and

WHEREAS, the bond ordinance duly adopted on September 4, 2019 inadvertently referred to the earlier SEQRA determination; and

WHEREAS, it is desirable to supplement and amend the bond resolution accordingly,  
NOW, THEREFORE

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 first Whereas clause of the Bond Ordinance dated and duly adopted on September 4, 2019 is hereby amended to read as follows:

“WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the NYS Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant adverse environmental impact.”

Section 2. The summary legal notice of estoppel attached hereto shall be published in the official newspaper of the City by the City Clerk.

Section 3. This ordinance shall take effect immediately.

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 Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The ordinance was thereupon declared duly adopted.

#### **090220.9**

By Alderman Oates:

Resolved, that pursuant to her request, Erin Gugliuzza, a certified and registered yoga instructor, is hereby granted permission to conduct outdoor yoga Hathaway vinyasa classes to the public at Dolan Park on Monday evenings, and Outwater Park on Wednesday evenings, beginning September 9, 2020 until November 4, 2020, and be it further

Resolved, said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines, and is further subject to Erin Gugliuzza filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Vandemark and adopted. Ayes 6.

**090220.10**

By Alderman Oates:

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 (City) for the replacement of the approximately two-mile section of steel lock bar pipe; and

Whereas, per Resolution 121918.5 Kandey Company, Inc. (Kandey) was awarded a contract for \$6,712,145.00 for the construction of the project, with two subsequently approved Change Orders increasing Kandey's contract to \$7,149,545.00; and

Whereas, construction of the project is complete and Kandey has submitted a request for Change Order No. 3 (Final), inclusive of paving the Water Treatment Plant parking lot and final adjustment of Contract Unit Items for a credit of \$315,988.90 resulting in a final Contract amount of \$6,833,556.10 as reviewed and recommend by the City's consulting engineer GHD on August 10, 2020, now, therefore, be it

Resolved, that the Mayor is authorized to execute Change Order No. 3 (Final) with Kandey Company, Inc. for a credit of \$315,988.90, resulting in a final Contract amount of \$6,833,556.10 per recommend of the City's consulting engineer GHD dated August 10, 2020.

Seconded by Alderman Devine and adopted. Ayes 6.

**090220.11 AUTHORIZE CONTRACTOR REPAIRS TO WTP – WITHDRAWN****090220.12**

By Alderman Kantor:

Whereas, the City of Lockport (City), applied for and has received a Streetscape Green Infrastructure Enhancement Project Grant for the following streets: Pine St., South St. and Washburn St. (EFC Project No. C9-6659-17-00) via the New York Consolidated Funding Application (CFA) to the Green Innovation Grant Program (GIGP); and

Whereas, the City was has received an Executed Agreement from the New York State Environmental Facilities Corporation (NYSEFC) for \$1,500,000 of the project cost including Professional Engineering Services; and

Whereas, Nussbaumer & Clarke, Inc. (Nussbaumer), prepared the Project Feasibility Study which was approved by NYSEFC and the New York State Department of Environmental Conservation (NYSDEC) in May 2020, said firm is on the City's pre-qualified list of engineering service providers, and said firm submitted a proposal dated August 27, 2020 in accordance with the City's agreement with EFC for a fee not-to-exceed \$288,079; 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 fee not-to-exceed \$288,079 per their proposal dated August 27, 2020, contingent upon review and approval by NYSEFC.

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

**090220.13 Authorize City as Lead Agency in OYA Solar Project - WITHDRAWN****090220.14****ADJOURNMENT**

At 6:02 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 16, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

September 16, 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, Kantor, Oates, Schratz and Van De Mark.

Alderman Devine absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**091620.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Kantor, the minutes of the Regular Meeting of September 2, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Appointments:**

9/1/20 Miles D. Patterson, 12 Hoover Parkway, Lockport, NY appointed to the Police board to fill the unexpired term of Timothy Walsh. Said term expires December 31, 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:**

9/2/20 26 Woodbury Drive – tree  
9/4/20 229 Waterman Street – tree

9/14/20 56 Cleveland Place – trees  
9/15/20 165 N. Adam Street - tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

9/15/20 Matthew Corraine, 153 Jackson Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**091620.2**

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 17, 2020 as follows:

General Fund	Fund A	\$118,586.72
Water Fund	Fund FX	\$179,132.37
Sewer Fund	Fund G	\$ 32,373.07
Capital Projects	Fund H	\$427,983.78
Refuse Fund	Fund CL	\$200,643.13
Self Insurance	Fund MS	\$ 1,431.90
Worker's Comp	Fund S	\$ 34,567.30
Community Dev.	Fund CD	\$ 21,600.00
Payroll	Pay Date 9/10	\$459,992.48

Seconded by Alderman Kantor and adopted. Ayes 5.

**091620.3**

By Alderman Vandemark:

Resolved, that a virtual public hearing be held at the Common Council Meeting of October 7, 2020 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Jason Castricone, for approval to utilize an existing building for office space, salon/retail and an apartment to be located at 242 So. Transit Street, 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 Oates and adopted. Ayes 5.

**091620.4**

By Alderman Abbott:

WHEREAS, Ruhlmann Farm Acres LLC, and the Applicant/Sponsor, OYA Ruhlmann A LLC, applied for site plan and special use permit approval, for a proposed solar energy system for the operation of a 5 MWAC/7.5 MWDC solar project on its property located at 251 Summit Street, Lockport, that will occupy approximately 10 acres of the 43 acres total area of the parcel; and

WHEREAS, Ruhlmann Farm Acres LLC, and the Applicant/Sponsor, OYA Ruhlmann B LLC, applied for site plan and special use permit approval, for a proposed solar energy system operation of a 2.125 MW/2.964 MWDC solar project on its property located at 219 Summit Street, Lockport, that will occupy approximately 3.76 acres of the 16.46 acres total area of the parcel; and

WHEREAS, the City has classified this project as Type 1 action, and is coordinating the review of same pursuant to the State Environmental Quality Review Act; and

WHEREAS, pursuant to 6 NYCRR Part 617, pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review), the City Council would like to establish itself as Lead Agency for said projects, and therefore mailed a request to act as Lead Agency to the appropriate and involved agencies along with copies of the special use permit application and site plan; and

WHEREAS, no appropriate or involved agency responded within the requisite 30 days to said request; and

NOW, THEREFORE, BE IT RESOLVED, that that the City of Lockport hereby declares itself as Lead Agency for the OYA Ruhlmann A LLC and OYA Ruhlmann B LLC solar projects located at 219 and 251 Summit Street, Lockport, New York 14094.

Seconded by Alderman Vandemark and adopted. Ayes 5.

#### **091620.5 Authorize a contractor for WTP – WITHDRAWN**

#### **091620.6**

By Alderman Oates:

Resolved, that pursuant to her request, permission is hereby granted to Christene Cescon to barricade Rene Place, the alley off Ohio Street, to conduct a block party/pig roast on Saturday, October 10, 2020 beginning at 2 pm, 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, and be it further

Resolved, that said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines.

Seconded by Alderman Abbott and adopted. Ayes 5.

#### **091620.7**

By Alderman Abbott:

WHEREAS, due to the Covid-19 pandemic, the City of Lockport anticipates that it will have a deficiency in revenue in the 2020 budget; and

WHEREAS, due to possible budget deficiencies as a result of Covid, the City of Lockport must be proactive to address the potential shortfalls in revenue; and

WHEREAS, the City of Lockport wishes to establish a hiring freeze; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby directs that the City enter into a hiring freeze and should a position become vacant, said position shall not be filled. A vacant job may only be filled after presentation to the Common Council by the Department Head of the job, justifying the necessity of same. This Resolution shall expire on December 31, 2020.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **091620.8**

By Alderman Kantor:

WHEREAS, the City of Lockport currently uses Verizon Wireless for its cellular and data equipment services; and

WHEREAS, Verizon has provided a renewal contract which will have estimated savings included and increased quality of service; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council hereby approves and authorizes the Mayor to enter into a renewal contract, attached hereto with Verizon Wireless.

Seconded by Alderman Vandemark and adopted. Ayes 5.

**091620.9**

By Alderman Abbott:

Resolved, that a virtual public hearing be held at the Common Council Meeting of October 7, 2020 starting at 5:30 P.M. relative to a request for a Special Use Permit made by OYA Solar NY, L.P., for approval for a 5 MW ground mounted solar facility to be located at 251 Summit Street, and a 2 MW ground mounted solar facility to be located at 219 Summit Street, both situated in an 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 Oates and adopted. Ayes 5.

**091620.9A**

By Alderman Vandemark:

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 beginning September 2020, for the duration of their renovation project, finishing in October 2020. 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 Kantor and adopted. Ayes 4. Alderman Schratz abstained.

**091620.9B**

By Alderman Schratz:

Resolved, that pursuant to their request the Boy Scouts of America, Iroquois Trail Council is hereby granted permission to host a recruiting event at Altro Park on October 3, 2020 subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines.

Seconded by Alderman Abbott and adopted. Ayes 5.

**091620.9C**

By Alderman Vandemark:

Resolved, that pursuant to their request, permission is hereby granted to Refuge Temple to conduct a Community Day in the City parking lot on Heritage Square on September 27, 2020, 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, 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 Schratz and adopted. Ayes 5.

**091620.10**

## **ADJOURNMENT**

At 5:53 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 7, 2020.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 7, 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.

**100720.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of September 16, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on a Special Use Permit to utilize the existing building for office space, salon /retail space and a dwelling unit located at 242 So. Transit Street.



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

9/15/20 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing on a Special Use Permit to install a 5MW ground mounted solar facility to be located at 251 Summit Street, and a 2 MW ground mounted solar facility to be located at 219 Summit Street.

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

9/15/20 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request with stipulations.

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Resignations:**

9/15/20 Kelly VanDeMark, resigning from her position as 4<sup>th</sup> Ward Alderman effective October 23, 2020.  
Received and filed.

10/6/20 Anthony Stevenson, resigning from the Human Relations Commission effective September 3, 2020.  
Received and filed.

#### **Appointments:**

9/28/20 Jon D. Wiley, removed from the Lockport Housing Authority effective September 28, 2020.  
Received and filed.

10/5/20 Jon D. Wiley, 39 Harrison Avenue – appointed to the Human Relations Committee to fill the unexpired term of Anthony Stevenson. Said term expires on July 15, 2023.  
Received and filed.

10/5/20 Anthony D. Nemi, 65 South New York Street – appointed to the Human Relations Committee to fill the unexpired term of Sharon Davis. Said term expires on July 15, 2022.

Received and filed.

9/28/20 Dennis M. Stalcup, 215 Ontario Street, Lockport, NY - appointed to Water/Sewer Distribution Maintenance Supervisor for the Water Department effective September 28, 2020. 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)

10/1/20 Paul K. Oates, 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 12<sup>th</sup>

There will be no change in the garbage pickup schedule.

Referred to the Media.

### Notice of Complaint:

9/18/20 275 Locust Street – tree

9/23/20 477 Hawley Street – trees

10/2/20 21 Morton Street – trees

10/2/20 169 Willow Street - trees

Referred to the Director of Streets and Parks.

### Notice of Claim:

9/11/20 Deanna Wiley, 131 Allen Street, Lockport, NY

9/15/20 Elena Dzur, 221 Genesee Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 100720.2

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 8, 2020 as follows:

General Fund	Fund A	\$143,500.62
Water Fund	Fund FX	\$ 62,605.80
Sewer Fund	Fund G	\$ 70,661.83
Capital Projects	Fund H	\$ 5,400.00
Refuse Fund	Fund CL	\$ 26,278.77
Self Insurance	Fund MS	\$149,479.42
Worker's Comp	Fund S	\$ 7,500.00
Payroll	Pay Date 9/24	\$459,643.33

Seconded by Alderman Abbott and adopted. Ayes 6.

**100720.3**

By Alderman Vandemark:

Resolved, that the request for a special use permit made by Jason Castricone to utilize an existing building for office space, salon/retail and an apartment, located at 242 So. Transit Street, 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 special use 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.

By Alderman Van De Mark:

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

Seconded by Alderman Abbott and adopted. Ayes 6.

**100720.4**

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 operators to activate redundant stand by pumps, and

Whereas, the loss of use of HSP-1 represents a loss of redundancy of pumping capacity to supply the City potable water system and thus a Public Emergency was Declared by the Mayor on August 13, 2020, and

Whereas, due to the specialized nature of the equipment/means/method to repair or replace components of HSP-1, it is anticipated that the lead time to accomplish such repairs/replacement 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 September 16, 2020 to perform repairs to HSP 1 in the amount of \$78,283.70, and

Whereas, City WTP operations staff have reviewed the estimate and recommend Moley to perform the repairs to HSP 1,  
Now, therefore, be it;

RESOLVED that the Mayor is authorized to execute an Agreement with Moley Magnetics, 5202 Commerce Drive, Lockport, NY 14094, Lockport NY 14094 for a not-to-exceed fee of \$78,283.70 per their estimate dated September 16, 2020, plus a contingency of 20%, subject to Corporation Council review.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **100720.5**

By Alderman Vandemark:

Resolved, that a virtual public hearing be held at the Common Council Meeting of October 21, 2020 starting at 5:30 P.M. relative to a request for a Special Use Permit made by The Chapel, for approval to operate a day care/drop off program until June 2021 located at 25 Walnut 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 Schratz and adopted. Ayes 6.

#### **100720.6**

By Alderman Abbott:

Whereas, the waste water fund sold equipment (ICP) in excess of the FY 2020 revenue line item appropriation, and

Whereas, the waste water department head would like to utilize said excess revenues directly for increased laboratory supplies and services,

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

Increase:

G.0000.32665 Sale of Equipment	\$ 6,695
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Expense:

Increase:

G.8130.54200 Laboratory Supplies and Services	\$ 6,695
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Seconded by Alderman Oates and adopted. Ayes 6.

#### **100720.7**

By Alderman Schratz:

Resolved, that Saturday, October 31, 2020 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., and be it further

Resolved, that residents follow all COVID-19 protocols in accordance with New York State guidelines, including but not limited to, social distancing, wearing masks over mouth and nose, and sanitizing/washing of hands.

Seconded by Alderman Van De Mark and adopted. Ayes 6.

By Alderman Van De Mark:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **100720.8**

By Alderman Oates:

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-levees and the dollar amount to be added to the tax rolls, and be it further

RESOLVED, that a virtual public hearing be held at the Common Council meeting on Wednesday, October 21, 2020, starting at approximately 5:30 P.M. 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 Kantor and adopted. Ayes 6.

#### **100720.9**

By Alderman Oates:

Whereas, resolution 021920.16 moved \$100,000 in general funds from Finance and Accounting's full-time wages line item to professional services to pay for Bonadio & Co., LLP interim financial work,

Whereas, the full-time wages line item is now insufficient to pay for wages of the department's staff for the remainder of the year,

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

Expense:

Decrease:

A.1310.54055	Professional Services	\$ 35,300
A.1900.54775	Contingency	\$ 36,000

Increase:

A.1310.51010	Full Time Wages	\$ 71,300
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Seconded by Alderman Schratz and adopted. Ayes 6.

#### **100720.10**

By Alderman Devine:

Resolved, that pursuant to their request, Miles Patterson is hereby granted permission to use the Little Loop and baseball fields at Outwater Park for a Flag Football Tournament on October 18<sup>th</sup>, 2020, subject to Mr. Patterson filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **100720.10A**

By Alderman Devine:

Resolved, that pursuant to the recommendation of Mayor Roman, Helen K. Fry-Gallagher, 323 Clinton Street, Lockport, NY is hereby appointed to the Lockport Assessment Review Board for a five-year term expiring on September 30, 2024.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **100720.11**

#### **ADJOURNMENT**

At 6:34 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 21, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 21, 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.

## **102120.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of October 7, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. 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 a request for a Special Use Permit to operate a daycare/drop off program at 25 Walnut Street.

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

10/7/20 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

10/14/20 Christopher B. Sherman, 404 Walnut Street, Lockport, NY – appointed to the Lockport Housing Authority to fill the unexpired term of Jon D. Wiley. Said term expires on April 26, 2025.

Received and filed.

10/19/20 Thomas E. Hull, 313 Willow Street, Lockport, NY – reappointed to the Zoning Board of Appeals. Said term expires on November 15, 2022.  
Received and filed.

10/16/20 Mark A. Cocco, 21 Allen Street, Lockport, NY – appointed to Sr. Water/Sewer Maintenance Worker in the Water Distribution Department effective October 12, 2020. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

10/16/20 Mark P. Davis, Jr., 8548 Ridge Road, Apt. B, Gasport, NY – appointed to Sr. Water/Sewer Maintenance Worker in the Water Distribution Department effective October 12, 2020. 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)

10/21/20 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November.

Tuesday, November 3 <sup>rd</sup>	Election Day
Wednesday, November 11 <sup>th</sup>	Veteran's Day
Thursday & Friday, November 26 <sup>th</sup> & 27 <sup>th</sup>	Thanksgiving Holiday

The garbage collection schedule will remain the same for November 3<sup>rd</sup> and 11<sup>th</sup>.

For the Thanksgiving Holiday, garbage collection will be as follows:

<u>Normal Pick Up Day</u>	<u>Holiday Pick Up Day</u>
Thursday, November 26 <sup>th</sup>	Friday, November 27 <sup>th</sup>
Friday, November 27 <sup>th</sup>	Saturday, November 28 <sup>th</sup>

Referred to the Media.

### Notice of Complaint:

10/7/20 577 Willow Street – trees  
10/9/20 102 Grand Street – tree  
10/16/20 64 Crosby Avenue – tree  
10/19/20 143 Continental Drive - trees  
10/19/20 221 Genesee Street - tree  
Referred to the Director of Streets and Parks.



**Notice of Claim:**

10/19/20 Kaylee Irwin, 1707 West Creek Rd., Burt, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS****102120.2**

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 22, 2020 as follows:

General Fund	Fund A	\$ 65,137.39
Water Fund	Fund FX	\$ 9,822.24
Sewer Fund	Fund G	\$ 19,684.97
Refuse Fund	Fund CL	\$100,399.83
Self Insurance	Fund MS	\$ 95,546.50
Community Dev.	Fund CD	\$ 10,075.00
Payroll	Pay Date 10/8	\$451,589.00

Seconded by Alderman Kantor and adopted. Ayes 6.

**102120.3**

By Alderman Schratz:

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 virtual public hearing on October 21, 2020 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 \$194,270.94 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	\$178,685.94
Re-levy Fee	\$ 15,585.00

Seconded by Alderman Vandemark and adopted. Ayes 6.

**102120.4**

By Alderman Abbott:

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, a public hearing was duly called and held on the proposed Partial Update of the Comprehensive Plan; and

WHEREAS, the proposed update was duly submitted to the County Planning Board for review and recommendation and that, board recommended approval of the proposed Partial Update of the Comprehensive Plan; and

WHEREAS, the Common Council has reviewed the proposed Partial Update of the Comprehensive Plan under State Environmental Quality Review Act and issued a Negative Declaration; and

WHEREAS, the Common Council wishes to adopt the recommendations of the Planning Board.

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 hereby adopted.

2. This Resolution is effective immediately.

Seconded by Alderman Oates and adopted. Ayes 6.

**102120.5**

By Alderman Abbott:

### **City of Lockport**

#### **Local Law No. 5 of the year 2020**

A LOCAL LAW Amending Special Uses Section 190-77 of the Lockport City Code

Be it hereby enacted by the City Council of the City of Lockport as follows:

Section I: Section 190-77 of the City Code of the City of Lockport shall be amended to read in its entirety as follows:

Section 190-77 Special uses.

Notwithstanding any other provision of the City Code and Charter, the special uses allowed in the RA Reserve Area District shall be as follows:

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

E. Public or privately owned community centers.

Section 2. This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law

Seconded by Alderman Schratz. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

#### **102120.6**

By Alderman Kantor:

RESOLVED, By the Common Council of City of Lockport that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein, and be it further

RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **102120.7**

Alderman Abbott:

**WHEREAS**, the City of Lockport received an application from Ruhlmann Farm Acres LLC and **OYA Ruhlmann A LLC** for a Special Use Permit for a solar energy system to be located at **251 Summit Street**, Lockport, New York; and

**WHEREAS**, the City of Lockport Planning Board reviewed the proposed project and recommended approval to the Mayor and Common Council of the City of Lockport; and

**WHEREAS**, the City of Lockport Common Council, on Wednesday, October 7, 2020, did hold a duly advertised Public Hearing at Municipal Building, One Locks Plaza, Lockport, New York 14094 regarding the application for a Special Use Permit for a solar energy system located at **251 Summit Street**, Lockport, New York 14094 and at such public hearing every party wishing to be heard was heard; and

**WHEREAS**, the Common Council has considered all relevant testimony, documents, and all other information presented and placed before it;

**NOW THEREFORE BE IT RESOLVED** that based on the testimony, documents, and other information presented, the Common Council makes the following findings:

a. That the use, solar energy system, is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected; *to wit:* the project has been designed and located such that the solar panels will be behind structures and vegetation substantially reducing its visibility and impact to neighboring properties and public highways, the project is also located in a sparsely populated area of the City, and

b. That the use, solar energy system, will not cause substantial injury to the value of other property in the neighborhood where it is located, *to wit:* the project has been designed and located, such that the solar panels will be behind structures and vegetation thus substantially reducing its visibility and impact to neighboring properties, berms and landscaping have also been made part of the project to reduce visibility to neighbors, and the applicant has exceeded the setbacks required under the City Code for distances from neighboring properties, structures and lot lines; and

c. That the use, solar energy system, will be compatible with adjoining development and the character of the neighborhood where it is located, *to wit:* the neighborhood the project is located in is zoned residential. However, it generally consists of large lots with a few single-family homes and/or large farming operations and woods. The parcels are also within close proximity to the Transit Road commercial corridor. The character of the neighborhood where the project is located will not be affected since the project has been designed to substantially minimize and obscure the solar panels from view of neighboring properties and public highways; and

d. That the use, solar energy system, provide adequate screening to preserve the character of the neighborhood, *to wit:* the project does require a berm and additional landscape plantings; and

e. That the use, solar energy system, provide adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, *to wit:* while the project will cause an increase in traffic on Summit Street and Ruhlmann Road during construction that impact is not expected to be substantial and will be limited in time to only the period of construction. The nature of the project does not require the presence of employees or other staff beyond periods of required maintenance, and

**BE IT FURTHER RESOLVED** that the Special Use Permit for operation of solar energy systems at **251 Summit Street** is approved with the following conditions:

A. Landscape buffering consistent with the landscape plan submitted by or on behalf of **OYA Ruhlmann A LLC** with the continuous live vegetation, evergreen trees planted in a staggered format, forever green, dense, and sufficiently high to block view of the fence and solar energy systems at ground level from the street and neighboring properties; and

B. Solar farms are to be constructed and operated in accordance with the Guidelines for Agricultural Mitigation for Solar Energy Projects (rev. dated 4/19/2018).

C. Decommissioning Plan.

1. At the completion of construction of the Project (the "Start Date"), **OYA Ruhlmann A LLC**, its successors and assigns (hereinafter the "Owner") shall post a Decommissioning Bond (the "Bond") for the benefit of the City in the amount set forth in Table 4 of the Decommissioning Plan submitted to the Planning Board and City of Lockport. At the end of each one-year period following the Start Date (the "Anniversary Date"), Owner shall renew the Bond according to the Decommissioning Bond Value Schedule in Table 4 of the Decommissioning Plan. Upon posting of the Bond, the Owner will provide a copy of the related Bond policy with contact information for the financial provider. Owner or its successor in title to this Project shall be responsible for renewing such Bond as long as the system remains in commercial operation, which is expected to be for a period of thirty-five (35) years.

The Parties agree that the Bond shall be used solely to pay for any Decommissioning costs of the Project. Owner shall have no further payment obligations in connection with Decommissioning during the operation of the Project provided that Owner complies with posting the Bond in accordance with this Agreement. Nonetheless, in the event the actual Decommissioning costs exceed the amount covered by the Bond, Owner or its successor in title to this Project shall be responsible for any such excess costs, provided such excess costs are not as a result of the City using any amount covered by the Bond for any reason other than to pay for Decommissioning costs of the Project. In the event the City uses any amount from the Bond for any reason other than to pay for Decommissioning costs related to the Project, the City shall be responsible to pay for such amount used and shall indemnify and hold harmless the Owner and Landowner of the Project from any claim, loss, damage, liability or costs (including any reasonable attorney costs) arising from the City's use of the funds.

2. Decommissioning as used in this Agreement shall mean the removal and disposal of all structures, equipment and accessories, including subsurface foundations and all other material, concrete, or debris, that were installed in connection with the Project and the reasonable restoration of the parcel of land on which the Project is built to either of the following, at the Landowner's option ("Decommissioning"): (i) the condition such lands were in prior to the development, construction and operation of the Project, including restoration, regrading, and reseeded, or (ii) the condition designed by a subsequent Owner or developer as agreed upon with the Landowner and the City. Costs of Decommissioning under this agreement include labor, professional services and any other costs reasonably associated with such restoration.

3. The Parties agree that the Decommissioning process of the Project may commence (and the funds to pay for the cost of any such Decommissioning from the Bond may be called on) for the following reasons, each (a "Triggering Event"):

- (a) Owner provides written notice to the City of its intent to retire or decommission the Project (the 'Owner Decommissioning Notice')
- (b) Commercial operation of the Project has not started within eighteen (18) months of the completion of construction, or
- (c) The Project "ceases to be operational" (as defined below) in its entirety for more than twelve (12) consecutive months.

In event the Owner fails to initiate Decommissioning of the Project within one-hundred eighty (180) days after providing Owner Decommissioning Notice, as defined in Triggering Event (a), or Owner fails to provide a reasonable explanation for the delay in the construction or cessation of operation of the Project, then the City may commence Decommissioning of the Project through use of the Bond, provided that the City issues a notice to Owner and Landowner (the "City Decommissioning Notice") and allows the Owner thirty (30) days to respond to the City Decommissioning Notice prior to the commencement of Decommissioning. For the purposes of this Agreement, "ceases to be operational" shall mean no generation of electricity, other than due to repairs to the Project or causes beyond the reasonable control of Owner. Any one of the events outlined in this Section 3 shall be deemed a Triggering Event based upon which the City shall have the right to demand Decommissioning.

4. Upon the occurrence of any of the Triggering Events in Section 3 above, the City shall have the right, but not the obligation, to perform the Decommissioning itself if the Owner or its successors or assigns, or any other person under whose control the Project fails, refuses, or neglects to initiate the Decommissioning within one-hundred eighty (180) days of such occurrence. In such event, Owner (or its successors or assigns) and Landowner (or any of Landowner's heirs or assigns) agrees to give the City right of reasonable access on Landowner's property to decommission the Project and shall defend, hold harmless and indemnify the City for any and all claims, liability, loss or damage arising out of its exercise of its right to decommission this Project as provided for herein, except in cases of negligence by the City or any of its contractors or agents. For clarity, nothing in this Section 4 or this Agreement shall infer any obligation or responsibility, financial or otherwise, to Landowner (or any of Landowner's assigns) for any costs of Decommissioning the Project.

5. Upon removal of the infrastructure and disposal of the components of the Project from the site on which the Project is built, and restoration of the properties to their pre-project state, or to the condition designed by a subsequent Owner or developer as agreed upon with the Landowner and the City, then the Owner shall have no further obligation to the City.

6. This Agreement may not be amended or modified except by written instrument signed and delivered by the Parties. This Agreement is binding upon and shall inure to the benefit of the Parties and their respective administrators, successors and assigns. In accordance with the provisions of section 109 of the New York General Municipal Law, Owner and Landowner are prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of any right, title or interest in this Agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

7. Owner shall provide the City with proof that it either carries sufficient Workers' Compensation insurance coverage for its employees in New York or that it is exempt from such requirement.

8. The Parties agree to execute and deliver any additional documents or take any further action as reasonably requested by another Party to effectuate the purpose of this Agreement.

9. The Parties agree that this Agreement shall be construed and enforced in accordance with and governed by the laws of New York.

10. This Agreement may be executed through separate signature pages or in any number of counterparts, and each of such counterparts shall, for all purposes, constitute one agreement binding on all parties.

Seconded by Alderman Schratz and adopted. Ayes 4. Nays 2. Alderman Devine and Oates voted no.

#### **102120.8**

By Alderman Kantor:

WHEREAS, Red Jacket Lodge #646, in conjunction with the Ismailia Shriners, would like to conduct a food drive to benefit ValorWNY, which is a food bank for needy veterans and their families, and

WHEREAS, the volunteers collecting the donations will be wearing gloves and masks throughout the event, and adhering to COVID-19 protocols in accordance with New York State guidelines, and

WHEREAS, there will be no change to traffic or city street flow, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to their request, permission is hereby granted to the Red Jacket Lodge #646 to conduct a Drive-Thru Food Drive in the City parking lot next to the Masonic Hall, 1 Cottage Street, on November 14, 2020, from 9am until 1pm.

Seconded by Alderman Vandemark and adopted. Ayes 6.

#### **102120.8A**

By Alderman Vandemark:

Resolved, that the request for a special use permit made by The Chapel to operate a daycare / drop off program until June 30, 2021, located at 25 Walnut 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 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.

By Alderman Schratz:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **102120.8B**

By Alderman Abbott:

**WHEREAS**, the City of Lockport received an application from Ruhlmann Farm Acres LLC and **OYA Ruhlmann B LLC** for a Special Use Permit for a solar energy system to be located at **219 Summit Street**, Lockport, New York; and

**WHEREAS**, the City of Lockport Planning Board reviewed the proposed project and recommended approval to the Mayor and Common Council of the City of Lockport; and

**WHEREAS**, the City of Lockport Common Council, on Wednesday, October 7, 2020, did hold a duly advertised Public Hearing at Municipal Building, One Locks Plaza, Lockport, New York 14094 regarding the application for a Special Use Permit for a solar energy system located at **219 Summit Street**, Lockport, New York 14094 and at such public hearing every party wishing to be heard was heard; and

**WHEREAS**, the Common Council has considered all relevant testimony, documents, and all other information presented and placed before it;

**NOW THEREFORE BE IT RESOLVED** that based on the testimony, documents, and other information presented, the Common Council makes the following findings:

a. That the use, solar energy system, is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected; *to wit*: the project has been designed and located such that the solar panels will be behind structures and vegetation substantially reducing its visibility and impact to neighboring properties and public highways, the project is also located in a sparsely populated area of the City, and

b. That the use, solar energy system, will not cause substantial injury to the value of other property in the neighborhood where it is located, *to wit*: the project has been designed and located, such that the solar panels will be behind structures and vegetation thus substantially reducing its visibility and impact to neighboring properties, berms and landscaping have also been made part of the project to reduce visibility to neighbors, and the applicant has exceeded the setbacks required under the City Code for distances from neighboring properties, structures and lot lines; and

c. That the use, solar energy system, will be compatible with adjoining development and the character of the neighborhood where it is located, *to wit*: the neighborhood the project is located in is zoned residential. However, it generally consists of large lots with a few single-family homes and/or large farming operations and woods. The parcels are also within close proximity to the Transit Road commercial corridor. The character of the neighborhood where the project is located will not be affected since the project has been designed to substantially minimize and obscure the solar panels from view of neighboring properties and public highways; and



d. That the use, solar energy system, provide adequate screening to preserve the character of the neighborhood, *to wit*: the project does require a berm and additional landscape plantings; and

e. That the use, solar energy system, provide adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, *to wit*: while the project will cause an increase in traffic on Summit Street and Ruhlmann Road during construction that impact is not expected to be substantial and will be limited in time to only the period of construction. The nature of the project does not require the presence of employees or other staff beyond periods of required maintenance, and

**BE IT FURTHER RESOLVED** that the Special Use Permit for operation of solar energy system at 219 Summit Street is approved with the following conditions:

A. Landscape buffering consistent with the landscape plan submitted by or on behalf of **OYA Ruhlmann B LLC** with the continuous live vegetation, evergreen trees planted in a staggered format, forever green, dense, and sufficiently high to block view of the fence and solar energy system at ground level from the street and neighboring properties; and

B. Solar farms are to be constructed and operated in accordance with the Guidelines for Agricultural Mitigation for Solar Energy Projects (rev. dated 4/19/2018).

C. Decommissioning Plan.

1. At the completion of construction of the Project (the "Start Date"), **OYA Ruhlmann B LLC**, its successors and assigns (hereinafter the "Owner") shall post a Decommissioning Bond (the "Bond") for the benefit of the City in the amount set forth in Table 4 of the Decommissioning Plan submitted to the Planning Board and City of Lockport. At the end of each one-year period following the Start Date (the "Anniversary Date"), Owner shall renew the Bond according to the Decommissioning Bond Value Schedule in Table 4 of the Decommissioning Plan. Upon posting of the Bond, the Owner will provide a copy of the related Bond policy with contact information for the financial provider. Owner or its successor in title to this Project shall be responsible for renewing such Bond as long as the system remains in commercial operation, which is expected to be for a period of thirty-five (35) years.

The Parties agree that the Bond shall be used solely to pay for any Decommissioning costs of the Project. Owner shall have no further payment obligations in connection with Decommissioning during the operation of the Project provided that Owner complies with posting the Bond in accordance with this Agreement. Nonetheless, in the event the actual Decommissioning costs exceed the amount covered by the Bond, Owner or its successor in title to this Project shall be responsible for any such excess costs, provided such excess costs are not as a result of the City using any amount covered by the Bond for any reason other than to pay for Decommissioning costs of the Project. In the event the City uses any amount from the Bond for any reason other than to pay for Decommissioning costs related to the Project, the City shall be responsible to pay for such amount used and shall indemnify and hold harmless the Owner and Landowner of the Project from any claim, loss, damage, liability or costs (including any reasonable attorney costs) arising from the City's use of the funds.

2. Decommissioning as used in this Agreement shall mean the removal and disposal of all structures, equipment and accessories, including subsurface foundations and all other

material, concrete, or debris, that were installed in connection with the Project and the reasonable restoration of the parcel of land on which the Project is built to either of the following, at the Landowner's option ("Decommissioning"): (i) the condition such lands were in prior to the development, construction and operation of the Project, including restoration, regrading, and reseeded, or (ii) the condition designed by a subsequent Owner or developer as agreed upon with the Landowner and the City. Costs of Decommissioning under this agreement include labor, professional services and any other costs reasonably associated with such restoration.

3. The Parties agree that the Decommissioning process of the Project may commence (and the funds to pay for the cost of any such Decommissioning from the Bond may be called on) for the following reasons, each (a "Triggering Event"):

- a. Owner provides written notice to the City of its intent to retire or decommission the Project (the 'Owner Decommissioning Notice')
- b. Commercial operation of the Project has not started within eighteen (18) months of the completion of construction, or
- c. The Project "ceases to be operational" (as defined below) in its entirety for more than twelve (12) consecutive months.

In event the Owner fails to initiate Decommissioning of the Project within one-hundred eighty (180) days after providing Owner Decommissioning Notice, as defined in Triggering Event (a), or Owner fails to provide a reasonable explanation for the delay in the construction or cessation of operation of the Project, then the City may commence Decommissioning of the Project through use of the Bond, provided that the City issues a notice to Owner and Landowner (the "City Decommissioning Notice") and allows the Owner thirty (30) days to respond to the City Decommissioning Notice prior to the commencement of Decommissioning. For the purposes of this Agreement, "ceases to be operational" shall mean no generation of electricity, other than due to repairs to the Project or causes beyond the reasonable control of Owner. Any one of the events outlined in this Section 3 shall be deemed a Triggering Event based upon which the City shall have the right to demand Decommissioning.

4. Upon the occurrence of any of the Triggering Events in Section 3 above, the City shall have the right, but not the obligation, to perform the Decommissioning itself if the Owner or its successors or assigns, or any other person under whose control the Project fails, refuses, or neglects to initiate the Decommissioning within one-hundred eighty (180) days of such occurrence. In such event, Owner (or its successors or assigns) and Landowner (or any of Landowner's heirs or assigns) agrees to give the City right of reasonable access on Landowner's property to decommission the Project and shall defend, hold harmless and indemnify the City for any and all claims, liability, loss or damage arising out of its exercise of its right to decommission this Project as provided for herein, except in cases of negligence by the City or any of its contractors or agents. For clarity, nothing in this Section 4 or this Agreement shall infer any obligation or responsibility, financial or otherwise, to Landowner (or any of Landowner's assigns) for any costs of Decommissioning the Project.

5. Upon removal of the infrastructure and disposal of the components of the Project from the site on which the Project is built, and restoration of the properties to their pre-project state, or to the condition designed by a subsequent Owner or developer as agreed upon with the Landowner and the City, then the Owner shall have no further obligation to the City.

6. This Agreement may not be amended or modified except by written instrument signed and delivered by the Parties. This Agreement is binding upon and shall inure to the benefit of the Parties and their respective administrators, successors and assigns. In accordance with the provisions of section 109 of the New York General Municipal Law, Owner and Landowner are prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of any right, title or interest in this Agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

7. Owner shall provide the City with proof that it either carries sufficient Workers' Compensation insurance coverage for its employees in New York or that it is exempt from such requirement.

8. The Parties agree to execute and deliver any additional documents or take any further action as reasonably requested by another Party to effectuate the purpose of this Agreement.

9. The Parties agree that this Agreement shall be construed and enforced in accordance with and governed by the laws of New York.

10. This Agreement may be executed through separate signature pages or in any number of counterparts, and each of such counterparts shall, for all purposes, constitute one agreement binding on all parties.

Seconded by Alderman Kantor and adopted. Ayes 4. Nays 2. Alderman Devine and Oates voted no.

#### **102120.8C**

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 Common Council declared the proposed amendment of the RA Reserve Area District Comprehensive Plan a Type I action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, Because the change in the Comprehensive Plan could have resulted 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 found the Plan Amendment may result in a significant negative impact on the environment and issued a Positive Declaration under SEQRA; and

WHEREAS, under the SEQRA regulations (6 N.Y.C.R.R. 617.9) when on the basis of the environmental investigation and comments made thereon, the lead agency has determined that the action will not have a significant adverse impact on the environment, a negative declaration must then be prepared, filed and published in accordance with 6 N.Y.C.R.R. 617.12; and

WHEREAS, the Planning Board has recommended that no change be made to the allowable uses under the District except to recognize uses already occurring, and therefore no new environmental impacts will occur nor be permitted under the amended Comprehensive Plan,

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LOCKPORT AS FOLLOWS

1. The Partial Comprehensive Plan Amendment to the RA Reserve Area District and the Local Law implementing the amendment to the RA Reserve Area District will not have any significant adverse impacts upon the environment, and therefore the Common Council issues the attached Negative Declaration of Environmental Significance, which is incorporated herein.
2. Notice of this Negative Declaration shall be published in the ENB and distributed in accordance with the SEQRA regulation, and notice of the Common Council's action shall be provided to the County Planning Board.
3. This resolution shall be effective immediately.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **102120.8D**

By Alderman Vandemark:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Sirius Computer Solutions, Inc., the lowest responsible bidder, for assistance in the process of transferring City data in electronic format from the current VMware environment to an SQL server as the City's primary facility for virtual technology, with Niagara County's servers acting as back-ups, at a cost of \$17,166.00, to be charged to account #A.1680.54115.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **102120.9**

#### **ADJOURNMENT**

At 6:26 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 4, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

November 4, 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, Allport, Devine, Kantor, Oates, and Schratz.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**110420.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of October 21, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignations:**

10/23/20 Kelly Van De Mark, resigned as Fourth Ward Alderman effective October 23, 2020.

10/22/20 Christopher J. Stacey, resigned as member of the Audit Committee effective October 21, 2020.

Received and filed

**Appointments:**

10/26/20 Debra R. Allport, 161 Lincoln Avenue, Lockport NY – appointed to Fourth Ward Alderman to fill the unexpired term of Kelly Van De Mark. Said term expires December 31, 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)

**Notice of Complaint:**

10/21/20 256 East Avenue - tree  
Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS****110420.2**

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 special run October 22 and November 4, 2020 as follows:

General Fund	Fund A	\$	92,899.10
Water Fund	Fund FX	\$	64,222.88
Sewer Fund	Fund G	\$	37,478.43
Capital Projects	Fund H	\$	1,020,123.32
Refuse Fund	Fund CL	\$	369.59
Community Dev.	Fund CD	\$	28,158.00
Payroll	Pay Date 10/22	\$	454,366.69

Seconded by Alderman Abbott and adopted. Ayes 6.

**110420.3**

By Alderman Allport:

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>
Mary Pat Filbert	25	Personnel Director

Seconded by Alderman Devine and adopted. Ayes 6.

**110420.4**

By Alderman Devine:

Resolved, that a virtual public hearing be held at the Common Council Meeting of Wednesday, November 18, 2020 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2021 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 Allport and adopted. Ayes 6.

**110420.5**

By Alderman Allport:

Resolved, that pursuant to the recommendation of Mayor Roman, Jeffrey Seekins, 37 Harding Avenue, Lockport, NY is hereby re-appointed as a member of the City of Lockport Board of Assessment Review. Said term expires on September 30, 2025.

Seconded by Alderman Schratz and adopted. Ayes 6.

## **110420.6 Public Hearing for Special Use Permit Fairfax St. driveway - WITHDRAWN**

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

## **110420.7**

By Alderman Abbott:

Whereas, applications were received by the City of Lockport for a Special Use Permit and Site Plan Review for two solar energy systems on properties located at 219 and 251 Summit Street, Lockport, New York 14094, and

Whereas, the proposed actions involve a special use permit and site plan review and are therefore actions under Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act (“SEQR”); and

Whereas, Ruhlmann Farm Acres LLC, OYA Ruhlmann A LLC and OYA Ruhlmann B LLC (“Applicants”) have applied to the City of Lockport (“City”) for a Special Use Permit and Site Plan Review for two solar energy systems on the above listed properties, and

Whereas, the proposed action is a Type I, and

Whereas, the Common Council issued a Notice of Intent to be Lead Agency in order to have a coordinated review, and no other agency has objected to the City assuming Lead Agency, the time for such comment or objection has passed, and the Common Council declared Lead Agency Status on September 17, 2020 by Resolution No. 091620.4, and

Whereas, the Common Council for the City of Lockport, in performing the lead agency function in accordance with SEQR (i) thoroughly reviewed the Long Form Environmental Assessment Form (the “Long EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review and public comments, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed actions may have a significant adverse impact on the environment, including the criteria in 6 NYCRR §617.7 (c), and (iii) completed the Long EAF, Part II:

Whereas, the Common Council for the City of Lockport identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by “SEQRA”. The Common Council for the City of Lockport compared the proposed Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

Now, Therefore, Be It Resolved as Follows:

That the Common Council for the City of Lockport has reviewed the Environmental Assessment Forms (EAF) and the criteria contained in 6 NYCRR §617.7, as well as the applications and the comments at the public hearing, and has determined that the Projects will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the Common Council for the City of Lockport has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Common Council for the City of Lockport has:
1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
  2. Reviewed the Full EAF for each of the projects, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
  3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
  4. Set forth herein its written Finding of No Significant Environmental Impact.
- C. The Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:

**(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;**

**a. Traffic Impacts**

The Project will not have a significant adverse impact upon traffic or transportation. This Action involves short-term impacts from construction period and decommissioning period traffic utilizing the existing road network. Operations period traffic is insignificant.

**b. Noise Impacts**

There will be no significant adverse noise impacts from the Project.

**c. Air Quality Impacts**

The Project will not create a significant adverse impact to air quality, the only impacts will be short-term disturbances during construction and decommissioning.

**d. Wetland Impacts**

There are no wetlands impacts.

**e. Erosion, Flooding and Drainage Impacts**

The Project will comply with all applicable state and federal laws and regulations, including compliance with the Clean Water Act and the requirement to obtain applicable permits for stormwater discharges from construction activities. The Project will comply with the submitted Stormwater Pollution Prevention Plan. There will be no impacts.

**f. Solid Waste Production**

The proposed Project will not increase solid waste production. The decommissioned system and construction waste will be disposed of in accordance with State regulations.



**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

While the site is agricultural property located in the Niagara County Agricultural and Farmland Protection Plan there will be no interference with the movement of any resident or migratory fish or wildlife species. The property is not a significant habitat area and there will be no substantial adverse impacts on any threatened or endangered species of animal or plant, or the habitat of such a species, nor other significant adverse impacts to natural resources.

**(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;**

There is no Critical Environmental Area within the Project area, thus there will be no significant adverse impacts.

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;**

The proposed Project is consistent with the Town's current plans and goals, which specifically authorizes solar projects.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

This Project will be fully screened by multiple rows of landscaping which must be maintained through the life of the Project. The Project will be located in a zone designated by the City Code as appropriate for solar, and will not negatively impact neighborhood character. The Project will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources.

**(vi) a major change in the use of either the quantity or type of energy;**

There will be no negative impacts, the Project will increase the supply of renewable energy.

**(vii) the creation of a hazard to human health;**

There will be no such impacts.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

There will be no such impacts. The proposed Project does not represent a substantial change in the use or intensity of use of land from current law, the land will be returned to agricultural use after decommissioning.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

There will be no such impacts.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

There will be no such impacts.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

There will be no such impacts.

**(xii) two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision**

And Be It Further

Resolved, that the Common Council for the City of Lockport based upon (i) its thorough review of the Long EAF, Part I, and any and all other documents prepared and submitted with respect to the proposed actions and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR (c), and (iii) its completion of the Long EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQRA for the above-referenced proposed action, and determines that an Environmental Impact Statement will not be required, and be it further

Resolved, that Resolutions 102120.7 and 102120.8B be and are hereby ratified, and be it further

Resolved, that the Responsible Officer of the Common Council for the City of Lockport is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed Long EAF and determination of significance shall be incorporated by reference in this Resolution.

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Alderman Devine voted no.

### **110420.8**

By Alderman Allport:

Whereas the Common Council at a meeting held on August 15, 2018, authorized the City to abandon a certain parcel of land running between Russell Street and Cedar Street,

commonly known as Cedar Alley, with the expectation that adjacent property owners would take title to said abandoned property; and

Whereas the subsequent transfer of the parcel in question has never been effectuated and remains on the City's assessment roll as City property; now therefore be it

Resolved, that resolution #081518.10, adopted by the Common Council at their August 15, 2018 meeting, regarding the abandonment be and the same is hereby rescinded.

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

#### **110420.9**

By Alderman Oates:

WHEREAS there is an alley that consists of approximately 15 feet by 323 feet running from Russell Street and Cedar Street in the City of Lockport, commonly known as Russell Alley, and that property is no longer used or needed for municipal or public purposes; and

WHEREAS, there is an L-shaped parcel located on land formerly known as Myrtle Street, south of and surrounding 390 North Adam Street, running from North Adam Street approximately 366 feet west to the southwest corner of 390 North Adam, then turning at a 90° angle for another 132 feet on McCollum Street to the northwest corner of 390 North Adam Street, being approximately 66 feet in width, and that property is no longer used or needed for municipal or public purposes; and

WHEREAS, there is a third parcel located adjacent to 33 Weld Street on land formerly known as Cedar Street, being approximately 50 feet in width and 110 feet in length, and that property is no longer used or needed for municipal or public purposes; and

WHEREAS, all three parcels are situated in City rights-of way, and subject to the provisions of §159 of the City Charter; now therefore be it

RESOLVED, that the Common Council hereby finds in accordance with §159 of the City Charter that the best interest of the public will be served by the abandonment of the aforesaid Russell Alley and portions of McCollum Street and Cedar Street, respectively; and be it further

RESOLVED, that the Mayor of the City of Lockport is authorized, if likewise in approval of the abandonment in accordance with §159 of the City Charter, to execute and deliver quitclaim deed(s) subject to all utility (municipal, telephone, electric, gas and cable) easements currently of record or required for the City or utilities to maintain their respective interests or obligations, and any and all other documents necessary to accomplish this abandonment, upon review and approval as to form by the Corporation Counsel, to the highest bidder in accordance with §279 of the City Charter.

Seconded by Alderman Devine and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

On motion of Alderman Abbott, seconded by Alderman Devine, the Common Council moved to Executive Session regarding possible litigation at 6:02 P.M. Ayes 6. Carried.

On motion of Alderman Schratz, seconded by Alderman Allport, the Common Council ended Executive Session at 6:14 P.M. Ayes 6. Carried.

**110420.10**

## **ADJOURNMENT**

At 6:30 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 18, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

November 18, 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, Allport, Devine, Kantor, Oates, and Schratz.

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**111820.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of November 4, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing relative to the 2021 tax budget.

The Mayor asked the City Clerk if any petitions or communications relative to said to the proposed 2021 tax budget 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)

11/10/20 Carol A. Spedding, President, Zonta Club of Lockport, requests permission to display signage in the City's parks to raise awareness for their Violence Against Women campaign.

Received and filed.

### **MOTIONS & RESOLUTIONS**

#### **111820.2**

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 with a special run November 5 and November 18, 2020 as follows:

General Fund	Fund A	\$ 43,945.83
Water Fund	Fund FX	\$ 11,266.32
Sewer Fund	Fund G	\$ 20,927.80
Refuse Fund	Fund CL	\$ 99,780.25
Self Insurance	Fund MS	\$ 55,370.43
Community Dev.	Fund CD	\$ 30,625.00
Payroll	Pay Date 11/5	\$467,522.20

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **111820.3 Adopt 2021 General Fund Budget - WITHDRAWN**

#### **111820.4 Adopt 2021 Water Fund Budget - WITHDRAWN**

#### **111820.5 Adopt 2021 Refuse Fund Budget - WITHDRAWN**

#### **111820.6 Adopt 2021 Sewer Fund Budget - WITHDRAWN**

#### **111820.7**

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 2020 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 Allport and adopted. Ayes 6.

## **111820.8 Light up Lockport “Tacky Sweater 5K” - WITHDRAWN**

### **111820.9**

By Alderman Allport:

Whereas, the Zonta Club of Lockport has requested permission to install temporary lawn signs in various City rights of way, from November 25, 2020 through December 10, 2020, to raise awareness for Violence Against Women, and

Whereas, the ‘Zonta Says NO’ campaign is an international effort to raise awareness of—and increase actions to—end violence against women and girls around the world through service and advocacy, now, therefore, be it

Resolved, that permission is hereby granted to place the signs at Veteran’s Memorial Park on East Avenue, Ida Fritz Park on West Avenue, Children’s Park on S. Transit Street and at the Washburn and Locust Streets garden, which is maintained by the Zonta Club of Lockport.

Seconded by Alderman Schratz and adopted. Ayes 6.

### **111820.10**

By Alderman Oates:

Whereas, high road salt utilization in the winter 2019 to 2020 season required more-than-anticipated funding from the FY 2020 budget,

Whereas, the remaining line item budget for road salt is no longer sufficient for the 2020 to 2021 winter season,

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

Expense:

Decrease:

A.1900.54775	Contingency	\$ 30,000
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Increase:

A.5110.54560	Salt	\$ 30,000
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Seconded by Alderman Abbott and adopted. Ayes 6.

### **111820.11**

By Alderman Abbott:

Whereas, resolution 040120.6 authorized and directed the Mayor 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.

Whereas, funding was not appropriated in the FY 2020 budget to pay for this expense,

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

Expense:

Decrease:

A.1900.54775	Contingency	\$ 6,335
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Increase:

A.1440.54055	Professional Services	\$ 6,335
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Seconded by Alderman Kantor and adopted. Ayes 6.

**111820.12 Authorize Creation of Reserve Fund for Sewer Infrastructure - WITHDRAWN**

**111820.13 Authorize Creation of Reserve Fund for Water Infrastructure - WITHDRAWN**

**111820.14 Authorize Creation of Reserve Fund for IT Infrastructure - WITHDRAWN**

On motion of Alderman Schratz, seconded by Alderman Kantor, the Common Council moved to Executive Session regarding possible litigation at 5:51 P.M. Ayes 6. Carried.

On motion of Alderman Schratz, seconded by Alderman Allport, the Common Council ended Executive Session at 6:23 P.M. Ayes 6. Carried.

**111820.15**

### **ADJOURNMENT**

At 6:24 P.M. Alderman Devine moved the Common Council be adjourned until a Special Meeting to be held at 5:30 P.M., Tuesday, November 24, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES

City Clerk

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

Lockport Municipal Building

Special Meeting  
Official Record

November 24, 2020  
5:30 P.M.

A Special Meeting was called by Mayor Michelle M. Roman relative to the adoption of the 2021 City Budget and related budget resolutions.

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.

**112420.1**

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 Kantor and adopted. Ayes 6.

**112420.2**

By Alderman Oates:

WHEREAS, the City of Lockport FY 2021 Mayor's Recommended Budget was presented to the Common Council on October 7<sup>th</sup>, 2020;

WHEREAS, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds;

NOW, THEREFORE, BE IT RESOLVED, that the City tax budget for fiscal year 2021, containing appropriations for operating City departments, be and the same is hereby amended and adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2021 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services	\$10,420,919
Equipment	204,366
Contractual	3,158,774
Fringe Benefits	9,392,134
Interfund Transfers	158,500
Debt Service	877,723

Total Appropriations: \$24,212,416

LESS: Estimated Revenues: \$10,784,496

Estimated Fund Balance: \$458,104

Amount to be raised through property taxation: \$ 12,969,816

Assessed Valuation: \$694,776,851

**REAL PROPERTY TAX RATE: \$18.6676 per \$1,000 ASSESSED VALUATION**

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Alderman Devine voted no.

**112420.3**

By Alderman Devine:

WHEREAS, the City of Lockport FY 2021 Mayor's Recommended Budget was presented to the Common Council on October 7<sup>th</sup>, 2020;

WHEREAS, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds;



NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport 2021 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**  
**2021 WATER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$1,168,196
Equipment	600
Contractual	1,162,739
Fringe Benefits	1,102,494
Debt Services	707,255
Interfund Transfers	170,000

Total Appropriations:	\$4,311,284
Estimated Revenues:	\$4,311,284

Seconded by Alderman Abbott and adopted. Ayes 6.

**112420.4**

By Alderman Devine:

WHEREAS, the City of Lockport FY 2021 Mayor's Recommended Budget was presented to the Common Council on October 7<sup>th</sup>, 2020;

WHEREAS, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport 2021 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**  
**2021 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$993,090
Equipment	40,000
Contractual	1,276,732
Fringe Benefits	923,957
Debt Service	674,939
Interfund Transfers	170,000

Total Appropriations:	\$4,078,718
Estimated Revenues:	\$4,078,718

Seconded by Alderman Allport and adopted. Ayes 6.

**112420.5**

By Alderman Schratz:

Resolved, that the City of Lockport 2021 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2021 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services	\$ 0
Equipment	25,211
Contractual	1,246,507
Fringe Benefits	0
Debt Service	36,282
Interfund Transfers	0

Total Appropriations:	\$1,308,000
Estimated Revenues:	\$1,308,000

Seconded by Alderman Kantor and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**112420.6**

By Alderman Oates:

WHEREAS, the purpose of a Sewer Infrastructure Improvements Reserve Fund would be to accumulate moneys to finance the cost of a type of sewer infrastructure improvements, such as the upkeep of sewer fund-based systems, utility improvements, and structures, now therefore be it

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Sewer Infrastructure Improvements Reserve Fund" (hereinafter "Reserve Fund"), and be it further,

RESOLVED, that the City of Lockport Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The City of Lockport Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Lockport. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Common Council a detailed report of the operation and condition of the Reserve Fund, and be it further,

RESOLVED, that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing

board and such additional actions or proceedings as may be required by Section 6-c [6-g] of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c [subdivision 7 of Section 6-g].

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **112420.7**

By Alderman Schratz:

WHEREAS, the purpose of a Water Infrastructure Improvements Reserve Fund would be to accumulate moneys to finance the cost of a type of water infrastructure improvements, such as the upkeep of water fund-based systems, utility improvements, and structures, now therefore be it

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Water Infrastructure Improvements Reserve Fund" (hereinafter "Reserve Fund"), and be it further,

RESOLVED, that the City of Lockport Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The City of Lockport Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Lockport. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Common Council a detailed report of the operation and condition of the Reserve Fund, and be it further,

RESOLVED, that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c [6-g] of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c [subdivision 7 of Section 6-g].

Seconded by Alderman Allport and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **112420.8**

By Alderman Kantor:

WHEREAS, the purpose of an IT Infrastructure Improvements Reserve Fund would be to accumulate moneys to finance the cost of a type of IT infrastructure improvements, such as

the upkeep of information technology systems, utility improvements, and structures, now therefore be it

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "IT Infrastructure Improvements Reserve Fund" (hereinafter "Reserve Fund"), and be it further,

RESOLVED, that the City of Lockport Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The City of Lockport Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Lockport. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Common Council a detailed report of the operation and condition of the Reserve Fund, and be it further,

RESOLVED, that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c [6-g] of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c [subdivision 7 of Section 6-g].

Seconded by Alderman Allport and adopted. Ayes 6.

#### **112420.9**

By Alderman Oates:

WHEREAS, the City has been given notice of a potential environmental claim on property it transferred with indemnifications included in the transfer documents; and

WHEREAS, the City needs to obtain independent advice on the nature and extent of any liability it may have; and

WHEREAS, the City understands the need to move forward with due deliberation to resolve any issues of liability; and

WHEREAS, the City has obtained verbal quotes from two competent environmental consultants to provide an analysis of the studies submitted by a third party; and

WHEREAS, it is in the best interest of the City to move forward expeditiously with the lowest competent bidder; now therefore be it

RESOLVED, that the Mayor, subject to Corporation Counsel review, is authorized to enter into a limited engagement agreement with Benchmark/Turnkey Environmental, Inc., for an amount not to exceed one thousand five hundred dollars (\$1,500.00); and be it further

RESOLVED, that the funds for payment of the consultant's services shall be paid by modifying the 2020 budget as follows:

DECREASE	A1900.54775	Contingency	\$1,500.00
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INCREASE                      A1420.54055                      Prof. Services                      \$1,500.00

Seconded by Alderman Abbott and adopted. Ayes 6.

**112420.10**

By Alderman Kantor:

WHEREAS, the City and the Lockport Professional Firefighters Association ("the Union") are parties to a Collective Bargaining Agreement that contains a provision regarding firefighters' health and safety, along with a grievance procedure when the actions of the City are deemed in violation of the Collective Bargaining Agreement; and

WHEREAS, the issue of minimum staffing per shift for the Fire Department was the subject of a Union grievance that resulted in an arbitration award on September 8, 2019 ("Arbitration Award"), in favor of the Union; and

WHEREAS, the City and the Union are desirous of arriving at a mutual resolution of the issue of minimum staffing pursuant to the Arbitration Award while also promoting the City's continued financial stability; and

WHEREAS, the City and the Union, through their respective legal counsel, have entered into good-faith negotiations to achieve a mutually satisfactory settlement of the issues in the Arbitration Award that is now incorporated into a Memorandum of Agreement; now therefore be it

RESOLVED, that the Mayor, subject to Corporation Counsel approval, be authorized and directed to execute the referenced Memorandum of Agreement with the Union to resolve the Arbitration Award.

Seconded by Alderman Allport and adopted. Ayes 5. Nays 1. Alderman Oates voted no.

**112420.11**

**ADJOURNMENT**

At 6:12 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 2, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Special Meeting  
Official Record

November 30, 2020  
5:00 P.M.

A Special Meeting was called by Mayor Michelle M. Roman relative to the adoption of the 2021 City Budget and related budget resolutions.

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.

#### **113020.1**

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 Allport and adopted. Ayes 6.

### **FROM THE CITY CLERK**

#### **Communications**

11/25/20 Mayor Michelle M. Roman - I, Michelle M. Roman, Mayor of the City of Lockport do hereby acknowledge receipt of resolutions 112420.2, 112420.3, 112420.4 and 112420.5 duly certified by the City Clerk on November 25, 2020 and in accordance with Sections 65 and 66 of the Lockport City Charter, I hereby veto resolution 112420.2.  
Referred to the Committee of the Whole.

#### **113020.2**

By Alderman Schratz:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and

**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.1440.51040 in the amount of \$5,000; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE

Expense:

A.1440.51040                      Reduce Engineer Intern Salary    (\$5,000); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Allport. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	No
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

### 113020.3

By Alderman Schratz:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and

**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.3410.54035 in the amount of \$20,000; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE

Expense:

A.3410.54035      Reduce Fire Training and Education      (\$20,000); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Kantor. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	No
Alderman Kantor	VOTING	Yes

Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

#### 113020.4

By Alderman Kantor:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and

**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.3510.51040 in the amount of \$8,150; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE

Expense:

A.3510.51040          Reduce Control of Dogs Position (\$8,150); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Schratz. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	No
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

#### 113020.5

By Alderman Kantor:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and



**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.7180 in the amount of \$30,690; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE

Expense:

A.7180            Do Not Appropriate Pool, Net            (\$30,690); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Schratz. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	No
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

#### **113020.6**

By Alderman Allport:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and

**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.7140 in the amount of \$6,950; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE  
Expense:  
A.7140            Do Not Appropriate Playground and Rec Dept. Net    (\$6,950); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Schratz. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	No
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

#### **113020.7**

By Alderman Allport:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and

**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.8510.54075 in the amount of \$2,500; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE  
Expense:  
A.8510.54075            Remove NIACAP    (\$2,500); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Schratz. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	No
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

#### **113020.7A**

By Alderman Schratz:

**WHEREAS**, on November 24, 2020, the Common Council passed the Fiscal Year 2021 Budget, as amended; and

**WHEREAS**, on November 25, 2020, the City Clerk in accordance with Section C-65 of the City Charter presented certified resolution 112420.2 to the Mayor within 24 hours for signature and the Mayor on November 25, 2020 vetoed resolution No. 112420.2 and returned it with her objections to the City Clerk within five days after she received it, and

**WHEREAS**, the City Clerk reported the Mayor veto and veto message to the Common Council by email on November 25, 2020, and

**WHEREAS**, the Common Council having reconsidered the same desires to override said veto and pass the same.

**WHEREAS**, that resolution No. 112420.2, approving the Fiscal Year 2021 Budget, as amended, contemplated a reduction to Item Description A.1210.51010 in the amount of \$5,000; now therefore be it

**RESOLVED**, amend the 2021 Budget as follows:

DECREASE

Expense:

A.1210.51010 Reduce Mayor's Confidential Secretary salary (\$5,000); and be it further

**RESOLVED**, that resolution 112420.2 of the 2021 Budget is hereby readopted and it shall take effect as if it had duly received the Mayor's signature.

Seconded by Alderman Allport. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	No
Alderman Allport	VOTING	No

Alderman Devine	VOTING	No
Alderman Kantor	VOTING	No
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	No

The resolution failed.

**113020.8**

## **ADJOURNMENT**

At 5:44 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 2, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

December 2, 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, Allport, Devine, Kantor, Oates, and Schratz.

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**120220.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of November 18<sup>th</sup> and the Special Meetings of November 24<sup>th</sup> and 30<sup>th</sup>, 2020 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)

12/2/20 Tim Russo, Director of Finance – Final FY 2021 General Funds Real Property Tax Rate: \$18.6748 per \$1,000 Assessed Valuation.

Referred to the Committee of the Whole.

**Notice of Complaint:**

10/30/20 477 Pine Street – tree

11/4/20 287 East Avenue - sidewalk

11/12/20 329 East Avenue – tree

11/20/20 133 Irving Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

11/23/20 Daniel & Nancy Malcomb, 290 Hawley Street, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**120220.2**

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 2, 2020 as follows:

General Fund	Fund A	\$ 95,244.91
Water Fund	Fund FX	\$ 20,494.62
Sewer Fund	Fund G	\$ 43,990.53
Capital Projects	Fund H	\$ 9,405.09
Refuse Fund	Fund CL	\$ 434.57
Self Insurance	Fund MS	\$ 95,353.60
Worker's Comp	Fund S	\$ 7,923.60
Community Dev.	Fund CD	\$ 9,415.00
Payroll	Pay Date 11/19	\$441,476.57

Seconded by Alderman Allport and adopted. Ayes 6.

**120220.3**

By Alderman Allport:

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 L. Kaufman	5	Police Officer

Seconded by Alderman Devine and adopted. Ayes 6.

**120220.4**

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a one (1) year renewal contract with the Niagara County SPCA for City dog control holding center services at an annual rate of \$16,200 for 2021.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **120220.5**

By Alderman Oates:

WHEREAS, the City of Lockport LPD Vehicle 29 was involved in an incident which has results in costs for repair that will be resolved via NYMIR insurance; and

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

Revenue:

Increase:

A.0000.32680	Insurance Recoveries	\$ 4,999
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Expense:

Increase:

A.1900.54765	Judgement and Claims	\$ 4,999
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Seconded by Alderman Schratz and adopted. Ayes 6.

#### **120220.6**

By Alderman Kantor:

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 for \$4,800.00, amount to be charged to G.8120.54610.

Seconded by Alderman Oates and adopted. Ayes 6.

## **120220.7 Public Hearing Police Policy Review - Withdrawn**

### **120220.8**

By Alderman Schratz:

Whereas, Lockport Community Services, Inc. (LCS) and Friends of the Railyard Skate Park are working to improve the Lockport Railyard Skate Park, located at Outwater Park, and

Whereas, the estimated total budget for the improved Lockport Railyard Skate Park project is \$550,000, and

Whereas, LCS secured a \$250,000 challenge grant from the Ralph C. Wilson Foundation's Skatepark Project, and

Whereas, LCS secured a \$125,000 grant from the Grigg Lewis Foundation, and

Whereas, LCS has applied for Niagara River Greenway funding through Niagara County for the Lockport Railyard Skate Park, and

Whereas, the City of Lockport supports LCS, Friends of the Railyard Skate Park, and the Lockport Railyard Skate Park project, and

Whereas, a requirement of the Greenway funding is to install signage proximate to the site acknowledging the use of Greenway funding, now, therefore, be it

Resolved, that the City of Lockport supports the LCS application for Greenway funding for the Lockport Railyard Skate Park, and

Resolved, that the City of Lockport will work with LCS and Friends of the Railyard Skate Park to identify a location at Outwater Park to install the necessary Greenway signage as well as support the planning board approval process of the signs

Seconded by Alderman Kantor and adopted. Ayes 6.

### **120220.9**

By Alderman Allport:

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, 2020 through March 31, 2021, 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, 2020 through March 31, 2021, 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, 2020 through March 31, 2021 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 Schratz and adopted. Ayes 6.

**120220.10**

**ADJOURNMENT**

At 5:44 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 16, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES

City Clerk

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

Lockport Municipal Building

Regular Meeting

Official Record

December 16, 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, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION – Pastor Wayne Dent**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**Minutes Correction – October 7, 2020:**

10/5/20      ~~Anthony~~ **Andrew** D. Nemi, 65 South New York Street – appointed to the Human Relations Committee to fill the unexpired term of Sharon Davis. Said term expires on July 15, 2022.

Received and filed.

**121620.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of December 2, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**



**Appointments:**

12/2/20 Eric P. Heineman, PO Box 1570, Lockport, NY – appointed to Senior Water Treatment Plant Operator for the Filtration Department in the City of Lockport effective December 3, 2020. Said appointment is permanent and subject to the City of Lockport Civil Service Rules and Regulations.

Received and filed.

12/15/20 James C. Elmer, 2886 Brent Drive, Sanborn, NY – appointed to Director of Engineering effective December 15, 2020. Said appointment is permanent and subject to the City of Lockport 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)

12/2/20 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.

12/16/20 Paul K. Oates, 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.

Thursday, December 24 (closed at 12 noon)

Friday, December 25

Thursday, December 31 (closed at 12 noon)

Friday, January 1, 2021

The garbage collection schedule is as follows:

Due to the Christmas and New Year's holidays, there will be no garbage collection on Friday, December 25<sup>th</sup> & Friday, January 1<sup>st</sup>.

Garbage scheduled for collection on December 25<sup>th</sup> and January 1<sup>st</sup> will be collected on the day following regularly scheduled collection

Bulk items will be collected the week of January 4<sup>th</sup>

**Notice of Complaint:**

12/11/20 428 Vine Street - tree

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**121620.2**

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 16, 2020 as follows:

General Fund	Fund A	\$ 69,642.12
Water Fund	Fund FX	\$ 33,397.03
Sewer Fund	Fund G	\$ 19,582.73
Capital Projects	Fund H	\$ 86,235.34
Refuse Fund	Fund CL	\$ 98,114.12
Self Insurance	Fund MS	\$ 56,183.61
Payroll	Pay Date 12/3	\$618,293.49

Seconded by Alderman Allport and adopted. Ayes 6.

**121620.3**

By Alderman Schratz:

Resolved, that a virtual public hearing be held at the Common Council Meeting of January 20, 2021 starting at 5:30 P.M. relative to a plan based on the Police Policy Review Committee report, and be it further

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

Seconded by Alderman Devine and adopted. Ayes 6.

**121620.4**

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Gerald A. Fry, a retired City of Lockport Firefighter who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**121620.5**

By Alderman Abbott:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Diane Crowe who recently passed away. She served as secretary to former Mayor Anne McCaffrey until her retirement.

Seconded by Alderman Oates and adopted. Ayes 6.

**121620.6**

By Alderman Devine:

Resolved, that pursuant to the request of Ahmed Eldhany, property owner of Sunshine Auto, 32 South Niagara Street, permission is hereby granted to erect a chain link fence on the north and east side of the property situated in a B-5 Zone in the City's right-of-way at 32 South Niagara 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 fence 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 Kantor and adopted. Ayes 6.

#### **121620.7**

By Alderman Oates:

Resolved, that the City tax roll for the year 2021 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 Allport and adopted. Ayes 6.

#### **121620.8 Permission to hold Parade in Outwater Park - WITHDRAWN**

#### **121620.9**

By Alderman Devine:

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

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

Resolved, that the salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2021; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$35,000.00 for the year 2021.

Seconded by Alderman Allport and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

#### **121620.10**

By Alderman Allport:

WHEREAS, the City of Lockport Charter provides for City Tax and Collection thereof in Article XI, § C-259; and

WHEREAS, said section has been amended multiple times, specifically by Local Law 1919, c. 316; and Local Law No. 2-1996; and Local Law No. 3-1999; and

WHEREAS, the City of Lockport wishes to streamline the due dates on Tax status dates for City residents so that they are more in line with the County and state dates; and

WHEREAS, the City of Lockport wishes to repeal the section of the charter outlining the due dates for the Assessor's office (pursuant to § C-259) to best implement the goals and policies of the Assessor's office and to be more user friendly for City residents; and

WHEREAS, the Common Council understands that by repealing this section of the Charter, the dates that the Assessor's office is to follow shall be the ones provided for by the New York State Real Property Law dates, to wit: the Taxable Status date will be March 1; the

Tentative Roll date will be May 1; the Grievance date will be the 4<sup>th</sup> Tuesday in May; and the Final Roll date will remain the same – July 1<sup>st</sup>.

NOW, THEREFORE, BE IT RESOLVED, that the Charter Section entitled, “Article XI. Board of Assessors; City Taxes and the Collection thereof, §C-259. Completion of assessment roll; notice; review of assessments”, is hereby repealed by the Common Council, and the New York State dates as described herein effective January 1, 2021 shall now govern.

BE IT FURTHER RESOLVED, that the City Clerk is instructed to update the Charter to reflect the repeal of that section of the Charter.

Seconded by Alderman Abbott. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The resolution was thereupon declared duly adopted.

#### **121620.11**

By Alderman Oates:

Whereas, the City of Lockport Department of Water Distribution is in need of a replacement vehicle to maintain operations,

Whereas, the department has appropriated funds in the FY 2020 budget; and

Whereas, the department head, through the procurement policy, has found an appropriate State bid in the amount of \$71,578.20 through Van Bortel Ford; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to accept the bid and use current funds in FX.8340.52035.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **121620.12**

By Alderman Oates:

Whereas, the Common Council, by Resolution #110420.9, abandoned a parcel described as an L-shaped parcel located on land formerly known as Myrtle Street, being north and east of 390 North Adam Street, running from North Adam Street approximately 366 feet east to the northeast corner of 390 North Adam, then turning at a 90° angle for about another 132 feet parallel with North Adam Street to the southeast corner of 390 North Adam Street, being approximately 66 feet in width, and that property is no longer used or needed for municipal or public purposes; and

Whereas, the City now wishes to offer the above-described parcel for sale by the highest responsible bidder; and

Whereas, the Common Council hereby finds in accordance with §159 of the City Charter that the best interest of the public will be served by the sale of the aforesaid parcel at 390 North Adam Street to the highest responsible bidder; now be it

Resolved, that the Mayor of the City of Lockport is authorized, if likewise, in approval of the abandonment in accordance with §159 of the City Charter, to execute and deliver quitclaim deed(s) subject to all utility (municipal, telephone, electric, gas and cable) easements currently of record or required for the City or utilities to maintain their respective interests or obligations, and any and all other documents necessary to accomplish this abandonment, upon review and approval as to form by the Corporation Counsel, to the highest responsible bidder in accordance with §279 of the City Charter

Seconded by Alderman Schratz and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **121620.13**

By Alderman Allport:

Whereas, the Common Council, by Resolution #110420.9, abandoned a parcel described as an alley that consists of approximately 15 feet by 323 feet running from Russell Street and Cedar Street in the City of Lockport, commonly known as Russell Alley, and that property is no longer used or needed for municipal or public purposes; and

Whereas, the City now wishes to offer the above-described parcel for sale by the highest responsible bidder; and

Whereas, the Common Council hereby finds in accordance with §159 of the City Charter that the best interest of the public will be served by the sale of the aforesaid Russell Alley to the highest responsible bidder; now be it

Resolved, that the Mayor of the City of Lockport is authorized, if likewise in approval of the abandonment in accordance with §159 of the City Charter, to execute and deliver quitclaim deed(s) subject to all utility (municipal, telephone, electric, gas and cable) easements currently of record or required for the City or utilities to maintain their respective interests or obligations, and any and all other documents necessary to accomplish this abandonment, upon review and approval as to form by the Corporation Counsel, to the highest responsible bidder in accordance with §279 of the City Charter.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **121620.14**

By Alderman Allport:

Whereas, the Common Council, by Resolution #110420.9, abandoned a parcel described as adjacent to 33 Weld Street on land formerly known as Cedar Street, being

approximately 50 feet in width and 110 feet in length, and that property is no longer used or needed for municipal or public purposes; and

Whereas, the City now wishes to offer the above-described parcel for sale by the highest responsible bidder; and

Whereas, the Common Council hereby finds in accordance with §159 of the City Charter that the best interest of the public will be served by the sale of the aforesaid land adjacent to 33 Weld Street to the highest responsible bidder; now, therefore, be it

Resolved, that the Mayor of the City of Lockport is authorized, if likewise in approval of the abandonment in accordance with §159 of the City Charter, to execute and deliver quitclaim deed(s) subject to all utility (municipal, telephone, electric, gas and cable) easements currently of record or required for the City or utilities to maintain their respective interests or obligations, and any and all other documents necessary to accomplish this abandonment, upon review and approval as to form by the Corporation Counsel, to the highest responsible bidder in accordance with §279 of the City Charter.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **121620.15**

By Alderman Allport:

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; and

Whereas, the City issued a Request for Proposals (RFP) for a Professional Planning Consultant to aid the City with updating its Comprehensive Plan and Zoning Code; and

Whereas, the City received multiple proposals in response to the RFP; and

Whereas, a committee was assembled to review proposals, interview firms, and make a recommendation to the Council for the selection of a Professional Planning and Consultant; and

Whereas, the committee is recommending the Council accept the proposal from Barton & Loguidice; now, therefore, be it

Resolved, the Mayor is authorized and directed to enter into an agreement with Barton & Loguidice for a cost not to exceed the budgeted amount of \$156,296.

Seconded by Alderman Schratz. Ayes 3. Nays 3. Aldermen Abbott, Kantor and Oates voted no.

The Mayor voted in the affirmative. Motion Passed

#### **121620.16**

By Alderman Oates:

Whereas, the City has been given notice of a potential environmental claim on property it transferred with indemnifications included in the transfer documents; and

Whereas, the City needs to obtain independent advice on the nature and extent of any liability it may have; and

Whereas, the City understands the need to move forward with due deliberation to resolve any issues of liability; and

Whereas, the City has obtained verbal quotes from two competent environmental consultants to provide an analysis of the studies submitted by a third party; and

Whereas, it is in the best interest of the City to move forward expeditiously with the lowest competent bidder; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel review, is authorized to enter into a limited engagement agreement with GHD Engineering, Inc., for an amount not to exceed two thousand five hundred dollars (\$2,500.00); and be it further

Resolved, that the funds for payment of the consultant's services shall be paid by modifying the 2020 budget as follows:

DECREASE	A1900.54775	Contingency	\$2,500.00
INCREASE	A1420.54055	Prof. Services	\$2,500.00

and be it further

Resolved, that resolution #112420.9, authorizing the City to enter into an agreement with Benchmark/Turnkey, Inc., and adopted by the Common Council at their November 24, 2020 meeting, be and the same is hereby rescinded.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **121620.16A**

By Alderman Abbott:

Whereas, the Niagara County Industrial Development Agency recently approved a payment in lieu of taxes (PILOT) agreement for property currently known as Heritage Manor, in favor of Vincent Properties, Inc.; and

Whereas, the PILOT agreement included the right of the City to enter into a separate Host Community Agreement that addresses the municipal services which the City will provide to the property in question; and

Whereas, the City and Vincent Properties, Inc. have entered into good-faith negotiations to memorialize their understanding; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel review, is authorized to enter into an agreement with Vincent Properties, Inc. for the provision of municipal services at an annual rate of \$7,000, for the term of the PILOT.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **121620.17**

#### **ADJOURNMENT**

At 6:05 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, January 6, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk