

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 3, 2021
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

INVOCATION

MAYOR'S STATE OF THE CITY

RECESS

Recess for public input.

020321.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of January 20, 2021 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 a house and outdoor space for dining, drinking and entertainment from May to October at 484 West Avenue.

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

2/2/21 Terry Harmon, Planning and Zoning Board, the board recommends the request to the Council with stipulations.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law amending section 66-19 of the Lockport City Code, Electrical Standards for Licensing and Inspections.

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

Resignation:

1/26/21 Felicia Grooms, resignation from the Human Relations Committee and the Police Policy Review Board. Effective January 31, 2021.

Received and filed.

1/27/21 Jessica Dittly, resignation from the Tree Committee effective January 18, 2021.

Received and filed.

Appointments:

1/12/21 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, Michelle M. Roman, Mayor of said City do hereby make the following appointments;

Parks Board

John F. Swan, 28 Maple Street, Lockport, NY. Said term expires January 12, 2022.

Caitlin J. Kenney, 315 East Avenue, Lockport, NY. Said term expires January 12, 2023.

Sarah K. Lanzo, 129 Beattie Avenue, Lockport, NY. Said term expires January 12, 2024.

Darryl L. DeVoe, 50 Lake Avenue, Lockport, NY. Said term expires January 12, 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)

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

Referred to the Committee of the Whole.

1/29/21 Paul K. Oates, 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 8th

Monday, February 15th

There will be no change in the garbage pickup schedule.

Referred to the media.

MOTIONS & RESOLUTIONS

020321.2

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 4, 2021 as follows:

2020 Expenses

- Fund A General - \$85,391.61
- Fund CD Community Development - \$37,500.00
- Fund FX Water - \$14,693.27
- Fund G Sewer -\$14,946.27

2021 Expenses

- Fund A General - \$242,068.59
- Fund CL Refuse & Recycling – \$297.44
- Fund FX Water - \$24,824.64
- Fund G Sewer -\$15,964.88
- Fund MS Health Insurance - \$84,448.70
- Fund S Worker’s Comp - \$96,578.69
- Payroll Pay Date 1/28 \$ 578,994.17

Seconded by Alderman Abbott and adopted. Ayes 6.

020321.3

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>
Todd M. Wheeler	20	Waste Water Attendant
David A. Yourdan	20	Municipal Worker
William E. Jones	10	Police Officer

Seconded by Alderman Schratz and adopted. Ayes 6.

020321.4

By Alderman Schratz:

Resolved, that pursuant to the recommendation of Mayor Roman, Kathleen Sparks DiMillo, 73 Lincolnshire Drive, Lockport, NY is hereby appointed as an alternate member of the Board of Ethics. Said term expires on December 31, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

020321.5

By Alderman Devine:

Resolved, that the request for a special use permit made by Marc & Ashley Pietrzykowski to utilize a house and outdoor space for dining, drinking and entertainment from May to October, located at 484 West Avenue, situated in a I-3 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 outdoor entertainment be limited to 8pm to 10 pm.

The applicant returns to the Planning Board with site plans for the permanent building structures.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property if other than the applicant, 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 Allport and adopted. Ayes 6.

020321.6

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 weekend of July 31 and August 1, 2021, for the annual Summer Beast of Burden Ultra Marathon. 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, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

020321.7

By Alderman Kantor:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring Soccer Program on Thursdays and Saturdays at Altro Park beginning April 15, 2021 through June 26, 2021, subject to Soccer Shots Buffalo filing 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 accordance with New York State guidelines, if applicable.

Seconded by Alderman Abbott and adopted. Ayes 6.

020321.8

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Helen E. Young, a retired City of Lockport employee who worked in the Treasurer's office from 1972-1989, who recently passed away.

Seconded by Alderman Schratz and adopted. Ayes 6.

020321.9

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 2021 Youth Baseball Tournaments, subject to approval of the schedule by Highways & Parks Department, for games to be played between June 4th and August 1st, 2021; and be it further

Resolved, that Niagara Jr. Thunder Wolves file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

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

Seconded by Alderman Devine and adopted. Ayes 6.

020321.10

By Alderman Schratz:

Whereas, Governor Andrew Cuomo signed the "Say Their Name Reform" Agenda Package on June 12, 2020 and issued an Executive Order requiring municipal Police Departments to Reinvent and Modernize Police Strategies/Programs; and

Whereas, on June 17, 2020, Mayor Michelle Roman appointed the City of Lockport Police Policy Review Committee; and

Whereas, the City conducted Police Policy Review Committee meetings on July 20, 2020, August 17, 2020, September 14, 2020, October 13, 2020, October 29, 2020, and November 30, 2020; and

Whereas, the City conducted eight separate Community Forums throughout the City of Lockport; and

Whereas, the Police Policy Review Committee Report dated October 24, 2020 was approved by the Committee; and

Whereas, the Public Hearing was held on January 20, 2021; now, therefore, be it

Resolved, that the City of Lockport hereby acknowledges the receipt of the Police Policy Review Committee Report dated October 24, 2020.

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

020321.11

By Alderman Schratz:

Whereas, Governor Andrew Cuomo signed the "Say Their Name Reform" Agenda Package on June 12, 2020 and issued an Executive Order requiring municipal Police Departments to Reinvent and Modernize Police Strategies/Programs; and

Whereas, on June 17, 2020, Mayor Michelle Roman appointed the City of Lockport Police Policy Review Committee; and

Whereas, the City conducted Police Policy Review Committee meetings on July 20, 2020, August 17, 2020, September 14, 2020, October 13, 2020, October 29, 2020, and November 30, 2020; and

Whereas, the City conducted eight separate Community Forums throughout the City of Lockport; and

Whereas, the Police Policy Review Committee Report dated October 24, 2020 was approved by the Committee; and

Whereas, the Public Hearing was held on January 20, 2021; and

Whereas, on February 3, 2021, the Common Council approved the Police Policy Review Committee Report dated October 24, 2020; now, therefore, be it

Resolved, that the City of Lockport hereby approves the following mandatory training for all Lockport Police personnel:

Training Type	Hours
1) Firearms Qualification	2 – 4-hour blocks
2) Use of Force Training	4-hour blocks
3) Emergency Vehicle Operation	2-hour block
4) Mental Health/ CIT	4-hour blocks
5) De-escalation	2-hour blocks
6) CPR/AED	4-hour block
7) Implicit Bias Policing	2-hour block
8) Taser Qualification	4-hour block
9) Reality Based Training	2 – 4-hour blocks
10) Sexual Harassment	2-hour block
11) Diversity Training	2-hour block
12) Legal Updates /Search/Seizure	4-hour block
13) Supervisor/Leadership	4-hour block
14) Procedural Justice	2-hour block
15) Defensive Tactics	4-hour block

TOTAL 58 hours

And be it further

Resolved, that the City of Lockport shall allocate the sum of \$57,600 for the aforementioned police department training.

Seconded by Alderman Abbott and adopted. Ayes 6.

020321.12 Local Law No. 1 of the year 2021 – WITHDRAWN

020321.13

By Alderman Schratz:

Resolved, that pursuant to the request of Brian Hutchison, permission is hereby granted to maintain a sign in the City's right-of-way at 16 West Main Street, Lockport, NY 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 sign 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 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 Allport and adopted. Ayes 6.

020321.14

By Alderman Schratz:

Whereas, the City of Lockport (City), is seeking a grant for the GIGP Streetscape Phase II project and intends to submit via the New York Green Innovation Grant Program (GIGP); and

Whereas, the City project cost estimate for the GIGP Streetscape Phase II Project is \$1,760,000; and

Whereas, the GIGP through NYS Environmental Facilities Corporation (NYSEFC) may fund up to 90% of the project cost or \$1,584,000; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City via the CFA for the GIGP Streetscape Phase II Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the as well as a Grant Agreement with the NYSEFC 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 10% local match as required by the Green Innovation Grants Program. Under the GIGP, this local match must be at least 10% of total project of \$1,760,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$176,000 subject to receipt of a GIGP grant and available funding. The total estimated maximum grant is \$1,584,000. 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 to the NYSEFC Green Innovation Grants Program for the GIGP Streetscape Phase II Project; and be it further

Resolved, that should a GIGP grant be awarded to the City, 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.

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 Allport and adopted. Ayes 6.

020321.15

By Alderman Abbott:

Whereas, the City of Lockport (City) has reviewed the proposed project for the Streetscape Phase II Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review (SEQR), for a determination as to the level of required environmental review for the proposed project; now, therefore, be it

Resolved, that the City does hereby determine that the proposed action is a Type II action for SEQR under 617.5(c)(3) "retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure" as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Oates 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 Allport and adopted. Ayes 6.

020321.16

By Alderman Kantor:

Whereas, the City of Lockport (City), is seeking a grant for the City CSO Monitoring Equipment project and intends to submit via the New York Green Innovation Grant Program (GIGP); and

Whereas, the project cost estimate for the City CSO Monitoring Equipment Project is \$50,000; and

Whereas, the GIGP through NYS Environmental Facilities Corporation (NYSEFC) may fund up to 75% of the project cost or \$37,500; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City to the NYSEFC GIGP for the City of Lockport CSO Monitoring Equipment Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the City as well as a Grant Agreement with the NYSEFC 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 25% local match as required by the GIGP. Under the GIGP, this local match must be at least 25% of total project of \$50,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$12,500 subject to receipt of a GIGP grant and available funding. The total estimated maximum grant is \$37,500. 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 to the NYSEFC Green Innovation Grants Program for the City of Lockport CSO Monitoring Equipment Project; and be it further

Resolved, that should a GIGP grant be awarded to the City, 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 GIGP through NYSEFC.

Seconded by Alderman Devine 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 Allport and adopted. Ayes 6.

020321.17

By Alderman Allport:

Whereas, the City of Lockport (City) has reviewed the proposed project for the City of Lockport CSO Monitoring Equipment Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review (SEQR), for a determination as to the level of required environmental review for the proposed project, now, therefore, be it

Resolved, that the City does hereby determine that the proposed action is a Type II action for SEQR under 617.7(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site" as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

020321.18

By Alderman Abbott:

Whereas, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study for CSOs 6 and 8 to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City’s wastewater collection system; and

Whereas, the (City) is preparing an application to the NYS Environmental Facilities Corporation (NYSEFC) Engineering Planning Grant Program (EPG) to investigate CSOs 6 and 8; now, therefore, be it

Resolved, that the Mayor is authorized to execute a Grant Application and if awarded, an Agreement with 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 EPG Agreement; and be it further

Resolved, that the City authorizes and appropriates a minimum of 20% local match as required by the EPG Program for the Wastewater Engineering Planning Study for CSOs 6 and 8. Under the EPG Program, this local match must be at least 20% of the grant award of \$30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$6,000. The total estimated maximum project cost is \$36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

020321.19

By Alderman Abbott:

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now, therefore, be it

Resolved, that the City of Lockport hereby determines that the proposed Wastewater Engineering Planning Study for CSOs 6 and 8 is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action” and “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Devine and adopted. Ayes 6.

020321.20

By Alderman Oates:

WHEREAS, the City of Lockport has appropriated lease funds in FY 2021 public works budget; and

WHEREAS, the Director of Highways and Parks has recommended to trade in a current skidsteer and dozer blade attachment and enter in a lease agreement via NYS contract with Bobcat for a S76 T4 Bobcat Skidsteer Loader; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council hereby approves of the Mayor to enter into a lease contract, attached hereto with Bobcat and utilize budgeted funds in A.5110.54065.

Seconded by Alderman Abbott and adopted. Ayes 6.

020321.21 Agreement with AZAVAR - WITHDRAWN

020321.22

ADJOURNMENT

At 6:13 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 17, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES
City Clerk