

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

July 21, 2021
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

072121.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman _____, the minutes of the Regular Meeting of July 7, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointments:

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:

7/8/21	499 Hawley Street – tree
7/12/21	102 Corinthia Street – tree
7/15/21	60 Chapel Street- tree
7/15/21	30 Massachusetts Avenue – tree

Referred to the Director of Streets and Parks.

Notice of Claim:

7/8/21 Theano & Kenneth Schaffer, 136 Cherry Bark Loop, Clayton, NC

7/15/21 Jeffrey Jasinski, 115 John Street, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS**072121.2**

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 22, 2021 as follows:

General Fund	Fund A	\$
Water Fund	Fund FX	\$
Sewer Fund	Fund G	\$
Capital Projects	Fund H	\$
Refuse Fund	Fund CL	\$
Self Insurance	Fund MS	\$
Worker's Comp	Fund S	\$
Payroll	Pay Date 7/1/21	\$508,053.59

Seconded by Alderman _____ and adopted. Ayes _____.

072121.3

By Alderman _____:

Whereas, pursuant to General Municipal Law §120-w, Contracts and Agreements for Solid Waste Management, Collection and Disposal, the City of Lockport advertised for proposals to provide Refuse Collection and Disposal and Recyclable Materials Collection and Processing, and

Whereas, the City received and has reviewed two bid proposals submitted on March 31, 2021. One said proposal was by Modern Disposal Services, Inc.; and one by Waste Management of NY, LLC, both of which are available for review in the City Clerk's Office, and

Whereas, the City's current refuse and recycling contract expires September 30, 2021; now, therefore, be it

Resolved, that the City of Lockport, pursuant to the aforementioned General Municipal Law, recommends that the bid for refuse collection and disposal and recyclable material collection and processing be awarded to the lowest bidder, Modern Disposal Services Inc., and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a 63-month agreement with Modern Disposal Inc. for same, with an additional five-year renewal option.

Seconded by Alderman _____ and adopted. Ayes _____.

072121.4

By Alderman Abbott:

Whereas, August 31st has been recognized as International Overdose Awareness Day since 2001, and is the world's largest annual campaign to end overdose; and

Whereas, an Overdose Awareness Rally in Lockport is planned, offering outreach for agencies, programs and/or services that support people with substance use disorder/addiction as well as NARCAN training; and

Whereas, speakers will be attending to share their experiences working with people who have overdosed; now, therefore, be it

Resolved, that pursuant to their request, the organizers of the Overdose Awareness Rally are hereby granted permission to hold said event at Veterans Memorial Park on East Avenue in Lockport on Tuesday, August 31st, 2021 from 5pm until 8pm; and be it further

Resolved, that permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and is further subject to organizers and participants following all state COVID-19 regulations.

Seconded by Alderman _____ and adopted. Ayes

072121.5

By Alderman Oates:

Whereas, the organization, 'Clothing Kills Cancer' (CKC of WNY, Inc.) helps cancer patients with medical bills and prescription costs, as well as low income families in the community; and

Whereas, CKC raises funding through direct donations and the sale of apparel from its clothing line, with a \$10 donation built into each clothing sale; and

Whereas, CKC wishes to hold a fundraising event and backpack giveaway to children who attend local schools; and

Whereas, the event would include food trucks and a kickball game between the children and Lockport Police Department officers; now, therefore, be it

Resolved, that pursuant to their request, CKC of WNY, Inc. is hereby granted permission to conduct a fundraiser and backpack giveaway event at Altro Park on Sunday, August 29, 2021 from 2pm until 6pm, subject to 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 organizers and participants following all state COVID-19 regulations.

Seconded by Alderman _____ and adopted. Ayes

072121.6

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Celtic Heritage Society, Inc. is hereby granted permission to erect a banner across East Avenue at Davison Road, at least 17 feet from the ground, to promote the Niagara Celtic Heritage Festival & Highland Games event which will be held September 18th and 19th, 2021. Banner is to be erected for a minimum of two weeks prior to the event dates based on a schedule approved by the City Clerk. Said permission is subject to the Niagara Celtic Heritage Society, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and a fee of \$50.00 made payable to the City Clerk, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman _____ and adopted. Ayes: _____.

072121.7

By Alderman Schratz:

Whereas, Lockport Peacemakers would like to conduct a free, 'Community for Kids Day' event for children ages 5 through 15, including games and prizes, a talent contest using the city stage, a bounce house, a meet and greet with first responders, and the Niagara County Sheriff's Department canine unit; now, therefore, be it

Resolved, that pursuant to her request, Paula Halladay, Lockport Peacemakers Coordinator, is hereby granted permission to conduct a 'Community for Kids Day' at Outwater Park from 11am until 4pm on Sunday, August 8th, 2021; and be it further

Resolved, said permission is subject to organizers and participants following all state COVID-19 regulations, and is further subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman _____ and adopted. Ayes _____.

072121.8

By Alderman Schratz:

Whereas, the City wishes to hold a 3 on 3 basketball tournament for youth in the City of Lockport for children entering 3rd through 8th grade; and

Whereas, the City has sponsors for said basketball tournament to assist in the finances, insurance, and operation of the tournament; now, therefore, be it

Resolved, that the Common Council grants permission for a 3 on 3 basketball tournament in the City of Lockport at Dolan Park (or any other further specified location) on Saturday, August 14, 2021 at 10am. Games will be officiated by Lockport Police Department officers and members of the community. The organizers, Laura Miskell Benedict, UFW, and co-sponsors, shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. Organizers and participants must follow all state COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes _____.

072121.9

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade said street on July 31, 2021, for a 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, picnic tables and refuse containers to the area prior to said event.

Seconded by Alderman _____ and adopted. Ayes _____.

072121.10

By Alderman Allport:

Whereas, the City of Lockport has instituted an action In Rem for the foreclosure of certain tax liens against various parcels of real property within the City of Lockport, pursuant to the City of Lockport Charter and Article 11, title 3 of the Real Property Tax Law of the State New York, and

Whereas, the County of Niagara has a claim for Niagara County tax liens against all or some of the parcels of real property which are the subject of said action, and

Whereas, the provisions of the Real Property Tax Law authorize tax districts having an interest by way of tax lien in real property, such as the City of Lockport and County of Niagara,

to enter into an agreement making provision for the sale of real property without public sale and for the sharing of the net proceeds of such sale between the City of Lockport and the County of Niagara, and

Whereas, the City of Lockport has tendered to the County of Niagara such an agreement, which agreement, among other things, provides that the interests of said City and this County in each parcel and in the proceeds of any sale of such parcel shall be apportioned based on the fraction that the unpaid taxes, tax liens and other charges accessible against the parcel owed to or owned by the City and County respectively bear to the total City and County taxes, tax liens and other such charges, but without reference to the penalties or interest accrued on any unpaid tax or tax lien, and

Whereas, the proposed agreement is fair and reasonable and allows the County to avoid the cost and expense of a separate In Rem foreclosure action against the same parcels, now, therefore, be it

Resolved, that the City of Lockport Common Council finds and determines that the proposed agreement, a true copy of which is attached to the Clerk's file copy of this resolution, is fair and reasonable in all respects and advances the interests of the City of Lockport in its collection of taxes and tax liens on real property located within the City of Lockport, and it be further

Resolved, that the Mayor is authorized and directed to execute and deliver said agreement in behalf of the City of Lockport.

Seconded by Alderman _____ and adopted. Ayes _____.

072121.11

By Alderman Allport:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Fall Soccer Program on Saturdays at Altro Park beginning September 11, 2021 through November 13, 2021, subject to Soccer Shots Buffalo filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and is further subject to organizers and participants following all state COVID-19 regulations.

Seconded by Alderman _____ and adopted. Ayes _____.

072121.12

By Alderman Schratz:

Whereas, the Governor has permitted restaurants in the State of New York, and in the City of Lockport, to utilize outdoor seating for its patrons, subject to the laws of the State of New York and the City of Lockport during the Covid-19 Pandemic; and

Whereas, the Governor is extending said permission by one year, and signed a Bill for same on July 6, 2021; now, therefore, be it

Resolved, that the Common Council grants restaurants in the City of Lockport permission to utilize their own private property: be it green space, parking lots, or patios, for the purposes of outdoor seating for eating and drinking; and said restaurants are hereby permitted to likewise utilize rights of way and property belonging to the City of Lockport for the purposes of outdoor seating for eating and drinking, as long as the owners abide by the following requirements:

- 1) Owners must file a certificate of insurance with the City Clerk;
- 2) Restaurants' outdoor seating areas must be approved by the building inspector;
- 3) Owners must follow State and local liquor authority guidelines for the duration of the Bill signed by the Governor on July 6, 2021;

- 4) If the owner is utilizing city property, residents must still be able to freely traverse the area where the tables are set up.

Seconded by Alderman _____ and adopted. Ayes _____.

070721.13

By Alderman Allport:

Whereas, COVID-19 has had significant impact on the financial security of the City of Lockport since early FY 2020; and

Whereas, the City of Lockport's FY 2021 Appropriated Budget was developed in a particularly conservative nature, as typical revenue sources had uncertain futures; and

Whereas, the City has now acquired unbudgeted revenue sources (State AIM funds) that have been received and recommended by the NYS Comptroller's Office to be accounted for in the 2021 fiscal year; and

Whereas, the administration has compiled a recommendation for the use of these funds in the form of a FY 2021 Supplemental Budget #2, which proposes that said funds be appropriated for three distinct purposes - (1) restoration of the general fund contingency budget (2) reduction in the budgeted amount of general fund balance appropriation, and (3) as an interfund transfer to capital for the purchase of a bucket truck for public works; now, therefore, be it

Resolved, that the FY 2021 General Fund and Capital Budget be altered to reflect the changes below:

Revenue

Increase

A.0000.33001	State Aid Per Capita	662,605
H159.5110.32801.A	Interfund Revenue, From General Fund	188,090

Decrease

A.0000.30599	Appropriated Fund Balance	299,410
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Expenditures

Increase

A.1900.54775	Contingency	175,105
A.9901.5900.H	Interfund Transfer to Capital	188,090
H159.5110.52420	Machinery and Equipment - Heavy Equipment	188,090

Seconded by Alderman _____ and adopted. Ayes: _____.

072121.14

By Alderman Oates:

Whereas resolution 070721.5 authorized the Mayor to enter into an agreement with Benedict's Contracting Inc. for work done in relation to the Municipal Building water line; and

Whereas, funds are required to be moved in order to fulfill this contract; now, therefore, be it

Resolved, that the FY 2021 Water Fund operating budget is hereby amended as follows:

Expenditures:

Decrease

FX.1900.54775

Contingency

\$21,650

Increase

FX.1900.54055

Professional Services

\$21,650

Seconded by Alderman _____ and adopted. Ayes: _____.

072121.15

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted the Shamus Restaurant, 98 West Avenue, to barricade West Avenue from the fork at Ida Fritz Park to Hawley Street on Sunday, September 19, 2021, with a rain date of September 20, for a "Farm to Table Dinner" event in Ida Fritz Park, and be it further

Resolved, that 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 is further subject to organizers and participants following all state COVID-19 regulations, 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 _____ and adopted. Ayes: _____.

072121.16 – Authorize Mayor to submit a Trail Grant to the CFA (being prepared)

By Alderman Oates:

072121.17

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, with batting practice followed by a picnic at the Outwater Park South shelter, 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 at 2pm on Saturday, August 14, 2021, 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, and is further subject to organizers and participants following all state COVID-19 regulations.

Seconded by Alderman _____ and adopted. Ayes: _____.

072121.17A

BOND ORDINANCE DATED JULY 21, 2021.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$675,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE EFFLUENT DISINFECTION UPGRADE PROJECT AT THE WASTEWATER TREATMENT PLANT, FOR SAID CITY.

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

Whereas, the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

Whereas, it is now desired to authorize additional bonds for the financing thereof, now, therefore, be it

Ordained, 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. For the specific object or purpose of paying part of the cost of the 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 the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$675,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$3,800,000.

Section 2. The plan for the financing of such \$3,800,000 maximum estimated cost is as follows:

- a) By the issuance of the \$3,125,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated September 4, 2019;
- b) By the issuance of the additional \$675,000 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the first bond anticipation note issued therefor pursuant to the aforesaid bond ordinance dated September 4, 2019.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of

these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Treasurer shall determine.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of

the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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 _____

Alderman Allport VOTING _____

Alderman Devine VOTING _____

Alderman Kantor VOTING _____

Alderman Oates VOTING _____

Alderman Schratz VOTING _____

The ordinance was thereupon declared duly adopted.

072121.18

ADJOURNMENT

At _____ P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 4, 2021.

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk