

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 18, 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.

081821.1

APPROVAL OF MINUTES

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of August 4, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on the CARES Act application.

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Resignations:

08/17/21 Douglas C. Nicholson, resigned as a member of the Civil Service Commission. Effective August 17, 2021.

8/17/21 Kathleen Sparks DiMillo, resigned as an alternate member of the Board of Ethics.

Effective August 17, 2021.

Received and filed.

Appointments:

8/17/21 Kevin W. Norris, 440 South Street, Lockport, NY – appointed to the Civil Service Commission to fill the unexpired term of Doug Nicholson. Said term expires on May 31, 2024.

8/16/21 Marcus D. Wyche, 4 Roosevelt Drive, Lockport, NY – appointed to the Human Relations Commission effective August 16, 2021. Said term expires July 15, 2024.

Received and filed.

8/17/21 Mayor Michele M. Roman – recommendation that Kathleen Sparks DiMillo, 73 Lincolnshire Drive, Lockport, NY be appointed as member of the Lockport Board of Ethics

Referred to the Committee of the Whole.

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:

8/5/21 59 Weld Street – tree
8/6/21 142 Park Lane Circle – tree
8/11/21 167 Spalding Street – tree
8/11/21 181 Waterman Street – tree
8/12/21 142 Chestnut Street – tree
8/16/21 48 So New York Street – tree
8/17/21 27 Saxton Street –tree

Referred to the Director of Streets and Parks.

Notice of Claim:

8/10/21 New York Central Mutual Fire Insurance Company, FBO Daniel J. Malcomb & Nancy J. Malcomb, 290 Hawley Street, Lockport, NY

8/11/21 Viola, Cummings & Lindsay, LLP, FBO Thomas Townsend, 40 North Street, Lockport, NY

Notice of Consent Order:

8/11/21 (In the matter of the application under Article 7 of the Real Property Tax Law) by Lockport Plaza, LLC v. City of Lockport

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

081821.2

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 19, 2021 as follows:

General Fund	Fund A	\$38,182.98
Water Fund	Fund FX	\$9,625.07
Sewer Fund	Fund G	\$32,101.97
Capital Projects	Fund H	\$207,784.64
Refuse Fund	Fund CL	\$101,438.67
Self Insurance	Fund MS	\$1,487.80
Payroll	Pay Date 7/29/21	\$503,773.67

Seconded by Alderman Abbott and adopted. Ayes 6.

081821.3

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 11, 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 to said area prior to said event.

Seconded by Alderman Oates and adopted. Ayes 6.

081821.4

By Alderman Allport:

Whereas, a plan has been proposed by the Mayor and administration to utilize the Federal ARPA Coronavirus Local Fiscal Recovery Funds (also referred to as Budget Supplement #3); and

Whereas, the FY 2021 portion of the funds has been recommended to be utilized for a sewer vacuum (\$377,527), two street sweepers (totaling \$417,440), a Bandit 18XP Drum Chipper (\$55,313) minus the trade in value of the City's Morbark M15RX Chipper (\$18,500), and a 12-ton truck (\$175,852); now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the budget transfers for said purchases, contingent on final review by Corporation Counsel:

Revenues:

Increase

A.0000.34089	Other Federal Revenue	\$1,007,632
H209.8197.32801.A	Interfund from General Fund	\$377,527
H210.5110.32801.A	Interfund from General Fund	\$417,440
H211.5110.32801.A	Interfund from General Fund	\$36,813
H212.5110.32801.A	Interfund from General Fund	\$175,852

Expenditures:

Increase

A.9901.59000.H	Interfund to Capital	\$1,007,632
H209.8197. 52420	Machinery and Heavy Equip.	\$377,527

H210.5110. 52420	Machinery and Heavy Equip.	\$417,440
H211.5110. 52420	Machinery and Heavy Equip.	\$36,813
H212.5110. 52420	Machinery and Heavy Equip.	\$175,852

Seconded by Alderman Devine and adopted. Ayes 6.

081821.5

By Alderman Schratz:

Whereas, the New York State Department of Environmental Conservation (NYSDEC) has distributed an invoice in relation to remediation of Old Upper Mountain Road totaling \$25,000; and

Whereas, per the related consent order, said payment of \$25,000 represents the City’s obligation to the remediation, which is to be incurred by NYSDEC; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the budget transfers for said payment:

Expenditures:

Decrease		
A.1900.54775	Contingency	\$25,000
Increase		
A.1900.54765	Judgement and Claims	\$25,000

Seconded by Alderman Allport and adopted. Ayes 6.

081821.6

By Alderman Kantor:

Whereas, the City of Lockport is currently a party to a Master Lease Agreement with Enterprise Fleet Management (“Enterprise”) for the leasing of the City’s fleet; and

Whereas, at Enterprise’s recommendation, the City has the option to replace eight existing 2019 Ford F-150 leases in Wastewater Treatment, Water Distribution, and Street Maintenance with new 2022 F-150 leases that contain better power and towing capabilities; and

Whereas, in upgrading, costs associated to the new leases would reduce our agreement costs for these vehicles by an annual amount of \$5,557.20 because of our equity in current leases; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into new fleet replacement agreements for the recommended eight vehicles.

Seconded by Alderman Schratz and adopted. Ayes 6.

081821.7

By Alderman Devine:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the City has committed financial support amounting to \$10,000 to be dedicated to the on-going skate park project as matching funds raised by Lockport Community Services, Inc.; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to utilize funds in the H206 capital project, with the \$10,000 to be appropriated for maintenance of the skate park should Lockport Community Services, Inc. reach its fundraising goal.

Seconded by Alderman Kantor and adopted. Ayes 6.

081821.8

By Alderman Allport:

Whereas, the City of Lockport's Collective Bargaining Agreement with Local 832 Unit 76510 of the Civil Service Employees Association, "CSEA", expired on December 31, 2012; and

Whereas, the City of Lockport's negotiating committee and CSEA's negotiating committee reached a tentative agreement; and

Whereas, the CSEA's union membership has approved the tentative agreement; and

Whereas, the Common Council has reviewed that tentative agreement; now, therefore, be it

Resolved, that the City of Lockport hereby adopts and approves the tentative agreement.

Seconded by: Alderman Schratz and adopted. Ayes: 6.

081821.9

By Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled quotes for a concrete floor for the "Parco" pavilion north of the hardball diamond at Outwater Park, by Palladino Concrete for \$6,300; and

Whereas, the Community Pool needs concrete repairs and other repairs to limit any liabilities for trip hazards or any other hazards, to include masonry repairs to exterior walls, replacement of damaged downspouts, painting of the exterior of the building, as well as metal support posts and wood ceiling, for \$12,500; and

Whereas, Resolution 042121.8 established that pickle ball courts are on the current consensus list of improvements that should be made; and

Whereas, Rogers Park has an ice skating area, approximately 55 X 100 feet, that can be improved by excavating the area, and by adding stone and asphalt. The improved area can be configured for ice skating and winter-related activities, and, in warmer weather, as two pickle ball courts, at a cost of \$50,000. Overall costs could be less if City crews complete asphalt work, and possibly use old street millings for the base instead of stone; and

Whereas, the Director of Highways and Parks has requested placing removable Bollard posts at the entrances of Kibler and Grossi Parks at a cost of \$2,215.75 per quote from Reliance Foundry; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into contracts with above vendors and utilize funds in the H206 capital project.

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	Yes
Alderman Kantor	VOTING	No
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	No

Ayes 3. Nays 3. The Mayor voted in the negative. Motion failed.

081821.10 - Direct Corporation Counsel to discontinue appeal in case involving LPD officers - WITHDRAWN

081821.11

By Alderman Oates:

Resolved, that the Superintendent of Highways and Parks be directed to submit a plan to address, specifically, removal of tree stumps, street sweeping and sewer receiver clean out, as well as removal of trees that have been identified as requiring removal; and be it further

Resolved, that the targeted budget amount for said work is \$100,000 and can include, if needed, rental of equipment, additional overtime, extending seasonal help, contracting out some of the work, or other expenses necessary to complete the work; and be it further

Resolved, that the plan should be completed and ready for presentation to the Council work session by the Superintendent of Highways and Parks, on September 8, 2021; and be it further

Resolved, the plan should establish time parameters for completion of the work, including street sweeping and sewer clean outs, as well as the number of trees and stumps that would additionally be removed.

Seconded by Alderman Devine and adopted. Ayes 5. Nays 1. Alderman Schratz voted no.

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.

081821.11A

By Alderman Schratz:

Whereas, the Community Development Block Grant (CDBG) program is administered by the New York State Office of Community Renewal (OCR), and has made available to local governments approximately \$60 million under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help communities throughout the state to safely reopen and restart their local economies in the wake of COVID-19; and

Whereas, the City of Lockport has identified certain economic development and public facility related needs within the community directly relating to the COVID-19 pandemic (the "Project"); and

Whereas, the Greater Lockport Development Corporation (the "GLDC") intends to assist businesses impacted by COVID-19; and

Whereas, the City of Lockport is eligible to apply for up to \$1 million in funding from the New York State Office of Community Renewal CARES Act funds to finance the Project costs; and

Whereas, The GLDC is facilitating of the Project and has requested that the City provide the OCR CARES Act funding to the GLDC as a grant for the purpose of making grants to eligible small businesses and microenterprises; and

Whereas, The Project will result in substantial benefit to the City of Lockport in forms of safer businesses, new investment, new employment positions, and safer public facilities; and

Whereas, The City has held a public hearing to obtain citizens' views regarding the CDBG CARES Act program as administered by OCR and the proposed Project; now, therefore, be it

Resolved, That the Mayor is hereby authorized to submit a grant application of up to \$1 million on behalf of the City of Lockport to the OCR to support the Project; and be it further

Resolved, That the Mayor is hereby authorized to execute a grant agreement between the City and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the GLDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the City Attorney; and be it further

Resolved, That the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Seconded by Alderman Allport 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 Schratz and adopted. Ayes 6.

081821.11B

By Alderman Allport:

Whereas, on City of Lockport is authorized to collect bed tax within the City; and

Whereas, there currently is no ability for the City to collect bed tax on short-term or vacation rentals; and

Whereas, the third party short-term or vacation rental booking company "Airbnb" is the only current entity that will collect bed tax for a municipality; and

Whereas, Airbnb will only collect the bed tax for the entire County and will not itemize the individual source of the bed tax raised; and

Whereas, Airbnb will only agree to collect the bed tax Countywide and will only remit the bed tax to one entity; and

Whereas, the City of Lockport only has six (6) short-term or vacation rentals that are currently being advertised in the City; and

Whereas, these short-term or vacation rentals are not currently remitting bed tax to the City or the County; and

Whereas, the City has an interest in ensuring that all short-term or vacation rentals are collecting and remitting bed tax; and

Whereas, Airbnb requires the County to have a fully executed Memorandum of Understanding with municipalities that collect bed taxes to enable the County to collect the same from Airbnb; now, therefore, be it

Resolved, that the City of Lockport hereby authorizes the Mayor to enter into the attached Memorandum of Understanding with Niagara County for the collection of the bed tax generated at all short-term or vacation rentals operated through Airbnb in the City of Lockport.

Seconded by Alderman Kantor and adopted. Ayes: 6.

081821.12

ADJOURNMENT

At 8:43 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 1, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES
City Clerk