

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 _____, the minutes of the Regular Meeting of August 4, 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:

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

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	\$
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 7/29/21	\$503,773.67

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 (estimated \$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.0000.34	Fed Rev	\$1,007,632

Expenditures:

Increase		
A.9901.59000.H	Interfund to Capital	\$1,007,632

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

081821.8 – CSEA tentative agreement – Being Prepared

By Alderman Allport:

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 _____ and adopted. Ayes _____.

081821.10

By Alderman Devine:

Whereas, on March 19, 2021, the New York State Attorney General's Office reported that after a lengthy and comprehensive investigation there was insufficient evidence to establish that a crime had been committed by any of the responding officers from the Lockport Police Department for an incident occurring on June 16, 2019; and

Whereas, the City of Lockport brought disciplinary charges against four police officers regarding an incident which occurred in this case almost two years after the underlying incident occurred; and

Whereas, the City of Lockport Police Union filed a lawsuit to block the City from moving forward with the charges as untimely; and

Whereas, the State Supreme Court granted a permanent injunction against the City of Lockport from bringing charges against the four officers who were at the scene because the City failed to bring disciplinary action against the four police officers in a timely fashion as set forth in the police contract; and

Whereas, Section C-80 of the City Charter state that, "The Corporation Counsel of said City shall prosecute and defend all actions brought by or against said City and render such other professional services connected with the affairs of the City as may be required of him by law or by the Common Council"; and

Whereas, implicit in Section C-80 of the City Charter is the Common Council's authority to require the Corporation Counsel to not only prosecute and defend all actions but also discontinue all actions when the Common Council determines to continue with such action is not in the best public interest; now, therefore, be it

Resolved, that pursuant to Section C-80 of the City Charter the Common Council hereby requires the Corporation Counsel to discontinue any appeal filed in the matter of *P.B.A. Inc.; Daniel Barrancotta; Patricia Burdick; Daniel Pytlik; and Marissa Bonito vs. City of Lockport, New York; City of Lockport Board of Police Commissioners; and City of Lockport Chief of Police Steven Abbott*; and be it further

Resolved, that the authority of the Finance Committee to review and approve any legal fees relating to the appeal of the above case is hereby revoked by the Common Council effective immediately; and be it finally

Resolved, that the following funds in the Professional Services line A.1420.54055, Court Related Expenses line A.1420.54-59, and Misc. Support Services line A.1420.54083 are hereby transferred to the Contingency line A.1900.547754 of the 2021 General Fund Budget until further action of this Common Council.

Seconded by Alderman _____ and adopted. Ayes _____.

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; and be it further

Resolved, this work would be outside the normal hours for the Superintendent of Highways and Parks based on his part time work schedule, and he should be compensated for the extra hours of work needed to complete said plan.

Seconded by Alderman _____ and adopted. Ayes _____.

081821.12

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk