

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

Lockport Municipal Building

Regular Meeting  
Official Record

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

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**080421.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Kantor, the minutes of the Regular Meeting of July 21, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Resignations:**

08/03/21 Gary R. Terwilliger, submitted resignation from the Civil Service Commission effective August 1, 2021.

**Appointments:**

08/04/21 Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY – appointed to the Civil Service Commission to fill the unexpired term of Gary R. Terwilliger. Said term expires on May 31, 2024.

**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)

7/19/21 Patrick Tighe, President, Niagara County Deputy Sheriff's Police Benevolent Association – request permission to conduct their annual 5K road race and walk on October 17, 2021.

7/22/21 Thomas Scirto, 1 Main Street, Lockport, NY – Received from the Mayor's office. Seeking a solution to the flooding and drainage issues at the Clinton Building.

Referred to the Committee of the Whole.

**Notice of Complaint:**

7/22/21 31 Sunnyside Street - tree

7/29/21 30-34 John Street – tree

8/2/21 66 Chapel Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

7/22/21 YWCA, 32 Cottage Street, Lockport, 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)

7/23/21 Lockport Professional Park, LLC -vs- City of Lockport

7/23/21 Sai Ram Hotel, LLC –vs- City of Lockport

7/23/21 Concord Huth, L.P./City of Lockport –vs- City of Lockport

7/28/21 Rite Aid #1517/THL Associates, LLC/ALICO High Associates, LLC –vs- City of Lockport, Assessor of the City of Lockport, and The Board of Assessment Review of the City of Lockport

7/29/21 570 DAB 16, LLC –vs- City of Lockport, Assessor of the City of Lockport, and The Board of Assessment Review of the City of Lockport

Referred to the City Assessor.

**MOTIONS & RESOLUTIONS**

**080421.2**

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 5, 2021 as follows:

General Fund	Fund A	\$121,647.63
Water Fund	Fund FX	\$22,397.01
Sewer Fund	Fund G	\$30,312.00
Capital Projects	Fund H	\$51,247.64
Refuse Fund	Fund CL	\$181.99
Self Insurance	Fund MS	\$139,472.10
Payroll	Pay Date 7/15	\$510,870.12

Seconded by Alderman Allport and adopted. Ayes 5.

**080421.3**

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>
Aric J. Morgan	15	Police Officer
Jeremy M. Antonik	5	Water/Sewer Maintenance Worker
Andrew A. Learn	5	Sr. Water Treatment Plant Operator

Seconded by Alderman Kantor and adopted. Ayes 5.

**080421.4**

By Alderman Oates:

Whereas, the Community Health Center, 38 Heritage Court, is holding its yearly celebration of, "National Health Center Week" with an event August 10, 2021; and

Whereas, the event will promote community health education and awareness, and will feature testing, screenings, and vaccines; and

Whereas, back to school supplies, raffles, activities and prizes will be offered at no cost; now, therefore, be it

Resolved, that pursuant to their request, permission is hereby granted to the Community Health Center of Lockport to barricade Heritage Court, with designated parking in the lot for Heritage Court Plaza businesses, on Tuesday, August 10, 2021 from 12noon to 4pm for a healthcare event, 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 Devine and adopted. Ayes 5.

**080421.5**

By Alderman Allport:

Resolved, that pursuant to their request, permission is hereby granted the residents of Cottage Street to barricade Cottage from High Street to LaGrange Street on August 15, 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 5.

**080421.6**

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County Sheriff's Office Domestic Violence and Victim Assistance Units are hereby granted permission to host a 5K run in honor of Domestic Violence Awareness Month, at Nelson C. Goehle Wide Waters Marina, on Sunday, October 17, 2021, from 8am until 12noon. Permission to include the use the restroom facilities and pavilion, and the barricading of Market Street from Mill Street to Cold Springs

Road from 10am until 11:30am. Said permission is subject to Niagara County Deputy Sheriff's PBA 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 is hereby authorized and directed to arrange to have the restroom open and electricity available at the park for said event, and to arrange for delivery of barricades, traffic cones, and street closed signs.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **080421.7**

By Alderman Oates:

Whereas, resolution 061621.16 authorized and directed the Director of Highways and Parks to sell via online auction, used vehicles and surplus equipment; and

Whereas, bidding closed with an unacceptable offer of \$72,500 for a 2019 Kenworth Bergkamp SP5 Pothole Killer; and

Whereas, the City of Lockport, following the two-week auction, negotiated an acceptable offer with another buyer for \$150,000 for said pothole vehicle; and

Whereas, Boulder County Public Works in Longmont, Colorado agreed to that offer; now, therefore, be it

Resolved, that said vehicle be sold to Boulder County, Colorado for the price of \$150,000; and be it further

Resolved, that the City of Lockport provide the buyer with a letter stating that it will sell said vehicle to Boulder County at said price.

Seconded by Alderman Schratz and adopted. Ayes 5.

#### **080421.8**

By Alderman Schratz:

Resolved, that pursuant to her request, Flora Hawkins is hereby granted permission to use Altro Park on Sunday, August 8, 2021 for a family picnic, said permission allowing the use of pop up canopies, a bounce house, and both live and prerecorded music, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 5.

#### **080421.9**

By Alderman Kantor:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant Coronavirus (CDBG-CV) application to the New York State Office of Community Renewal to provide grant funds to small businesses to prevent, prepare for, and recover from COVID-19, as well to provide grants to eligible public facilities to make facility alterations to improve air quality in the City of Lockport, and

Whereas, the City of Lockport is required to hold a public hearing pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended, to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG-CV funding, now, therefore, be it

Resolved, that the Common Council hereby calls for a Public Hearing whereas all interested parties shall be heard regarding the CDBG-CV program and the proposed funding

application. Such Public Hearing to be held on August 18, 2021, at 5:30 pm in the Common Council Chambers at One Locks Plaza, Lockport, New York; and be it further

Resolved, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman Devine and adopted. Ayes 5.

**080421.10**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Moose Club to barricade Monroe Street from Water Street to Jackson Street on August 7, 2021 from 10am until 6pm for a Family Picnic, 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 Devine and adopted. Ayes 5.

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.

**080421.11**

By Alderman Schratz:

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 entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents for an ultraviolet (UV) disinfection for the WWTP which were subsequently completed and approved by NYSDEC; and

Whereas, the City has been awarded State funding assistance for the project including a Water Quality Improvement Program (WQIP) grant, Water Infrastructure Improvement Act (WIIA) grant, and Clean Water State Revolving Fund (CWSRF) loan; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted sealed bids for the Wastewater Treatment Plant (WWTP) Improvements for Ultraviolet (UV) Light Disinfection Project #2480G - General Construction were opened and read aloud at 2:00 p.m. on July 2, 2021, at the Lockport Municipal Building as follows;

CONTRACTOR	BASE BID	ALTERNATE #1 BID NO. 1	TOTAL
STC Construction, Inc.	\$2,949,700.00	\$132,700.00	\$3,082,400.00
Blue Heron Construction, Inc.	\$2,994,611.00	\$172,000.00	\$3,166,611.00

And

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City award the contract to the low responsive bidder, STC Construction, including Alternate #1, in the total amount of \$3,082,400.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with STC Construction, 63 Zoar Valley Road, PO Box 459, Springville, NY 14141 in the amount of \$3,082,400 contingent upon legal review and availability of funding for City Project #2480.

Seconded by Alderman Allport and adopted. Ayes 5.

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.

**080421.12**

By Alderman Schratz:

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 entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents for an ultraviolet (UV) disinfection for the WWTP which were subsequently completed and approved by NYSDEC; and

Whereas, the City has been awarded State funding assistance for the project including a Water Quality Improvement Program (WQIP) grant, Water Infrastructure Improvement Act (WIIA) grant, and Clean Water State Revolving Fund (CWSRF) loan; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted sealed bids for the Wastewater Treatment Plant (WWTP) Improvements for Ultraviolet (UV) Light Disinfection Project #2480E - Electrical Construction were opened and read aloud at 2:00 p.m. on July 2, 2021, at the Lockport Municipal Building as follows;

CONTRACTOR	BASE BID	ALTERNATE BID NO. 1	TOTAL
Weydman Electric, Inc.	\$252,900.00	\$10,900.00	\$263,800.00
CIR Electric Construction	\$271,600.00	\$8,500.00	\$280,100.00
Frey Electric	\$326,000.00	\$10,000.00	\$336,000.00
The State Group	\$326,000.00	\$24,000.00	\$350,000.00
O'Connell Electric Co., Inc.	\$382,320.00	\$12,520.00	\$394,840.00
Concord Electric Corp.	\$456,000.00	\$8,300.00	\$464,300.00

And

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City award the contract to the low responsive bidder, Weydman Electric, Inc., including Alternate #1, in the total amount of \$263,800.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Weydman Electric, Inc., 747 Young Street, Tonawanda, NY 14150 in the amount of \$263,800.00 contingent upon legal review and availability of funding for City Project #2480.

Seconded by Alderman Allport and adopted. Ayes 5.

**080421.13 – Grant permission to hold a cornhole tourney at Outwater Park on August 21<sup>st</sup> - WITHDRAWN**

**080421.14**

By Alderman Oates:

Whereas resolution 072121.14 moved funds from the water fund contingency to pay for professional services in relation to the Municipal Building water line with Benedict's Contracting Inc., and

Whereas, it is deemed that the more appropriate place to utilize funds is from the general fund's building maintenance department; now, therefore, be it

Resolved, that the FY 2021 Water and General Fund operating budgets are hereby amended as follows:

**Expenditures:**

**Increase**

FX.1900.54775	Contingency	\$21,650
A.1620.54055	Professional Services	\$21,650

**Decrease**

FX.1900.54055	Professional Services	\$21,650
A.1900.54775	Contingency	\$21,650

Seconded by Alderman Devine and adopted. Ayes 5.

**080421.15 – Cease City's legal appeal of disciplinary charges against LPD officers - WITHDRAWN**

**080421.16**

By Alderman Schratz:

Resolved, that pursuant to his request, Brian Smith, 13 W. Main Street is hereby granted permission to place two dumpsters in the city right-of-way, from August 4<sup>th</sup> through August 31<sup>st</sup>, 2021, for the duration of their renovation project. Said permission is subject to Brian Smith filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 5.

**080421.16A**

By Alderman Kantor:

Resolved, that pursuant to Corporation Counsel approval, the Chief Operator- Water Filtration Plant is authorized to go out to bid and/or enter into a purchasing contract for the purchase of chemicals.

Seconded by Alderman Schratz and adopted. Ayes 5.

**080421.17**

**ADJOURNMENT**

At 5:52 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 18, 2021.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk