

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

Lockport Municipal Building

Regular Meeting  
Official Record

September 15, 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.

**091521.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Kantor, the minutes of the Regular Meeting of September 1, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on the Homes and Community Renewal Grant application.

The Mayor asked the City Clerk if any petitions or communications relative to the Homes and Community Renewal Grant application have been received.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

Bernadette L. Smith, 51 Lindhurst Drive, Lockport, NY – appointed to the Human Relations Commission effective September 7, 2021. Said term expires on July 15, 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)

8/26/21 Anthony Molinaro, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – Request permission to conduct a Homecoming Parade on September 25, 2021

9/10/21 Robert Pecoraro, Board Chairperson, Niagara Community Action Program, Inc., 1521 Main Street, Niagara Falls, NY – Request NIACAP funding be included in the city's 2022 budget

Referred to the Committee of the Whole

### **Notice of Complaint:**

9/10/21 36 Spruce Street - tree

Referred to the Director of Streets and Parks.

## **MOTIONS & RESOLUTIONS**

### **091521.2**

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 September 16, 2021 as follows:

General Fund	Fund A	\$91,923.10
Water Fund	Fund FX	\$55,650.93
Sewer Fund	Fund G	\$29,135.30
Capital Projects	Fund H	\$4,248.00
Refuse Fund	Fund CL	\$102,587.87
Self Insurance	Fund MS	\$58,935.94
Worker's Comp	Fund S	\$6,250.00
Payroll	Pay Date 8/26/21	\$484,471.74

Seconded by Alderman Allport and adopted. Ayes 6.

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.

### 091521.3

By Alderman Abbott:

Whereas, the City of Lockport (“City”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations for persons of middle and low income; and

Whereas, Harrison Lofts Housing Development Fund Company, Inc. (the “HLHDFC”), a to-be-formed New York not-for-profit corporation and entity organized pursuant to Article XI of the New York Private Housing Finance Law (“PHFL”), and Harrison Lofts Limited Partnership (the “Partnership”), a to-be-formed New York limited partnership, have identified certain real property located at 160 Washburn Street, Lockport, New York 14094 (SBL # 109.14-4-20.1), being Part of Lot 8, 10 & 12, Section 15, Township 14, Range 6 of the Holland Land Company’s Survey in the City of Lockport, County of Niagara and State of New York more particularly described in the Nussbaumer & Clarke, Inc. Survey Project No. 1905-0035, dated December 23, 2019 (the “Land”), for the purpose of the construction on the Land of a housing project for persons of middle and low income, said project to consist of: (i) the acquisition of the Land; (ii) the construction thereon of approximately 82 residential rental units for persons of middle and low income, to be known as Harrison Lofts (the “Improvements”); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Project”); and

Whereas, the HLHDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of middle and low income; and

Whereas, the HLHDFC will acquire fee title to the Land, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; and

Whereas the HLHDFC will also be a co-general partner of the Partnership; and

Whereas, the HLHDFC’s and the Partnership’s plan for the use of the Land constitutes a “housing project” as that term is defined in the PHFL; and

Whereas, the HLHDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Council Members to exempt the Project from real property taxes; and

Whereas, the Partnership and the HLHDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to the Council Members for approval, a copy of which is attached hereto as Exhibit A; now, therefore, be it

Resolved, that the Council Members hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement by and among the City, the Partnership and the HLHDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and it is further

Resolved, that PILOT Agreement by and among the City, the Partnership and the HLHDFC shall be subject to a modification of the existing Lease, Leaseback and PILOT Agreement between 210 Walnut, LLC (GLDC) and the Niagara County Industrial Development Agency (“IDA”) to release 160 Washburn Street, Lockport, New York 14094 (SBL # 109.14-4-20.1) from the existing Lease, Leaseback and PILOT Agreement with the IDA, and be it further

Resolved, that the Mayor of the City is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City; and it is further

Resolved, that this resolution shall take effect immediately.

Seconded by Alderman Schratz and adopted. Ayes 4. Nays 2. Aldermen Oates and Devine voted no.

**091521.4**

By Alderman Schratz:

Whereas, the City of Lockport has been invited by the New York State Homes and Community Renewal to submit an application for the New York State Affordable Housing Corporation Home Improvement Program; and

Whereas, the City of Lockport is desirous of applying for a rehabilitation program to assist low and moderate income homeowners; and

Whereas, a program has been prepared that meets those community needs that have been identified; now, therefore, be it

Resolved, the Mayor is hereby authorized to execute any documents related to the grant should funding be awarded; and be it further

Resolved, that the Mayor be and is hereby authorized to execute and submit a \$500,000 application to the New York State Homes and Community Renewal for the New York State Affordable Housing Corporation Home Improvement Program.

Seconded by Alderman Abbott and adopted. Ayes 6.

**091521.5**

By Alderman Allport:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Homecoming Parade in the City of Lockport on Saturday, September 25, 2021, starting at 12 p.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Oates and adopted. Ayes 6.

**091521.6**

By Alderman Devine:

Whereas, on April 7, 2021, the Mayor created an ad hoc 911 Dispatch Review Committee, effective as of March 26, 2021, to review options related to the City’s dispatch system and infrastructure; and

Whereas, on June 29, 2021, the Committee unanimously recommended to maintain dispatch capabilities within City operations by upgrading our Motorola system, which in doing so would comply with upcoming changes to federal regulations, as well as maintain cost savings compared to other options that were presented; and

Whereas, the Administration has anticipated costs related to this project and has proposed (in Budget Supplement #4) to increase the sales tax revenue lines to be more reflective of our actual experienced revenue, which has exceeded our anticipated monthly budgeted amount year-to-date; now, therefore, be it

Resolved, the Common Council hereby authorizes the Mayor to enter into contracts with Motorola and APCO Institute, both single source providers of this project, and that the FY 2021 General and Capital Fund Budgets are amended as follows:

Revenue:

Increase:

A.0000.31110	Sales Tax: Pre-empted	\$ 110,000
A.0000.31120	Sales Tax: County	\$ 207,413
H213.3120.35031.A	Interfund from General	\$ 317,413

Expenditure:

Increase:

A.9901.59000.H	Interfund to Capital	\$ 317,413
H213.3120.52421	Machinery & Equipment	\$ 317,413

Seconded by Alderman Abbott and adopted. Ayes 5. Nays 1. Alderman Oates voted no.

**091521.7**

By Alderman Devine:

Whereas, General Municipal Law Section 53(4) extends purchasing authorizations to be made in event of an emergency in which there is endangerment to the health, welfare, property, or taxpayers of the City of Lockport; and

Whereas, on September 1, 2021, the Engineering Department, in coordination with the Mayor's Office and Department of Finance, were required to utilize said emergency authorizations in light of findings regarding a leak in the gas line of the Wastewater Treatment Plant, a result of the July 20, 2021 State of Emergency; now, therefore, be it

Resolved, that the Common Council hereby acknowledges the use of the emergency authorization to contract with the John W. Danforth Company in the amount of \$118,349, and amends the FY 2021 Sewer Fund as follows:

Expense:

Decrease:

G.1900.54775	Contingency	\$ 118,349
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Increase:

G.8130.54540	Utility System Reform	\$ 118,349
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Seconded by Alderman Oates and adopted. Ayes 6.

**091521.8**

By Alderman Schratz:

Resolved, that a public hearing be held at the Common Council Meeting of October 6, 2021 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Robert Craft, for approval of the use of the existing building at 205 Washburn Street for a roofing business, situated in an R-3 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Allport and adopted. Ayes 6.

**091521.9**

**ADJOURNMENT**

At 6:56 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 6, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk