

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 6, 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.

**100621.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of September 15, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing in a request for a Special Use Permit to utilize the existing building at 205 Washburn Street as a roofing business.

The Mayor asked the City Clerk if any petitions or communications relative to said Special Use Permit have been received.

9/15/21 Terry Harmon, Lockport Planning and Zoning Board – the Board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Resignations:**

9/29/2021 Robert McCartin, submitted resignation from the Citizen’s Advisory Committee effective September 29, 2021.

**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)

10/1/21 Paul K. Oates, City Clerk - notification that the Lockport Municipal Offices will be closed as follows in the month of October in observance of Columbus Day.

Monday, October 11th

There will be no change in the garbage pickup schedule.

Referred to the Media

**Notice of Complaint:**

- 9/12/21 44 Howard Avenue - tree
- 9/17/21 26 Spalding Street – tree
- 9/23/21 70 Maple Street – tree
- 9/27/21 36 Spruce Street – tree
- 9/30/21 39 Mill Street - tree

Referred to the Director of Streets and Parks.

**Notice of Summons:**

9/20/21 Elizabeth Porzucek v. Glen Yeager, Joan Yeager and the City of Lockport

Referred to Corporation Counsel

**MOTIONS & RESOLUTIONS**

**100621.2**

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 October 7, 2021 as follows:

General Fund	Fund A	\$304,154.65
Water Fund	Fund FX	\$35,489.66
Sewer Fund	Fund G	\$74,524.08
Capital Projects	Fund H	\$236,509.66
Refuse Fund	Fund CL	\$8,617.61
Health Insurance	Fund MS	\$86,540.20

Worker's Comp	Fund S	\$7,500.00
Payroll	Pay Date 9/9/21	\$513,121.77

Seconded by Alderman Abbott and adopted. Ayes 6.

### **100621.3**

By Alderman Abbott:

Resolved, that the request for a special use permit made by Robert Craft to operate a roofing business, located at 205 Washburn Street, situated in an R-3 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Oates and adopted. Ayes 6.

### **100621.4**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Police Department to barricade a portion of Outwater Drive on October 16, 2021 from 8am to 2pm, to conduct a physical agility test for recruits; and be it further

Resolved, that said permission also be granted on October 17, 2021 from 12:30pm to 4:30pm to hold a departmental physical training challenge; 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 Allport and adopted. Ayes 6.

### **100621.5**

By Alderman Allport:

Whereas, Section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

Whereas, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

Whereas, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

Whereas, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

Whereas, the City Treasurer will submit to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

Whereas, upon receipt of such delinquent amounts the Council must hold a public hearing, and

Whereas, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

Whereas, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter; now, therefore, be it

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levies and the dollar amount to be added to the tax rolls, and be it further

Resolved, that a public hearing be held at the Common Council meeting on Wednesday, October 20, 2021, starting at approximately 5:30 P.M. relative to said resolution for re-levy, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

#### **100621.6**

By Alderman Schratz:

Resolved, that Sunday, October 31, 2021 is hereby designated as Halloween Day in the City of Lockport, with the hours for trick or treating scheduled from 4pm to 7pm; and be it further

Resolved, that residents follow all state COVID-19 regulations.

Seconded by Allport and adopted. Ayes 6.

#### **100621.7**

By Alderman Abbott:

Whereas, the City of Lockport (City) has experienced flooding of 18-Mile Creek (Creek) on the reach between Davison Road and Remick Parkway, in part as a result of obstructions in the Creek; and

Whereas, the City issued a Notice to Bid for interested contractors and subsequently received and publicly opened and read bids on September 17, 2021 at 2 pm as follows;

<b>CONTRACTOR</b>	<b>Palladino Excavating &amp; Concrete</b>	<b>Eastwood Industries</b>
<b>TOTAL BID AMOUNT</b>	\$55,000.00	\$84,000.00

And

Whereas, the Engineering Department and its Engineering Consultant have reviewed the contractor quotes and recommends that the City award the contract to the low responsible quote, Palladino Excavating & Concrete, for a total amount of \$55,000.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Palladino Excavating & Concrete, 5653 Wendy Circle, Lockport, NY 14094 in the amount of \$55,000.00 contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Schratz and adopted. Ayes 6.

## 100621.8 Board of Assessment Review Appointment – WITHDRAWN

By Alderman Devine:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Allport and adopted. Ayes 6.

## 100621.9

By Alderman Devine:

Whereas, in Resolution 081821.8, the City of Lockport Common Council reviewed and agreed upon a renewal of a Collective Bargaining Agreement with Local 832 Unit 76510 of the Civil Service Employees Association, "CSEA"; and

Whereas said agreement contained appropriations for the current fiscal year that are not reflected in the budget;

Resolved, that the City of Lockport hereby amends the General, Water, and Sewer Funds as follows:

### Revenue

#### Increase

A.0000.30599	Appropriated Fund Balance	\$114,811
FX.0000.30599	Appropriated Fund Balance	\$15,772
G.0000.30599	Appropriated Fund Balance	\$17,048

### Expenditure

#### Decrease

A.1900.54775	Contingency	\$114,811
FX.1900.54775	Contingency	\$15,772
G.1900.54775	Contingency	\$17,048

### Increase

A.1900.54775	Contingency	\$114,811
FX.1900.54775	Contingency	\$15,772
G.1900.54775	Contingency	\$17,048
A.1310.51010	Full Time Wages	\$5,683
A.1310.58010	FICA	\$435
A.1310.58050	Retirement	\$909
A.1310.51170	Other Compensation	\$9,000
A.1325.51010	Full Time Wages	\$4,899
A.1325.58010	FICA	\$375
A.1325.58050	Retirement	\$784
A.1325.51170	Other Compensation	\$9,000
A.1355.51010	Full Time Wages	\$1,789
A.1355.58010	FICA	\$138
A.1355.58050	Retirement	\$288
A.1355.51170	Other Compensation	\$3,000
A.1410.51010	Full Time Wages	\$3,307
A.1410.58010	FICA	\$253
A.1410.58050	Retirement	\$529
A.1410.51170	Other Compensation	\$6,000
A.1440.51010	Full Time Wages	\$1,633
A.1440.58010	FICA	\$125
A.1440.58050	Retirement	\$269
A.1440.51170	Other Compensation	\$3,000
A.1490.51010	Full Time Wages	\$4,256
A.1490.58010	FICA	\$326
A.1490.58050	Retirement	\$681
A.1490.51170	Other Compensation	\$6,000

A.1620.51010	Full Time Wages	\$2,046
A.1620.58010	FICA	\$156
A.1620.58050	Retirement	\$327
A.1620.51170	Other Compensation	\$3,000
A.3127.51010	Full Time Wages	\$3,019
A.3127.58010	FICA	\$231
A.3127.58050	Retirement	\$483
A.3127.51170	Other Compensation	\$6,000
A.3173.51010	Full Time Wages	\$1,551
A.3173.58010	FICA	\$119
A.3173.58050	Retirement	\$248
A.3173.51170	Other Compensation	\$3,000
A.3620.51010	Full Time Wages	\$5,477
A.3620.58010	FICA	\$419
A.3620.58050	Retirement	\$876
A.3620.51170	Other Compensation	\$9,000
A.5110.51010	Full Time Wages	\$2,293
A.5100.58010	FICA	\$175
A.5100.58050	Retirement	\$367
A.5100.51170	Other Compensation	\$3,000
A.8021.51010	Full Time Wages	\$1,592
A.8021.58010	FICA	\$122
A.8021.58050	Retirement	\$255
A.8021.51170	Other Compensation	\$3,000
A.8021.51010	Full Time Wages	\$1,922
A.9000.58010	FICA	\$147
A.9000.58050	Retirement	\$307
A.9000.51170	Other Compensation	\$3,000
FX.8310.51010	Full Time Wages	\$3,432
FX.8310.58010	FICA	\$262
FX.8310.58050	Retirement	\$549
FX.8310.51170	Other Compensation	\$6,000
FX.8340.51010	Full Time Wages	\$2,046
FX.8340.58010	FICA	\$156
FX.8340.58050	Retirement	\$327
FX.8340.51170	Other Compensation	\$3,000
G.8130.51010	Full Time Wages	\$4,298
G.8130.58010	FICA	\$329
G.8130.58050	Retirement	\$688
G.8130.51170	Other Compensation	\$6,000
G.8135.51010	Full Time Wages	\$2,211
G.8135.58010	FICA	\$169
G.8135.58050	Retirement	\$353
G.8135.51170	Other Compensation	\$3,000

Seconded by Alderman Kantor and adopted. Ayes 6.

**100621.10**

By Alderman Allport:

Whereas, Resolution 081821.11 directed the Superintendent of Highways and Parks to submit a plan to address removal of tree stumps, street sweeping, sewer receiver clean out, and removal of trees; and

Whereas, said plan was discussed with Council in which existing employees would work overtime for 10 weekends occurring September through November to resolve said deficiencies; now, therefore, be it

Resolved, that the 2021 General and Water Fund Budgets are hereby amended as follows to reflect the increase in overtime:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 36,563
G.1900.54775	Contingency	\$ 13,750

Increase:

A.5110.51100	Overtime	\$ 16,490
A.5110.58010	FICA	\$ 1,261
A.5110.58050	Retirement	\$ 2,638
A.8730.51100	Overtime	\$ 13,080
A.8730.58010	FICA	\$ 1,001
A.8730.58050	Retirement	\$ 2,093
G.8120.51100	Overtime	\$ 11,114
G.8120.58010	FICA	\$ 853
G.8120.58050	Retirement	\$ 1,783

Seconded by Alderman Schratz and adopted. Ayes: 6.

**100621.11**

By Alderman Schratz:

Resolved, that pursuant to their request, the GLDC is hereby granted permission to place two dumpsters in the city right-of-way at 13 W. Main Street, from October 6<sup>th</sup> through December 1<sup>st</sup>, 2021, for their renovation project. Said permission is subject to the GLDC filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 6.

**100621.12**

By Alderman Schratz:

Whereas, the City of Lockport, New York (hereinafter "City") and the AFSCME Unit 855 (hereinafter "AFSCME" or "Union") are parties to a collective bargaining agreement covering the terms and conditions of employment for AFSCME employees of the City of Lockport, effective January 1, 2013 through December 31, 2026 (together hereinafter "the CBA"); and

Whereas, Appendix A delineates the grades for each individual AFSCME position; and

Whereas, the City acknowledges the need to maintain a strong qualified workforce; and

Whereas, the City acknowledges that many qualified employees have the potential to transfer to higher paying municipalities or in the public sector; and

Whereas, the City and the Union acknowledge the need to reorganize the grade system to reflect the actual level of expertise and qualifications of the specified positions; and

Whereas, the Union and City desire to amend and clarify the CBA through this agreement (hereinafter the "Amendment"); now, therefore, be it

Resolved, the City and the Union agree as follows:

1. There shall be the creation of a Grade 12.
2. The current grade 11 Mechanic position shall become a grade 12 position effective January 1, 2022.
3. The current grade 8 Tree Trimmer position shall become a grade 10 position effective January 1, 2022.
4. The current grade 10 Tree Crew Leader position shall become a grade 12 position effective January 1, 2022.
5. The current grade 10 Streets Crew Leader position shall become a grade 12 position effective January 1, 2022.

6. All other provisions of the CBA, not herein modified, shall remain in full force and effect.

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

**100621.13**

By Alderman Devine:

Resolved, that resolution #081821.7 adopted by the Common Council at their August 18, 2021 meeting, regarding conditional approval of \$10,000 for the skate park project, be and the same is hereby rescinded.

Seconded by Alderman Allport and adopted. Ayes 6.

**100621.14**

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.

Seconded by Alderman Kantor and adopted. Ayes 6.

**100621.15**

**ADJOURNMENT**

At 6:07 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 20, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk