

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 13, 2022
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

041322.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Pasceri, the minutes of the Regular Meeting of March 23, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law amending section C-370a of the City Charter, Relative to the Opening of Streets.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

3/23/22 Kyle Lambalzer, 623 Locust Street, Lockport, NY 14094 – recommendation to Public Health Director Daniel J. Stapleton that Lambalzer be appointed to the Niagara County Board of Health to fill the unexpired term of Marietta Schrader.

3/28/22 Clayton C. Dimmick, 12 Grosvenor Street, Lockport, NY 14094 – appointed to Director of Streets, Parks, & Water Distribution for the City of Lockport effective March 28, 2022. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

3/29/22 Gerald DeFlippo, 4815E Cambridge Drive, Lockport, NY 14094 – appointed to the City of Lockport Housing Authority effective April 26, 2022. Said term expires on April 26, 2027.

Received and filed.

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:

3/25/22 Larry McKenzie, WNY Hydrocephalus Association – request permission to hold a drive-thru chicken barbeque fundraiser at Outwater Park on May 28, 2022

3/29/22 Nick Kalbfliesh, Lockport Professional Firefighters – request permission to use the Outwater Park softball diamond on Tuesdays during the summer to participate in the Niagara County Firefighters Softball League

3/30/22 Katie Constantino, Catholic Charities – request permission to conduct a “Healthy Baby Festival” at Altro Park on August 1, 2022

4/4/22 Jason Dool, Inferno Baseball, Inc. – request permission to use the Outwater Park softball diamond during the 2022 season

Referred to the Committee of the Whole.

4/6/22 Paul K. Oates, City Clerk – notification of bids received on April 6, 2022 for the East Avenue Pavement Rehabilitation Project.

The following bid proposals for the above referenced were received and opened on April 6, 2022:

4 th Generation Construction Niagara Falls, NY	\$318,100
Mark Cerrone, Inc. Niagara Falls, NY	\$376,560
Edbauer Construction West Seneca, NY	\$365,717
Milherst Construction, Inc. Clarence Center, NY	\$332,580
Occhino Corporation West Seneca, NY	\$365,985
Scott Lawn Yard, Inc. Niagara Falls, NY	\$398,540

Referred to Committee of the Whole

Notice of Complaint:

3/23/22 187 Olcott Street – trees
3/23/22 197 Olcott Street – tree
3/28/22 170 Monroe Street – trees
3/28/22 62 Hyde Park – tree
3/30/22 110 Garden Street – tree
4/1/22 270 Niagara Street – tree
4/5/22 251 Caledonia Street – tree
4/6/22 109 John Street - tree

Referred to the Director of Streets and Parks

Notice of Claim:

3/31/22 Judie Tedesco, 395 S. Transit Street, Lockport, NY

Referred to Corporation Counsel

Notice of Summons and Complaint:

3/22/22 Zhane Y. Strong v. the City of Lockport

Referred to Corporation Counsel

MOTIONS & RESOLUTIONS

041322.2

By Alderman Beakman:

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 April 14, 2022 as follows:

General Fund	Fund A	\$201,466.30
Water Fund	Fund FX	\$44,229.60
Sewer Fund	Fund G	\$47,908.66
Capital Projects	Fund H	\$34,431.47
Self-Insurance	Fund MS	\$76,875.50
Worker's Comp	Fund S	\$7,500.00
Refuse & Recycle	Fund CL	\$89,704.32

Payroll	Pay Date 3/24	\$496,880.62
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Seconded by Alderman Fogle and adopted. Ayes 6.

041322.3

By Alderman Devine:

Whereas, the United States Department of Agriculture currently has projects surveying the presence of invasive pests, the European Cherry Fruit Fly and the Box Tree Moth, in host trees and plants in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate these invasive pests in the City of Lockport, the USDA Invasive Insect Survey Project is hereby granted blanket permission to place traps in host plants on City of Lockport properties and roadside rights of way, in parks, and in cemeteries. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

041322.4

By Alderman Devine:

Resolved, that pursuant to the request of Amanda Cline, 232 Ohio Street, permission is hereby granted to the residents of Ohio Street to barricade Ohio from Rene Place to Park Avenue on July 23rd, 2022, from 5-11pm 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 Pasceri and adopted. Ayes 6.

041322.5

By Alderman Kantor:

Whereas, the City of Lockport (City) owns and operates a Wastewater Treatment Plant producing biosolids which are currently managed at the City’s compost facility; and

Whereas, due to the capacity and age of the facility, the City desires to consider alternative offsite methods to manage a portion or all of the biosolids; now, therefore, be it

Resolved, that the City’s Consulting Engineer, Nussbaumer & Clarke, Inc. is authorized and directed to prepare and issue a Request for Bids for hauling and disposal of Biosolids from the City’s Wastewater Treatment Plant, and be it further

Resolved, that upon receipt of said Request for Bids, the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Barnard and adopted. Ayes: 5. Ald.Devine voted no.

041322.6

By Alderman Pasceri:

Resolved, that pursuant to their request, Thunderwolves Baseball, LLC is hereby granted permission to use the baseball field at Outwater Park for their 2022 Youth Baseball Tournaments, subject to approval of the schedule by the Highways & Parks Department, for games to be played between May 27th and July 31st, 2022, and be it further

Resolved, that Thunderwolves Baseball, LLC file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

041322.7

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted to the WNY Shelby and Mustang Club to conduct the Nickel City Mustang Roundup Car Cruise and Parade on Saturday, July 30th, 2022, and be it further

Resolved, permission includes the barricading of Market Street from Union Street to Exchange Street, from 6 p.m. until 10 p.m., and be it further

Resolved, that the Director of Streets, Parks and Water Distribution is hereby authorized and directed to arrange for delivery of barricades, cones and ‘street closed’ signs as required, and be it further

Resolved, that the WNY Shelby and Mustang Club file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

041322.8

By Alderman Devine:

Whereas, Resolution 121521.8 authorized the use of \$13,800 from the H204 capital water infrastructure improvement fund to be used for replacement hardware for the pump computer connections; and

Whereas, it has come to the attention of the Chief Water Treatment Plant Operator that two more drives have broken, and are beyond repair and must be replaced; now, therefore, be it

Resolved, that the City is authorized to utilize an additional \$4,020 from Moley Magnetics Incorporated for said additional equipment to be funded from the H204 capital project funds (FX infrastructure improvements).

Seconded by Alderman Kantor and adopted. Ayes 6.

041322.9

By Alderman Pasceri:

Resolved, that pursuant to their request, the MUNY Buffalo Men’s Senior Baseball League (‘MSBL’) is hereby granted permission to use the baseball diamond at Outwater Park for their 2022 practices and home games, subject to approval of the schedule by the Highways & Parks Department, and MSBL filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

041322.10

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Professional Fire Fighters Association is hereby granted permission to use the softball field at Outwater Park for the 2022 Niagara County Fire Fighters Softball League season, subject to approval of the schedule by the Highways & Parks Department, for seven games to be played between May 3rd and July 26th, 2022, and be it further

Resolved, that the LPFFA file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

041322.11

By Alderman Fogle:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Peacemakers to conduct an Easter egg hunt, rain or shine, on Saturday, April 16th, 2022 beginning at 11am, at Outwater Park, and be it further

Resolved, that permission is subject to Lockport Peacemakers filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event, and be it further.

Resolved, that the City stage be made available to the event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

041322.12

By Alderman Barnard:

Resolved, that pursuant their request, Catholic Charities of Buffalo, NY is hereby granted permission to hold a free 'Healthy Baby Festival' to celebrate World Breastfeeding Week at Altro Park on August 1, 2022 from 11 a.m. – 1 p.m. Permission is subject to Catholic Charities filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

041322.13

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to WNY Hydrocephalus Association to conduct a drive-thru chicken barbeque fundraiser, on Saturday, May 28th, 2022 from 9am until 4pm, in the Outwater Park parking lot, and be it further

Resolved, that permission is subject to WNY Hydrocephalus Association filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of traffic cones to the area prior to the event.

Seconded by Alderman Barnard and adopted. Ayes 6.

041322.14

By Alderman Pasceri:

Resolved, that the bid proposal of Belmont Housing, received on March 25, 2022 for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation, be accepted in the amount of up to \$4,100 per residence.

Seconded by Alderman Devine and adopted. Ayes 6.

041322.15

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Belmont Housing for program delivery services for the completion of the City's Home Improvement Program

under the administration of the New York State Affordable Housing Corporation at a cost of up to \$4,100 per residence.

Seconded by Alderman Devine and adopted. Ayes 6.

041322.16

By Alderman Beakman:

Whereas, East Avenue (NY 31) in the City of Lockport (City) is designated by the New York State Department of Transportation (NYSDOT) as a Touring Route; and

Whereas, the City has determined that East Avenue is in need of pavement restoration between Washburn Street and Cleveland Place; and

Whereas, the City has received funding from NYSDOT to make improvements to designated Touring Routes; and

Whereas, the City issued a Notice to Bid for interested contractors for the East Avenue Pavement Restoration Project and subsequently received and publicly opened and read bids at the Municipal Building on April 6, 2022 at 2 pm as follows;

CONTRACTOR	4 th Generation Construction	Milherst Construction, Inc.	Edbauer Construction	Occhino Corp.	Mark Cerrone, Inc.	Scott Lawn Yard, Inc.
TOTAL BID AMOUNT	\$318,100.00*	\$332,580.00	\$365,717.00	\$365,985.00	\$376,560.00	\$398,540.00

And

Whereas, the City Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) reviewed the contractor bids and determined that the bid submitted by 4th Generation Construction is incomplete and recommends that their bid be rejected; and

Whereas, Nussbaumer has determined that Milherst Construction, Inc. has submitted the lowest complete and responsible bid and recommends that the City award the contract to Milherst Construction, Inc., for a total amount of \$332,580.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Milherst Construction, Inc., 10025 County Rd, Clarence Center, NY 14032, in the amount of \$332,580.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Barnard and adopted. Ayes 6.

041322.17

By Alderman Beakman:

Whereas, §183-23 of the Lockport Municipal Code bans overnight parking on city streets between the hours of 2 a.m. and 6 a.m. unless the vehicle owner has received a special parking permit from the City; and

Whereas, the restriction on parking has caused many residents hardship while being of minimal benefit during the warmer months when snow plows do not present a specific need for the good of the City; and

Whereas, the Traffic Advisory Committee has studied the issue and recommends that the Common Council consider a modification to the ban on overnight parking on a trial basis; now, therefore, be it

Resolved, that a moratorium shall be placed on enforcement of City Ordinance §183-23 for a period commencing immediately and ending on November 1, 2022, subject to the following restrictions:

- I. Only 2-axle passenger vehicles and motorcycles, properly registered and insured, may remain on a city street overnight during the period in question.
- II. The Highways and Parks Department shall have the ability to designate certain streets for no parking during periods of street cleaning and/or paving, by notices posted in advance.
- III. The ban on overnight parking within the city limits will remain in effect for the following streets and thoroughfares:
 - A. Main Street/East Avenue from Transit to Washburn Street
 - B. Walnut Street from Transit to Washburn Street.
 - C. West Genesee Street and West Avenue from the city line to Transit
- IV. The restrictions on parking for buses and delivery vehicles set forth in §183-23(D) shall remain in full force and effect during the period covered by the moratorium.

Seconded by Alderman Devine and adopted. Ayes 6.

041322.18

By Alderman Devine:

Resolved, that pursuant to their request, Inferno Baseball Inc. is hereby granted permission to use the softball field at Outwater Park for both practice and games during the 2022 season, subject to approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that Inferno Baseball Inc. file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

041322.19

By Alderman Fogle:

Whereas, by resolution 082119.10 the City of Lockport entered into an agreement with Davey Resource Group, Inc. of Kent, Ohio to conduct a tree inventory and prepare a community forestry management plan; and

Whereas, the city appropriated \$18,000 in the 2022 General Fund Budget to conduct a GIS-based inventory update; and

Whereas, the city desires to complete said update in late spring or early summer when the trees are budding or getting leaves; and

Whereas, Davey Resource Group, Inc. are proprietary to the city's Tree Inventory software; now, therefore, be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Davey Resource Group, Inc. to conduct a Tree Inventory Update project of the maintained trees and stumps found along public rights-of-way and in public parks and properties, and utilize budgeted funds in A.8730.54055.

Seconded by Alderman Pasceri and adopted. Ayes 6.

041322.19A

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Charles S. Sobieraski, a retired City of Lockport Police Officer, who served the department for 35 years from 1955-1990, who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

041322.19B

By Alderman Fogle:

Resolved, that pursuant to their request, Towne Housing Real Estate, 885 Niagara Street, Buffalo, NY, is hereby granted permission to place a dumpster in the city right-of-way at 38 John Street, from Thursday, April 14 through Friday, April 15, 2022, for the duration of their renovation project. Said permission is subject to Towne Housing Real Estate filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

041322.20

ADJOURNMENT

At 7:52 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 27, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

PAUL K. OATES
City Clerk