

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

June 8, 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.

060822.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman _____, the minutes of the Regular Meeting of May 25, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointments:

5/26/22 William Agronin, 11 Berkley Drive, Lockport, NY – re-appointed as a member of the Civil Service Commission. Said term expires on May 31, 2028.

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:

5/11/22 Justin P. Rogers, Fair Director, Cornell Cooperative Extension, Niagara County – request permission to erect a banner across East Avenue to promote the 2022 Niagara County Fair, from July 27th thru August 7th.

5/23/22 Beth Ann Banks, Festival Director, Niagara Celtic Heritage Society, Inc. – request permission to erect a banner across East Avenue to promote the 2022 Niagara Celtic Heritage Festival & Highland Games, from September 1st thru September 18th.

6/8/22 Paul K. Oates, City Clerk – notification of bids received on June 1, 2022 for the Phase I Streetscape Green Infrastructure Improvements project.

The following bid proposals for the above referenced were received and opened on June 1, 2022:

4 th Generation Construction, Inc.	\$1,857,000 base bid
Niagara Falls, NY	<u>\$384,000 alternates</u>
	\$2,241,000 base w/alternates

Referred to Committee of the Whole

Notice of Complaint:

6/3/22 36 Pine Street – potholes

Referred to the Director of Highways, Parks and Water Distribution

MOTIONS & RESOLUTIONS

060822.2

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 June 9, 2022 as follows:

General Fund	Fund A	\$
Water Fund	Fund FX	\$
Sewer Fund	Fund G	\$
Capital Projects	Fund H	\$
Self-Insurance	Fund MS	\$
Community Dev.	Fund CD	\$
Refuse & Recycle	Fund CL	\$

Payroll	Pay Date	5/19	\$488,988.19
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Seconded by Alderman _____ and adopted. Ayes _____.

060822.3

By Alderman Beakman:

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>
Chad E. Ruchala	25	Firefighter

Seconded by Alderman _____ and adopted. Ayes _____.

060822.4

By Alderman Beakman:

Whereas, the City Council passed Resolution 120419.7 in December 2019, approving a contract between the City and GAR Associates, LLC for an Equity Improvement Project for assessments on properties in the City; and

Whereas, said resolution approved \$400,000 to be paid over a three-year time period; and

Whereas the Council believes it to be the most cost effective and in the best interest of the City to maintain a 100% equalization rate every year; now, therefore, be it

Resolved, that an annual expense line be included in the City budget to perform and maintain yearly assessments at a 100% equalized assessment rate; and be it further

Resolved, that the Mayor is authorized to execute an agreement with GAR Associates, LLC for a yearly Equity Improvement Project.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.5

By Alderman _____:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Sunday, July 3, 2022, commencing at 7pm at Veteran's Memorial Park, west on East Avenue to the Big Bridge, subject to the approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk; and be it further

Resolved, that the parade line will be assembled at East Avenue and LeVan Avenue; and be it further

Resolved, that temporary no-parking signs be placed on the north and south side of East Avenue for the parade; and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.6

By Alderman _____:

Resolved, that pursuant to their request, Cornell Cooperative Extension, Niagara County is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2022 Niagara County Fair. Banner is to be erected from July 27 thru August 7, 2022 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Cornell Cooperative Extension, Niagara County filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.7

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted Cornerstone Arena to barricade Grigg Lewis Way from Elm Street to just past the labeled pedestrian crosswalk, from 5-10pm, on July 14th, July 21st, July 28th and August 4th, 2022, for their Sunset Concert Series; and be it further

Resolved, that said permission include use of the City parking lot area from Elm Street to the crosswalk/road closure area on those dates; and be it further

Resolved, that Cornerstone Arena staff will provide barrier tape to enclose the area for concert seating and provide access for cars to exit the parking area from day-shift parking; and be it further

Resolved, that permission is subject to Cornerstone Arena 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 Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said events; and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

060822.8

By Alderman _____:

Whereas, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program for \$1,095,000, the Green Infrastructure Grant Program (GIGP) for \$1,500,000, and Community Development Block Grant (CDBG) Program for \$172,000 to make streetscape and storm water management improvements along Pine, South and Washburn Streets (Project); and

Whereas, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) completed detailed design plans and contract documents for the improvements; and

Whereas, the City issued a Notice to Bid for interested contractors for the Project and subsequently received and publicly opened and read bids at the Municipal Building on June 1, 2022 at 2 pm as follows;

CONTRACTOR	4th Generation Construction
TOTAL BID AMOUNT	\$2,241,000.00

And

Whereas, Nussbaumer reviewed the contractor bids and has determined that 4th Generation Construction, Inc. has submitted the lowest complete and responsible bid and recommends that the City award the contract to 4th Generation Construction, Inc., for a total amount of \$2,241,000; now, therefore, be it

Resolved, that the capital project budget is updated to reflect the estimated project cost of \$2,767,000, which now includes committed DRI funds; and be it further

Resolved, that the Mayor is authorized to execute an Agreement with 4th Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304, in the amount of \$2,241,000.00 contingent upon legal review and review by the funding agencies.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.9

By Alderman _____:

Whereas, the City of Lockport (City), applied for and has received a Canalway Grant via the New York Consolidated Funding Application (CFA) for the Lowertown Loop Phase 1 Project (Project); and

Whereas, the City has received an Executed Agreement from the New York State Canal Corporation (Canal Corporation), a subsidiary of the New York Power Authority, for \$150,000 of the estimated project cost of \$300,000, which includes Professional Engineering and Grant Support Services; and

Whereas, Nussbaumer & Clarke, Inc. (Nussbaumer), assisted the City with the preparation of the successful grant application, is on the City's pre-qualified list of engineering service providers, and submitted a proposal dated June 3, 2022 in accordance with the City's agreement with Canal Corporation for a fee not-to-exceed \$30,000; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Nussbaumer & Clarke, Inc., 80 Main St. Unit A, Lockport NY 14094 for a not-to-exceed fee of \$30,000 per their proposal dated June 3, 2022, contingent upon legal review.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.10

By Alderman Devine:

Resolved, that resolution #041322.18 adopted by the Common Council at their April 13, 2022 meeting, granting Inferno Baseball Inc. permission to use the softball field

at Outwater Park during the 2022 season for both practice and games, be and the same is hereby rescinded.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.11

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 games only 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 _____ and adopted. Ayes _____.

060822.12

By Alderman _____:

Resolved, that pursuant to their request, the Niagara Celtic Heritage Society, Inc. is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2022 Niagara Celtic Heritage Festival & Highland Games. Banner is to be erected from September 1 thru September 18, 2022 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Niagara Celtic Heritage Society, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.13

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade said street on June 25, 2022, with a rain date of June 26, 2022, for a block party, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades, picnic tables and refuse containers to the area prior to said event.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.14

By Alderman Fogle:

Whereas, an Ad Hoc Ambulance Committee convened to review the City's ambulance service options; and

Whereas, in April, 2022, a Request for Proposals was issued seeking bids on ambulance service from private ambulance companies; and

Whereas, the City has recently procured two ambulances and one fly car; now, therefore, be it

Resolved, that the City of Lockport retain the professional services of a certified public accounting firm, for a thorough financial analysis and review of each ambulance option available, and that said firm reports its findings to the Common Council.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.15

By Alderman Beakman:

Resolved, that pursuant to the request of Amanda Gorko, property owner of 329 East Avenue, permission is hereby granted to replace a fence in the City's right-of-way at 329 East Avenue, subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days' notice from the City Clerk, the fence must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

a one-time payment of the revocable permit fee of \$100.00.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.16

By Alderman _____:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a local law relative to roll-off containers, and be it further

Resolved, that a public hearing be held at the Common Council meeting of June 22, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

060822.17 – Authorize Memorandum of Agreement with GLDC for Railyard Skate Park – BEING PREPARED

By Alderman Devine:

060822.18

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Michael J. Randall, a retired City of Lockport firefighter, who served the department between 1968 and 1996, who recently passed away.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.19

ADJOURNMENT

At _____ P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 22, 2022.

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk



Office of the

LOCKPORT MUNICIPAL BUILDING

One Locks Plaza

Lockport, New York 14094

Phone (716) 439-6665

Fax (716) 439-6668

Michelle M. Roman
MAYOR

Mayor

May 26, 2022

To Common Council:

Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, New York, I, Michelle M. Roman, Mayor of said City, do hereby reappoint William Agronin, 11 Berkley Drive, Lockport, NY 14094 to the Civil Service Commission effective May 31, 2022.

Said term expires May 31, 2028.

Witness my hand and the seal of the City of Lockport, New York this 26th day of May 2022.

Sincerely,

Michelle M. Roman
Mayor

MMR/mal

Cc: W. Agronin
Civil Service

Cornell Cooperative Extension | Niagara County



May 11, 2022

RECEIVED

MAY 16 2022

CITY CLERK OFFICE

Paul K. Oates, City Clerk
City of Lockport
Lockport Municipal Building
One Locks Plaza
Lockport, NY 14094

RE: Street Banner for 2022 Niagara County Fair

Cornell Cooperative Extension of Niagara County is asking for permission to erect a Fair banner across East Avenue at Davison Road from July 27 until August 7, 2022 to promote the 2022 Niagara County Fair. If approved, please state our name in the resolution as Cornell Cooperative Extension, Niagara County.

Upon approval CCE will send payment of \$50 for the banner to be erected along with a Certificate of Insurance. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin P. Rogers".

Justin P. Rogers
Executive Director/Fair Director

Growing Minds, Growing Communities

Lockport 4487 Lake Avenue Lockport, NY 14094 | 716.433.8839 Web: cceniagaracounty.org

Cornell Cooperative Extension is an employer and educator recognized for valuing AA/EEO, Protected Veterans, and Individuals with Disabilities and provides equal program and employment opportunities.

Paul K. Oates
City Clerk
One Locks Plaza
Lockport, New York 14094
May 23, 2022

Dear Mr. Oates,

On behalf of the Niagara Celtic Heritage Society, Inc., an educational 501(c)3, I would like to ask permission from the City of Lockport to display a banner in the city. The location would be in front of the Town & Country Club of Lockport on East Avenue.

Our society's annual fundraiser/outreach event is the Niagara Celtic Heritage Festival & Highland Games. The Festival will take place on September 17th and 18th at the Niagara County Fairgrounds (Cornell Cooperative Extension – Niagara). The banner would be promoting the Festival and the dates. We understand that we will need to update the banner used in 2021, that will meet your specifications, in terms of size and strength, and will work with the local company, D & T Graphics, to have that ready by the third week of August, if granted permission by the City.

If you have any questions about our organization, please see our website: www.niagaraceltic.com. If you have questions about the Festival or the banner, please call me at [REDACTED] Thank you for your time.

Sincerely yours,



Beth Ann Banks
Festival Director
Board member, Niagara Celtic Heritage Society, Inc.

RECEIVED
MAY 22 2022
CITY CLERK'S OFFICE



E. A. Granchelli, Developer

COMMERCIAL PROPERTIES • APARTMENTS • OFFICES • PLAZAS

36 PINE STREET • 2ND FLOOR
LOCKPORT, NEW YORK 14094

VIA EMAIL

RECEIVED

JUN 03 2022

CITY CLERK OFFICE

TO: PAUL OATES – poates@lockportny.gov
JUDITH RITCHIE – jritchie@lockportny.gov

FROM: LAURIE A. KROPP

DATE: JUNE 3, 2022

SUBJECT: HERITAGE COURT – BETWEEN PINE STREET AND LOCUST STREET
NOTICE OF DEFECT

Good morning!

Please see attached photos that were taken today, June 3, 2022 of Heritage Court between Pine Street and Locust Street of the pot holes.

We are asking that you issue the necessary instructions to have this situation review and repaired. This is a liability if someone were to trip and fall or could cause damage to someone's vehicle.

Please confirm receipt of this transmission and let us know when this will be addressed.

Thank you in advance for your assistance.

Sincerely,

LAURIE A. KROPP

/lak

Enclosures (3)

CONSTRUCTION • FINANCING • LEASING • LOCATION • PLANNING

(716) 434-3346 • (716) 434-6386 • Fax (716) 434-7955

I HEREBY CERTIFY that the persons named
in this payroll are employed solely in and have
actually performed the duties of positions and
employments indicated for the period ending
5/18/22, PAID on date 5/19/22
is approved at dollars, \$ 488,988.19
Civil Service Mary Pat Albert

Pay Day Register

Pay Date Range 04/29/22 - 05/12/22

Pay Batch 2202210

Pay Batch 2202210 Total

Employees in Pay Batch 218

Female Employees in Pay Batch 54

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
207A Disability - 207A Disability	240.0000	3,066.00	Gross	488,988.19	Health Ins 298 Class 2 Family	27,074.71
BERV - Bereavement	32.0000	721.20	Imputed Income		Health Ins 298 Class 2 Single	7,449.09
CMPE 1.0 - Comp Earned @ 1.0	369.0000	.00	Federal	52,714.41	Health Ins 298 Class 3 Family	87,114.03
CMPE 1.5 - Comp Earned @ 1.5	2.2500	.00	FICA	29,752.10	Health Ins 298 Class 3 Single	8,105.35
CMPU - Comp Time Used	272.7500	8,848.97	Medicare	6,958.19	Health Ins 298 Class 4 Family	2,710.72
COVID - CORONA VIRUS HOUR	263.0000	8,236.00	New York State	22,301.91	Health Ins 298 Class 4 Single	930.29
EDAY - Extra Day	144.0000	4,791.97	457 % Deduction	5,136.66	Total	\$133,384.19
FHDB - Floating Holiday Buy Out	40.0000	1,453.83	457 Flat Dollar Deduction	10,715.94		
FHDE - Floating Holiday Earned	508.3400	.00	AFLAC POSTTAX	161.33	Workers' Comp	Gross Base
FHDU - Floating Holiday Used	196.0000	6,044.35	AFLAC PRETAX	335.44	Workers Compensation - General	25,835.91
FLSA - FLSA	.0000	436.56	ALLSTATE POSTTAX	790.94	Workers Compensation - Sewer	2,391.30
FMLS - FMLA Sick Used	121.0000	5,223.91	ALLSTATE PRETAX	669.50	Workers Compensation - Water	2,558.60
HOL - Holiday	.0000	8.50	Child Support	375.00	Workers Compensation 50%	1,300.00
MILI - Military Time	8.0000	290.77	Child Support - Maine	410.00	Total	\$32,085.81
OOT - Out of Title	565.0000	22,217.87	COLONIAL LIFE POSTTAX	55.40		
OT 1.0 - Overtime at Straight 1.0	20.0000	796.25	Firefighter Life Ins	108.30	Direct Deposits	Amount
OT 1.5 - Overtime @ 1.5	623.2500	26,949.55	FSA PRETAX	305.23	Alden State Bank	1,249.03
PRSE - Personal Earned	14.0000	.00	Health Ins 298 Class 2 Family	2,139.68	Amherst Federal Credit Union	50.00
PRSU - Personal Used	183.5000	6,002.13	Health Ins 298 Class 2 Single	690.06	Bancorp Bank	1,362.07
REG - Regular	12,394.2500	352,246.63	Health Ins 298 Class 3 Family	1,164.08	Bank of Akron	3,460.53
REG PT - Regular Part Time	269.7500	7,468.09	Health Ins 298 Class 3 Single	517.40	Bank of America	5,462.10
REGS - Regular Seasonal	76.0000	1,003.20	Health Ins 298 Class 4 Family	142.67	BANK OF AMERICA (2)	1,523.64
RGS - Regular - Salary	70.0000	.00	Health Ins 298 Class 4 Single	84.57	BANK OF AMERICA (3)	1,445.61
SAL - Salary	.0000	3,806.51	L&M LIFE	24.68	BANK OF AMERICA (4)	1,016.82
SAL PT - Salary Part Time	.0000	1,865.37	NEW YORK LIFE	325.46	Bank on Buffalo	2,499.53
SCKE - Sick Earned	1,886.1250	.00	OPEIU Initiation Fee	50.00	Chase	1,949.26
SCKU - Sick Used	447.5000	13,098.13	RET ERS ARREARS	45.00	Chase Bank	1,429.32
STIP - Stipend	.0000	384.62	RET ERS LOANS	1,859.00	Citizens Bank	9,855.09
VACE - Vacation Earned	118.0022	.00	RET ERS SEC 414H ARREARS	62.91	Cornerstone Comm FCU	112,485.10
VACU - Vacation Used	515.0000	14,007.78	Retire ERS Tier 6 <= \$100,000	371.56	Evans Bank	2,755.19
Total	19,378.7172	\$488,988.19	Retire ERS Tier 6 <= \$45,000	1,864.85	Finandal Trust FCU	1,556.60
			Retire ERS Tier 6 <= \$45,000 OT	84.86	Five Star Bank	616.84
			Retire ERS Tier 6 <= \$55,000	572.04	HSBC	1,373.52
			Retire ERS Tier 6 <= \$55,000 OT	43.53	Key Bank	27,596.53
			Retire ERS Tier 6 <= \$75,000	504.85	KEY BANK (2)	2,031.20
			Retire PFRS <= \$55,000	1,309.05	Key Bank (Formerly FNB)	16,022.01
			Retire PFRS Tier 6 <= \$100,000	1,112.65	Lockport School's FCU	1,187.77
			Retire PFRS Tier 6 <= \$75,000	1,327.03	M&T (MD, VA, WV, and DC)	284.07
			Retire PFRS Tier 6 <=	182.38	M&T Bank	51,670.94

Employee Anniversary
Report

June

3

Employee	Primary Department	Date	Years
1073 Brady, Patrick K	Fire Department	06/30/1993	29
1019 Cole, Daniel T	Public Works Department	06/15/1994	28
1120 Prica, Joseph M	Fire Department	06/17/1996	26
1125 Ruchala, Chad E <i>firefighter</i>	Fire Department	06/23/1997	25
1186 Saraf, Jeffery W	Fire Department	06/15/1998	24
1158 Flegl, Joshua T	Waste Water Department	06/23/2003	19
1076 Cepuchowski, Heather	Police Department	06/30/2016	6
1205 Geler, Andrew J	Water Filtration	06/05/2018	4
1149 Cocco, Mark A	Public Works Department	06/15/2018	4
1150 Volmy, Willfredrick	Water Distribution	06/22/2018	4
1241 Houtz, Michael L	Public Works Department	06/14/2019	3
1331 DiCenso, Sergio A	Fire Department	06/26/2020	2
1435 Harris, Andrew D	Public Works Department	06/25/2021	1
1436 Poole, David J	Water Distribution	06/25/2021	1
1437 Ciliberto-Laubacker, Marissa N	Water Filtration	06/28/2021	1
Total Employees 15			

Paul Oates

From: Tracey Farrell <tfarrell@lockportny.gov>
Sent: Thursday, March 24, 2022 1:24 PM
To: ward1@lockportny.gov; lmiskell@lockportny.gov
Cc: romanformayor@gmail.com; 'Paul Oates'
Subject: Resolution for yearly assessments
Attachments: Resolution for yearly assessments.docx

Hi Paul B-

As per your request I am submitting my attempt at a resolution for yearly assessments. If you still wish to move forward I am sure Laura will have a lot of clarifying she would like to add to the resolution.

Thank you for your support!

Tracy

Whereas, the City Council passed Resolution 120419.7 in December 2019, sponsored by Alderman Oates and seconded by Alderman Abbott, wherein the Council approved a contract between the City and GAR Associates, LLC for an Equity Improvement Projects for assessments on properties in the City; and

Whereas, said resolution approved \$400,000 to be paid over a three year time period; and

Whereas, said project was not identified in the capital budget for the 2019 General Fund Budget and necessitates the amendment and the use of contingency to fund the first year; and

Whereas Alderman Oates also sponsored Resolution 070120.6 in July 2020 seconded by Alderman Abbott, which amended the FY 2020 General Fund and Capital Fund budgets to pay for said contract; and

Whereas the Council believes it to be the most cost effective and in the best interest of the City and to maintain a 100% equalization rate every year; now, therefore, be it

Resolved, that a yearly expense line will be included in the City budget to perform and maintain yearly assessments at a 100% equalized assessment rate.

Paul Oates

From: Tracey Farrell <tfarrell@lockportny.gov>
Sent: Thursday, May 12, 2022 4:31 PM
To: 'Paul Oates'; ward1@lockportny.gov; romanformayor@gmail.com
Cc: aal@lockportny.gov; ward2@lockportny.gov; ward3@lockportny.gov; ward4@lockportny.gov; ward5@lockportny.gov
Subject: RE: Lockport Reassessment in 2023

I think so. Thanks!

From: Paul Oates <poates@lockportny.gov>
Sent: Thursday, May 12, 2022 4:28 PM
To: 'Tracey Farrell' <tfarrell@lockportny.gov>; ward1@lockportny.gov; romanformayor@gmail.com
Cc: aal@lockportny.gov; ward2@lockportny.gov; ward3@lockportny.gov; ward4@lockportny.gov; ward5@lockportny.gov
Subject: RE: Lockport Reassessment in 2023

Hi Tracy,

Yes, please move forward with this. I've attached a rough draft of the resolution that Alderman Beakman would like to sponsor for yearly assessments. It does not include language authorizing the Mayor to enter into an agreement with GAR Associates, but that can be added.

I've dated the resolution for the first meeting in June (the 8th). Does that give us enough time?

Thanks.

Paul K. Oates
City Clerk

From: Tracey Farrell <tfarrell@lockportny.gov>
Sent: Thursday, May 12, 2022 4:16 PM
To: ward1@lockportny.gov; romanformayor@gmail.com
Cc: aal@lockportny.gov; ward2@lockportny.gov; ward3@lockportny.gov; ward4@lockportny.gov; ward5@lockportny.gov; 'Paul Oates' <poates@lockportny.gov>
Subject: Lockport Reassessment in 2023

Hi Paul-

In the past we had spoken about doing yearly reassessments and when is the right time to put forth a resolution for that. I had a meeting with the State this past Tuesday and they would need us to sign a MOU by July 1st of this year to begin a reassessment next year.

I can report that the State is pleased with how our reassessment went this year. We had around 500 informal reviews (less than 10% of the City). From the informal review process, we lowered about ½ of the applicants. We are now accepting applications for the Board of Assessment Review who will meet on May 24th and 25th. We have been accepting applications for almost 2 weeks and only have 21 applicants for Grievance Day so far! I am sure we will be bombarded the last few days before Grievance Day but this is still an extremely low number. In comparison, the Town of Lockport, who does yearly reassessments, has almost 100 applications and still receiving them!

With all that being said, would you like me to get a contract from GAR Appraisal for the Council to approve before July 1?

Best,



Tracy A Farrell, MAO
City Assessor
One Locks Plaza
Lockport, NY 14094
716.439.6609

Paul Oates

From: Tracey Farrell <tfarrell@lockportny.gov>
Sent: Thursday, May 19, 2022 10:41 AM
To: 'Cindy Baire'
Cc: 'Paul Oates'
Subject: FW: [EXTERNAL] RE: Yearly reassessments
Attachments: Proposal Annual Assessment Equity Maintenance 2022-2023.pdf

Thank you Cindy! I copied Paul, our City Clerk, to bring to the Council.

Best,

Tracy

From: Cindy Baire <cbaire@garappraisal.com>
Sent: Thursday, May 19, 2022 9:34 AM
To: Tracey Farrell <tfarrell@lockportny.gov>
Cc: Cindy Baire <cbaire@garappraisal.com>; David Barnett <dbarnett@garappraisal.com>
Subject: [EXTERNAL] RE: Yearly reassessments

Tracy, see attached proposal for annual maintenance.

If acceptable, I can draft a formal agreement if need be. I would recommend a multi-year agreement or at least an automatic renewal clause. In some cases when this automatic renewal clause is utilized we send a contract amendment each January that officially accepts the automatic renewal.

Thank you Tracy for your continued support. We do appreciate the business.

Cindy

From: Tracey Farrell <tfarrell@lockportny.gov>
Sent: Thursday, May 12, 2022 4:33 PM
To: Cindy Baire <cbaire@garappraisal.com>; David Barnett <dbarnett@garappraisal.com>
Subject: Yearly reassessments

Hi Cindy and Dave-

The City would like to move forward with yearly reassessments. Would you be able to give us a contract that they could vote on? I believe the vote is scheduled for June 8th. Let me know if that is enough time to put something together.

Thanks,



GAR Associates LLC
EST. 1961

May 19, 2022

Ms. Tracy Farrell, IAO
Assessor
City of Lockport

RE: Proposal – Annual Assessment Equity Maintenance

Dear Tracy:

Thank you for your continued confidence in working with GAR Associates LLC.

After the success of the 2022 Full Value Assessment Equity Improvement Project completed for the July 1, 2022, assessment roll, it is our understanding the City desires to maintain full value assessment equity on an annual basis.

To control costs, GAR recommends a team approach to the annual process.

Annual Services to be provided by GAR:

Residential Type Properties:

1. Sales Verification/Validation – determine usability – GAR and Assessment staff
2. Statistical analysis to determine inequities
3. Update Models/PIDS as needed
4. Test Models/PIDS as needed
5. Determine trends if applicable
6. Generate Market Documents as needed
7. Provide Spreadsheets for value review - Assessor and Assessment staff to perform values reviews
8. Apply final values as needed and appropriate – approved by assessor

Commercial Type Properties:

1. Sales Verification/Validation – update sales brochure as needed
2. Determine Inequities – typically by property type
3. Review base rates and adjust as needed
4. Update VFF as needed
5. Generate Valuation Documents – as needed and required
6. Value review as needed
7. Provide spreadsheets of value changes as needed
8. Consult on permits as needed
9. Consult on informal reviews as needed
10. Apply new values as needed to live file when appropriate

CORPORATE OFFICE:

5500 MAIN STREET SUITE 347 WILLIAMSVILLE, NEW YORK 14221 TEL.716-691-7100 FAX.716-691-7770
TOLL FREE: 1.800.836.0382

CAPITAL REGION OFFICE:

632 PLANK ROAD SUITE 203 CLIFTON PARK, NEW YORK 12065 TEL.518.579.3770 FAX.518.579.3773
TOLL FREE: 1.800.836.0382



GAR Associates LLC
EST. 1961

Page 2

Ms. Tracy Farrell, IAO

Assessor

City of Lockport

Proposal – Annual Assessment Equity Maintenance

Land Type Properties:

1. Sales Verification/Validation
2. Review land tables and determine inequities
3. Update land tables as needed

Public Relations and Mailings:

1. GAR will assist with consulting on public relations and provide updated information for the City website (frequently asked questions, important dates to remember, etc.).
2. GAR will assist with cover letters for mailings associated with the process. The City will process.

Impact Analysis:

1. GAR will provide a series of impact reports annually detailing the impact of the value changes, shifts, etc and to validate the 100% market value status.

Assessor and/or assessment staff annual tasks:

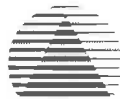
1. Review any residential values required
2. Review/Approve GAR recommended commercial valuation changes
3. Review/Approve GAR recommended land valuation changes
4. Coordinate residential and commercial permits with GAR
5. Requests to ORPTS for Utility Values
6. All mailings associated with process
7. NYSORPTS Documentation for Annual Reassessment and Cyclical Reassessment for AID procurement

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GAR Associates LLC
EST. 1961

Page 3
Ms. Tracy Farrell, IAO
Assessor
City of Lockport
Proposal – Annual Assessment Equity Maintenance

Optional Services provided by GAR:

1. IVO Letters – Commercial Parcels:

In the event the City receives a challenge from a petitioner on a commercial parcel GAR can provide a 2–3-page Informal Value of Opinion Letter the assessor and the City’s legal counsel can utilize in determining proper steps to take with a challenge and/or in negotiations. Samples can be provided.

2. Residential Value Review:

GAR can provide trained professional experienced appraisal staff to assist with any residential value reviews in the event the assessor or assessment staff cannot complete.

3. Commercial Building Permit Processing:

GAR can provide trained professional technical and appraisal staff to process commercial building permits as needed. This includes collecting property inventory, on-site field inspections, updating/creating a digital sketch, digital photographs, and value determinations. GAR would perform all necessary data entry required with this process.

4. Property Inventory Data Review:

NYSORPTS guidelines for Aid for Cyclical Reassessment require a review of property inventory data at least once in a six-year period.

GAR recommends since a comprehensive data review will be performed with the initial reassessment completed for 2022, the following data inventory review scheduled can be implemented as follows:

Year	Parcels
2023	1,363
2024	1,363
2025	1,363
2026	1,363
2027	1,363
2028	1,363

This data review can be performed by GAR if requested otherwise we recommend the assessor/assessment staff perform. Process includes the use of aerial imagery and drive-by inspections. If the county has access to “change finder” layer of its aerial imagery, this feature can be highly useful in the process.

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GAR Associates LLC
EST. 1961

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Ms. Tracy Farrell, IAO
Assessor
City of Lockport
Proposal – Annual Assessment Equity Maintenance

5. Informal Reviews:

Residential Informal Reviews:	\$95/per review
Commercial & Vacant Land Informal Reviews:	\$225/per review

GAR recommends mailing a notice to ALL property owners each year regardless of a change. This provides confirmation that ALL parcels were reviewed and analyzed. Some municipalities mail Disclosure Notices annually to assist in validating the process can decrease tax rates, however, Change of Assessment Notices are all that is required by NYS, as long as the equalization rate does not drop below 85% The current ACR (Aid for Cyclical Reassessment) allows for municipalities to apply for aid only once in a four-year period.

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CAPITAL REGION OFFICE:

632 PLANK ROAD SUITE 203 CLIFTON PARK, NEW YORK 12065 TEL. 518.579.3770 FAX. 518.579.3773
TOLL FREE: 1.800.836.0382



Cost Proposal

632 PLANK ROAD SUITE 203 CLIFTON PARK, NEW YORK 12065 TEL. 518.579.3770 FAX. 518.579.3773
TOLL FREE: 1.800.836.0382



GAR Associates LLC
EST. 1961

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Ms. Tracy Farrell, IAO
Assessor
City of Lockport
Proposal – Annual Assessment Equity Maintenance

Standard Annual Project Schedule

Task	Time Frame
Sales Verification/Validation	Ongoing Annually
Residential Statistical Analysis	Summer
Commercial Base Rate Review	Fall
Commercial FVV Updating	Fall
Commercial Value Review	Fall - Winter
Residential Valuation and/or Trending	Fall
Residential Value Reviews	Fall – Winter
Finalize Values	February
Prepare file for Mailing	March
Mail New Values	April 1
Informal Reviews (Optional)	April
File Tentative Roll	May 1
Grievance Day	4 th Tuesday in May
Final Roll Filed	July 1

If you need any additional information, please do not hesitate to contact us. We look forward to assisting your office with this project. Time is critical so we would need approval no later than July 1, 2022, to ensure all timelines are met.

If this is acceptable to you/City, I can forward an agreement for signature.

Sincerely,

GAR Associates LLC

F. Cindy Baire, Member

David M. Barnett, MAI/SRA, President/Member

CORPORATE OFFICE:

5500 MAIN STREET SUITE 347 WILLIAMSVILLE, NEW YORK 14221 TEL.716-691-7100 FAX.716-691-7770
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TOLL FREE: 1.800.836.0382

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Paul Oates

From: Paul Oates <poates@lockportny.gov>
Sent: Tuesday, May 10, 2022 12:36 PM
To: 'Shelley Unocic'
Subject: RE: [EXTERNAL] Application to use the stage

Hi Shelley,

The city stage rental is handled through the mayor's office. Please contact Molly Lawson at 716-439-6665.

As for a resolution, please send a letter requesting the road closure to the city clerk's office. Include the dates and times of the concerts, and where (specifically) you'd like the road closed. The next Council meeting is tomorrow, so you'll want to do this soon so we can include it in the meeting of May 25th.

Thanks.

Paul K. Oates
City Clerk

From: Shelley Unocic <sunocic@cornerstoneicearena.com>
Sent: Tuesday, May 10, 2022 12:22 PM
To: Paul Oates <poates@lockportny.gov>
Cc: Kelsey Giordano <kgiordano@cornerstoneicearena.com>
Subject: [EXTERNAL] Application to use the stage

Hi Paul,

We are firming up the last of the plans for our four-week concert series here. I was trying to find the application on the website to reserve the stage for the events. I didn't have any luck. Can you please share the correct link? Also, I will be submitting a resolution to Council regarding road closure of Grigg Lewis Way (aka Chestnut St) from Elm to Charles for these events.

Kelsey (copied on this email) is my point person handling most of the planning. You can email either of us for more information.

Many thanks,

Shelley L. Unocic
Executive Director

Lockport Ice Arena & Sports Center, Inc.
d/b/a Cornerstone CFCU Arena
Phone: 716.438.7698
Mobile: 716.531.5124
1 Grigg Lewis Way
Lockport, NY 14094
Web: www.cornerstoneicearena.com
Email: sunocic@cornerstoneicearena.com

Paul Oates

From: Paul Oates <poates@lockportny.gov>
Sent: Monday, May 16, 2022 3:44 PM
To: 'Shelley Unocic'
Cc: 'Kelsey Giordano'; Molly Lawson
Subject: RE: [EXTERNAL] Application to use the stage
Attachments: Cornerstone Arena_20220516143853.pdf

Hi Shelley,

Glad to hear the stage was available and that you were able to secure the dates.

We need a new COI that is more specific to the concerts and the use of the stage. I've attached a sheet that shows what language the certificate should use.

That said, we don't need it until the Council formally approves the request to close Grigg Lewis Way, and that resolution will be on the agenda for the June 8th meeting. The clerk's office will contact you once the resolution passes, and then you can send over the COI prior to the first concert.

Thank you.

Paul K. Oates
City Clerk

From: Shelley Unocic <sunocic@cornerstoneicearena.com>
Sent: Monday, May 16, 2022 2:53 PM
To: Paul Oates <poates@lockportny.gov>
Cc: Kelsey Giordano <kgiordano@cornerstoneicearena.com>
Subject: RE: [EXTERNAL] Application to use the stage

Thanks, Paul. The date of the first concert is on July 14th. I'm working on getting the request put together now. I secured the stage rental with Molly for 7/14, 7/21, 7/28 and 8/4/22.

~~Are you the person to check with to see if our COI is up to date? I know for a while our agent was sending them with our renewal automatically. We used to do fireworks on NYE and it was required by the City for that purpose.~~

With appreciation,

Shelley L. Unocic
Executive Director

Lockport Ice Arena & Sports Center, Inc.
d/b/a Cornerstone CFCU Arena
Phone: 716.438.7698
Mobile: 716.531.5124
1 Grigg Lewis Way
Lockport, NY 14094
Web: www.cornerstoneicearena.com

CITY OF LOCKPORT, NEW YORK

**USE OF CITY PROPERTY
RIGHT-OF-WAY**

IMPORTANT

THE ATTACHED RESOLUTION ADOPTED BY THE CITY OF LOCKPORT COMMON COUNCIL HAS GRANTED YOU PERMISSION TO USE CITY PROPERTY/RIGHT-OF-WAY.

HOWEVER, BEFORE PROCEEDING, YOU MUST FILE A CERTIFICATE OF INSURANCE WITH THE CITY CLERK.

THE CERTIFICATE MUST STATE:

“The City of Lockport is named as additional insured as it relates to the use of Grigg Lewis Way and the city stage for several 2022 events.”

THE CANCELLATION PROVISION MUST READ AS FOLLOWS:

“Should any of the above described policies be cancelled before the expiration date thereof, the issuing company shall mail ten days’ written notice to the certificate holder named to the left.”

THE MINIMUM LIMIT OF LIABILITY IS \$1,000,000.

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CITY CLERK’S OFFICE AT 439-6676.

Paul Oates

From: Shelley Unocic <sunocic@cornerstoneicearena.com>
Sent: Friday, May 27, 2022 2:48 PM
To: Paul Oates
Cc: mlawson@lockportny.gov; pbeak@verizon.net
Subject: [EXTERNAL] Cornerstone Arena Sunset Concert Series
Attachments: City Resolution Request.pdf

Hello Paul,

Attached please find the information regarding our proposed resolution for the Cornerstone Arena Sunset Concert Series. If you have any questions or comments, please let me know. I have already reviewed this with Alderman Beakman in advance.

Many thanks,

Shelley L. Unocic
Executive Director

Lockport Ice Arena & Sports Center, Inc.
d/b/a Cornerstone CFCU Arena
Phone: 716.438.7698
Mobile: 716.531.5124
1 Grigg Lewis Way
Lockport, NY 14094
Web: www.cornerstoneicearena.com
Email: sunocic@cornerstoneicearena.com



LOCKPORT ICE

ARENA & SPORTS CENTER



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Larry Brzezczkowski
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Shawn Riester
Henry W. Schmidt (Emeritus)
Randy Schultz
Charles Spencer
Scott Zepelowitz

May 27, 2022

Mr. Paul Oates
City Clerk
City of Lockport
1 Lockview Plaza
Lockport, NY 14094

Re: Request for Resolution from City Council for Support of the Cornerstone Arena Sunset Concert Series

Dear Paul:

On behalf of the Lockport Ice Arena & Sports Center, Inc.'s Board of Directors (LIASC), I am seeking support from City Council for our Cornerstone Arena Sunset Concert Series. Our outdoor concerts will take place in our upper parking lot (tower entrance) on Thursday evenings for four weeks beginning July 14th – August 4th. A modest admission fee of \$5 will be charged for each person over age 10. Community members are invited to bring their lawn chairs and enjoy the family-friendly concerts with performers including Flip Side, Double Shot, Christian Kramer & the Backwoods Revival. The 8/4 show is TBD, but we in negotiations with another Niagara County band. We have secured use of the City stage for these four events. We are seeking the following resolution for consideration:

*Closure of Grigg Lewis Way from 5:00 pm – 10:00 pm from Elm Street to just past the labeled pedestrian cross walk for the days of July 14, 21, 27 and August 4, 2022. Barricades provided by the Highway Department. (See attached map with red highlight.)

* Use of the City parking lot area from Elm Street to the crosswalk/road closure area for the days of July 14, 21, 27 and August 4, 2022. Assistance with barricades is appreciated. Cornerstone Arena Staff will provide barrier tape to enclose the area for concert seating and provide access for cars to exit the parking area from day-shift parking. (See attached map with green highlight.)

I am happy to provide any further details you may need prior to presenting to Council. You can contact me via cell phone at 716.531.5124 or email at sunocic@cornerstoneicearena.com

Sincerely,

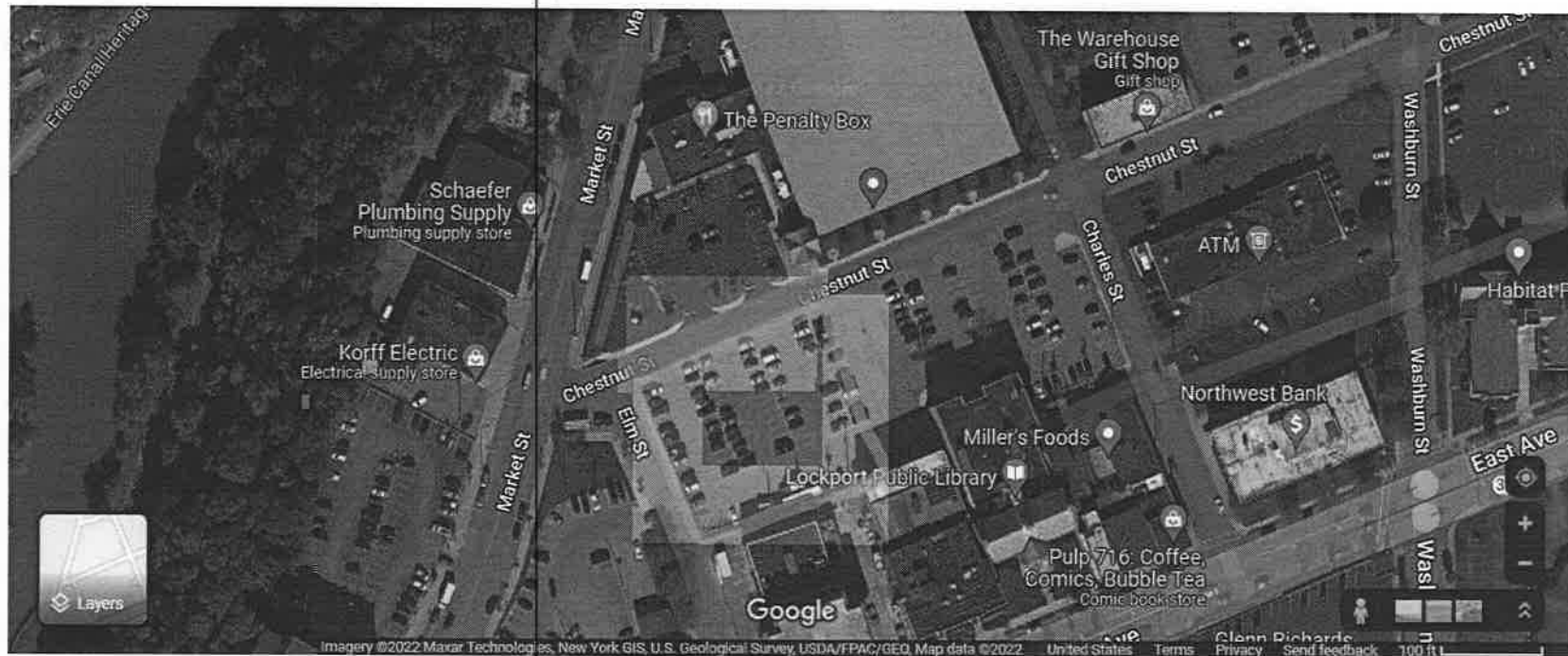
Shelley Unocic
Executive Director

Cc: Alderman Paul Beakman

Cornerstone Arena Sunset Concert Series – Resolution request for 7/14, 7/21, 7/28 and 8/4/2022

Proposed closure of Grigg Lewis Way (formerly Chestnut Street), highlighted in red.

Proposed use of the City parking lot area behind The Historic Post Office and former YMCA branch, highlighted in green.



Paul Oates

From: Mike Marino <mmarino@nussclarke.com>
Sent: Thursday, June 2, 2022 8:12 PM
To: apolichette@lockportny.gov; poates@lockportny.gov; Steven Pump
Subject: [EXTERNAL] RE: Agenda Resolution 060822.8
Attachments: 060822.8 Streetscape award resolution.docx

Hello!

Attached is a draft resolution for Agenda item 060822.8. We'll be meeting Friday morning to review the budget and confirm this is a go, but here's a placeholder.

Will keep you posted.

THANKS!
 --mike



Michael T. Marino, P.E.

Chief Executive Officer

80 Main Street, Unit A

Lockport, NY 14094

p: 716.827-8000 x 257 | f: 716-826-7958 | c: 716-440-7491

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From: apolichette@lockportny.gov <apolichette@lockportny.gov>

Sent: Thursday, June 2, 2022 2:39 PM

To: 'Michelle M. Roman' <mroman@lockportny.gov>; 'Benjamin Joe' <ben.joe@lockportjournal.com>; 'WLVL' <news@wvl.com>; rzapp@lctv.net; taylor.epps@wkbw.com; Gina Pasceri <aal@lockportny.gov>; Kitty Fogle <ward4@lockportny.gov>; Kristin Barnard <ward5@lockportny.gov>; Luke Kantor <ward2@lockportny.gov>; Mark Devine <ward3@lockportny.gov>; Paul Beakman <ward1@lockportny.gov>; 'Jason' <jasoncafarella@msn.com>; 'Laura Miskell Benedict' <lmiskell31@hotmail.com>; 'Patricia McGrath' <pmcgrath@lockportny.gov>; bsmith@lockportny.gov; 'Chris Landry' <clandry@lockportny.gov>; Clayton Dimmick <cdimmick@lockportny.gov>; 'Jason Dool' <jdool@lockportny.gov>; Luca Quagliano <lquagliano@lockportny.gov>; 'MaryPat Holz' <mpholz@lockportny.gov>; mmmcfall@lockportny.gov; Nick <nrubert@lockportny.gov>; Paul Oates <poates@lockportny.gov>; selliston@lockportny.gov; smawhiney@lockportny.gov; 'Steve Abbott' <sabbott@lockportny.gov>; Tracy Farrell <TFarrell@lockportny.gov>; trusso@lockportny.gov; Mike Marino <mmarino@nussclarke.com>; dmcnamara@lockportny.gov

Cc: 'Mitchell Woite' <mwoite@jfitzgeraldgroup.com>; 'Elizabeth Deeks' <edeeks@jfitzgeraldgroup.com>

Subject: Agenda

Authorization for award of contractor agreement for Streetscape Project – 060822.8

WHEREAS, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program, the Green Infrastructure Grant Program (GIGP) and Community Development Block Grant (CDBG) Program to make streetscape and storm water management improvements along Pine, South and Washburn Streets (Project); and

WHEREAS, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) completed detailed design plans and contract documents for the improvements; and

WHEREAS, the City issued a Notice to Bid for interested contractors for the Project and subsequently received and publicly opened and read bids at the Municipal Building on June 1, 2022 at 2 pm as follows;

CONTRACTOR	4 th Generation Construction
TOTAL BID AMOUNT	\$2,241,000.00

And

WHEREAS, Nussbaumer reviewed the contractor bids has determined that 4th Generation Construction, Inc. has submitted lowest complete and responsible bid and recommends that the City award the contract to 4th Generation Construction, Inc., for a total amount of \$2,241,000;

NOW, THEREFORE, BE IT:

RESOLVED that the Mayor is authorized to execute an Agreement with 4th Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304, in the amount of \$2,241,000.00 contingent upon legal review and review by the funding agencies.

NIAGARA GAZETTE
LOCKPORT UNION-SUN & JOURNAL
473 THIRD STREET
NIAGARA FALLS NY 14301
(716) 282-2311ext

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEANN BELFIELD

Printed at 04/28/22 16:54 by lbelf

Acct #: 80257

Ad #: 299281

Status: New WHOLD WHOI

NOTICE TO CONTRACTORS

CITY CLERK'S OFFICE
LOCKPORT, NEW YORK

Phase I Streetscape Green Infrastructure
Improvements

Sealed proposals shall be received by the undersigned at Lockport Municipal Building, One Locks Plaza, Lockport, New York, until 2:00 P.M. on June 1, 2022 at which time and place they will be publicly opened and read for the Phase I Streetscape Green Infrastructure Improvements in accordance with the Plans and Specifications obtainable as described below.

Effective May 3, 2022, Bid Documents can be ordered through the following web site: www.buffalocopyplanroom.com/jobs/public. If you do not have internet access or have questions on ordering from the site, please contact The Copy Store at 716-847-6400. Bid Documents can be picked up at The Copy Store at 49 Court Street, Buffalo, New York 14202, upon a non-refundable fee per set. Payment can be submitted by credit card or company check/money order made payable to The Copy Store. Bidders must be registered with The Copy Store as having obtained a complete set of Bidding Documents. Bids submitted on copies of Bidding Documents from other sources will not be accepted.

Bidding Documents will be shipped from The Copy Store upon request and upon receipt of an additional non-refundable shipping charge made payable to The Copy Store.

Each proposal must be accompanied by a Bid Bond or a Certified Check in the amount of Ten Percent (10%) of the bid price.

The Common Council of the City of Lockport, New York, reserves the right to reject any or all proposals, to consider the reputation and experience of the Bidder in making its selection; to waive any informalities or minor deviations from the specifications; and to award the contract to other than the lowest bidder, if for good and sufficient reasons, it is considered in the best interest of the City of Lockport, to do so.

Paul K. Oates
City Clerk
L#299281

5/3/2022

Paul Oates

From: Tim Russo <trusso@lockportny.gov>
Sent: Friday, June 3, 2022 11:42 AM
To: 'Paul Oates'
Cc: 'Abbey Polichette'
Subject: Resolution for June 8th

Hello,

I need to change the language on the resolution Mike Marino submitted to award a contract for streetscape on June 8th. Can you please send me what you have?

Thanks!



Timothy Russo
Director of Finance
Finance Department
City of Lockport, NY
716.439.6631

Paul Oates

From: Tim Russo <trusso@lockportny.gov>
Sent: Friday, June 3, 2022 12:16 PM
To: apolichette@lockportny.gov; 'Paul Oates'
Subject: RE: Resolution for June 8th
Attachments: 060822.8 Streetscape award resolution.docx

Please see the attached changes highlighted. (I want to make note of the new total project cost and revenue sources because they have changed slightly since the budget was last discussed in resolution form).

Thanks,



Timothy Russo
Director of Finance
Finance Department
City of Lockport, NY
716.439.6631

From: apolichette@lockportny.gov <apolichette@lockportny.gov>
Sent: Friday, June 3, 2022 11:43 AM
To: 'Tim Russo' <trusso@lockportny.gov>; 'Paul Oates' <poates@lockportny.gov>
Subject: RE: Resolution for June 8th

Hi Tim,

Attached is what Mike sent over. Please let me know if you need anything else.



Abbey Jo Polichette
Deputy City Clerk
City of Lockport, NY
716.439.6667

From: Tim Russo <trusso@lockportny.gov>
Sent: Friday, June 3, 2022 11:42 AM
To: 'Paul Oates' <poates@lockportny.gov>
Cc: 'Abbey Polichette' <apolichette@lockportny.gov>
Subject: Resolution for June 8th

Hello,

Authorization for award of contractor agreement for Streetscape Project – 060822.8

WHEREAS, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program for \$1,095,000, the Green Infrastructure Grant Program (GIGP) for \$1,500,000, and Community Development Block Grant (CDBG) Program for \$172,000 to make streetscape and storm water management improvements along Pine, South and Washburn Streets (Project); and

WHEREAS, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) completed detailed design plans and contract documents for the improvements; and

WHEREAS, the City issued a Notice to Bid for interested contractors for the Project and subsequently received and publicly opened and read bids at the Municipal Building on June 1, 2022 at 2 pm as follows;

CONTRACTOR	4 th Generation Construction
TOTAL BID AMOUNT	\$2,241,000.00

And

WHEREAS, Nussbaumer reviewed the contractor bids has determined that 4th Generation Construction, Inc. has submitted lowest complete and responsible bid and recommends that the City award the contract to 4th Generation Construction, Inc., for a total amount of \$2,241,000;

NOW, THEREFORE, BE IT:

RESOLVED that the capital project budget is updated to reflect the estimated project cost of \$2,767,000 (which now includes committed DRI funds); and

RESOLVED that the Mayor is authorized to execute an Agreement with 4th Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304, in the amount of \$2,241,000.00 contingent upon legal review and review by the funding agencies.

9

Paul Oates

From: Mike Marino <mmarino@nussclarke.com>
Sent: Thursday, June 2, 2022 9:15 PM
To: apolichette@lockportny.gov; poates@lockportny.gov; Steven Pump
Subject: [EXTERNAL] RE: Agenda Resolution 060822.9
Attachments: 060822.9 Canalway Grant Engineering Resolution 060822.9.docx

Greetings!

Attached is a draft resolution for Agenda item 060822.9. I'll review with Steve Friday morning and confirm this is a go, but here's a placeholder.

Will keep you posted.

THANKS!

--mike



Michael T. Marino, P.E.

Chief Executive Officer

80 Main Street, Unit A

Lockport, NY 14094

p: 716.827-8000 x 257 | f: 716-826-7958 | c: 716-440-7491

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From: apolichette@lockportny.gov <apolichette@lockportny.gov>

Sent: Thursday, June 2, 2022 2:39 PM

To: 'Michelle M. Roman' <mroman@lockportny.gov>; 'Benjamin Joe' <ben.joe@lockportjournal.com>; 'WLVL' <news@wvl.com>; rzapp@lctv.net; taylor.epps@wkbw.com; Gina Pasceri <aal@lockportny.gov>; Kitty Fogle <ward4@lockportny.gov>; Kristin Barnard <ward5@lockportny.gov>; Luke Kantor <ward2@lockportny.gov>; Mark Devine <ward3@lockportny.gov>; Paul Beakman <ward1@lockportny.gov>; 'Jason' <jasoncafarella@msn.com>; 'Laura Miskell Benedict' <lmiskell31@hotmail.com>; 'Patricia McGrath' <pmcgrath@lockportny.gov>; bsmith@lockportny.gov; 'Chris Landry' <clandry@lockportny.gov>; Clayton Dimmick <cdimmick@lockportny.gov>; 'Jason Dool' <jdool@lockportny.gov>; Luca Quagliano <lquagliano@lockportny.gov>; 'MaryPat Holz' <mpholz@lockportny.gov>; mmmcfall@lockportny.gov; Nick <nrubert@lockportny.gov>; Paul Oates <poates@lockportny.gov>; selliston@lockportny.gov; smawhiney@lockportny.gov; 'Steve Abbott' <sabbott@lockportny.gov>; Tracy Farrell <TFarrell@lockportny.gov>; trusso@lockportny.gov; Mike Marino <mmarino@nussclarke.com>; dmcnamara@lockportny.gov

Cc: 'Mitchell Woite' <mwoite@jfitzgeraldgroup.com>; 'Elizabeth Deeks' <edeeks@jfitzgeraldgroup.com>

Subject: Agenda

Authorization for award of engineering agreement for Lowertown Loop Canalway Grant – 060822.9

Whereas, the City of Lockport (City), applied for and has received a Canalway Grant via the New York Consolidated Funding Application (CFA) for the Lowertown Loop Phase 1 Project (Project); and

Whereas, the City has received an Executed Agreement from the New York State Canal Corporation (Canal Corporation), a subsidiary of the New York Power Authority, for \$150,000 of the estimated project cost of \$300,000 which includes Professional Engineering and Grant Support Services; and

Whereas, Nussbaumer & Clarke, Inc. (Nussbaumer), assisted the City with the preparation of the successful grant application, is on the City's pre-qualified list of engineering service providers, and submitted a proposal dated June 3, 2022 in accordance with the City's agreement with Canal Corporation for a fee not-to-exceed \$30,000;

Now, therefore, be it;

RESOLVED that the Mayor is authorized to execute an Agreement with Nussbaumer & Clarke, Inc., 80 Main St. Unit A, Lockport NY 14094 for a not-to-exceed fee of \$30,000 per their proposal dated June 3, 2022, contingent upon legal review.

Paul Oates

From: Mike Marino <mmarino@nussclarke.com>
Sent: Friday, June 3, 2022 12:49 PM
To: apolichette@lockportny.gov; poates@lockportny.gov; Steven Pump
Subject: [EXTERNAL] RE: Agenda Resolution 060822.9
Attachments: 22J1-0016 Proposal.pdf

Happy Friday!

Here is the proposal related to Resolution 060822.9 for the Canalway Grant. Please do not hesitate to contact me with any questions.

Have a great weekend!
--mike



Michael T. Marino, P.E.

Chief Executive Officer

80 Main Street, Unit A

Lockport, NY 14094

p: 716.827-8000 x 257 | f: 716-826-7958 | c: 716-440-7491

FULL-SERVICE CAPABILITIES, LOCAL EXPERTISE

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From: Mike Marino
Sent: Thursday, June 2, 2022 9:15 PM
To: 'apolichette@lockportny.gov' <apolichette@lockportny.gov>; poates@lockportny.gov; 'Steven Pump' <spump@lockportny.gov>
Subject: RE: Agenda Resolution 060822.9

Greetings!

Attached is a draft resolution for Agenda item 060822.9. I'll review with Steve Friday morning and confirm this is a go, but here's a placeholder.

Will keep you posted.

THANKS!
--mike



June 3, 2022

Mr. Steven Pump
Director of Engineering
City of Lockport
Lockport Municipal Building
One Locks Plaza
Lockport, New York 14094

Re: Professional Services Proposal
Engineering and Grant Support Services
Canalway Grant
Lowertown Loop Phase 1
File No. 22P1-0016

Dear Mr. Pump:

Nussbaumer & Clarke, Inc. (Nussbaumer) is pleased to provide this proposal to provide professional engineering services for the Canalway Grant funded Lowertown Loop Phase 1 project including bathroom building renovations, picnic shelter development, and pathway and parking improvements.

PROJECT UNDERSTANDING

The City of Lockport (City) has been awarded a \$150,000 matching grant (estimated \$300,000 total project cost) from New York State Canal Corp for the Lowertown Loop Phase 1 project (Project).

The Project is for the development of plans and specifications, to be used for the solicitation of construction bids. It is understood that the project will include a design for a remodeled ADA compliant bathroom utilizing the existing bathroom building, new shelter structure on a new concrete pad similar in appearance to other City Parks Shelters, and minor landscaping, path and parking improvements.

PROJECT APPROACH

Nussbaumer's approach to the Project is straight-forward and simple: to design the proposed improvements within the Grant budget. Nussbaumer will work closely with the City and their selected partners to facilitate the development of a vision for designing a welcoming public space.

Nussbaumer is eager to perform this design for the City, and to coordinate with the necessary partners, regulatory agencies, and planning board(s) to assist the City in achieving their goal.

Our staff currently has the capacity to initiate production on this project immediately, which will lend well to the City being able to realize construction of in advance of the December 31, 2023, grant contract deadline.



SCOPE OF SERVICES

Task 01 – Project Kick-off

Nussbaumer will coordinate a project kick-off meeting that will include key members of the Nussbaumer staff, and representatives from the City and their selected partners. The kick-off meeting will be utilized to refine the scope of the project, discuss estimated construction budget (so as to inform design), review the design process, deliverables, conceptual approach, goals and objectives, project protocols, and schedule. Following the meeting, Nussbaumer will complete a walk-through of the project area, to gather additional site information and to photograph the pre-design and pre-construction conditions of the project area.

Task 02 – Topographic Survey

Nussbaumer will schedule a survey crew to perform the necessary field work to obtain survey data which Nussbaumer will use to develop a topographical survey for the project as required. The survey, and base map that is subsequently developed, will be the foundation for proposed improvements. Staff from Nussbaumer will contribute additional information to the base map, based upon the project area walk-through completed in Task 01.

Task 03 – Conceptual Design

Following the kick-off meeting, and upon completion of the survey and data collection required to inform design, Nussbaumer will synthesize the collected data and develop a site analysis that will further inform the design of the improvements. Nussbaumer will develop a design concept, based on City input considering, in particular, operation and maintenance. Nussbaumer will again meet with the City and their other partners to solicit feedback which will be to confirm the direction and vision of the design and the project, prior to the initiation of final construction documents.

Task 04 – Development of Bid Documents: Plans, Specifications, and Estimate

Upon the City's approval of the final concept, Nussbaumer will incorporate the feedback received to advance the conceptual design and develop 100% level construction drawings.

Concurrent with the drawings, Nussbaumer will prepare specifications that will be developed to accompany the City's standard contract and bidding documents. Nussbaumer will utilize the City's standard documents, along with the 100% construction drawings, and the completed specifications to prepare a Project Manual and set of construction bidding documents. An engineer's opinion of probable construction cost will also be developed and provided.

Task 05 – Permits and Approvals

Nussbaumer's proposes to allocate a marginal amount of time for coordinating with other regulatory agencies as deemed requisite as the project progresses. Given the location of the project area, and the City's real property ownership of the site, no major permits or New York State Department of Transportation coordination are anticipated to be necessary. Also, due to the scale of the project, it is anticipated that less than one acre of soil will be disturbed during construction. Therefore,

Mr. Steven Pump
City of Lockport
June 3, 2022



Nussbaumer assumes that a Stormwater Pollution Prevention Plan (SWPPP) will not be necessary, as a State Pollution Discharge Elimination System permit will not be required for the project.

Task 06 – Bidding Support

Nussbaumer will provide a Notice to Bidders for the City's use in soliciting bids. It has been assumed that an on-line plan room will be used to manage the bid documents. Nussbaumer will attend the bid opening, review bids, and prepare recommendation to award.

Task 07 – General Services During Construction

Nussbaumer will provide assistance to the City during construction. It is anticipated that Nussbaumer will provide shop drawing review, review and coordinate contractor payment applications and make periodic visits to the site during construction.

Task 08 – Grant Support

Nussbaumer assisted the City with preparation of the successful grant application and with contracting between the City and Canal Corporation. Nussbaumer will provide assistance to the City with grant reimbursement requests and progress reporting.

The standard of care for the professional services performed or furnished by Nussbaumer under this Agreement will be the care and skill ordinarily used by members of the surveying and/or engineering profession(s) practicing under similar circumstances at the same time and in the same locality. Nussbaumer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by our company.

Should applicable federal, state, or local laws, codes, rules, regulations and/or standards change during the course of this project, Nussbaumer reserves the right to renegotiate the stated fee.

COMPENSATION AND PAYMENT

Nussbaumer proposes to perform the work described above for a not-to-exceed fee of \$30,000 in accordance with the City's grant agreement with Canal Corporation.

Costs shall be billed upon completion of the work. After execution of this contract, should the work be halted for reasons beyond the control of the Engineer, Nussbaumer shall be paid for all work accomplished up to the date of our receipt of a written order to suspend work. Refer to attached copy of Schedule A for standard terms and conditions.

Prior to providing any services beyond the scope described above, Nussbaumer will provide an associated fee estimate and obtain a separate authorization.

INITIATION OF CONTRACT

Nussbaumer is pleased to have an opportunity to submit this proposal and looks forward to working with you on this project. We are available at your convenience should you desire to discuss any aspect of this proposal.

Mr. Steven Pump
City of Lockport
June 3, 2022



Upon acceptance of our proposal, please sign below where indicated and return a copy to Nussbaumer. The original is for your file. The signed copy, sent to Nussbaumer, will then serve as our Agreement and Notice to Proceed.

Sincerely,

NUSSBAUMER & CLARKE, INC.

A handwritten signature in dark ink, appearing to read "Michael T. Marino", is written over a light blue horizontal line.

Michael T. Marino, PE
Chief Executive Officer

Attachment – Schedule A w/ 2022 Hourly Rate Table

Accepted by: **CITY OF LOCKPORT**

Signature: _____ Title: _____

Printed Name: _____ Date: _____



CORPORATE OFFICE
 3556 Lake Shore Road
 Suite 500
 Buffalo, NY 14219-1494
 Phone: (716) 827-8000
 Fax: (716) 826-7958

BRANCH OFFICES
 Lockport
 North Tonawanda
 East Aurora

2022 HOURLY RATE SCHEDULE

Job Title	Hourly Rate
Principal Engineer / Principal Surveyor	\$230.00
Sr. Associate	\$168.00
Associate	\$153.00
Project Manager	\$144.00
Sr. Project Engineer	\$139.00
Project Engineer / Project Architect	\$124.00
Engineer 2	\$108.00
Engineer 1	\$93.00
Sr. CADD Designer	\$134.00
CADD Designer	\$105.00
CADD Technician	\$93.00
Engineering Technician	\$82.00
Municipal Infrastructure Specialist	\$92.00
Water Distribution Specialist 1	\$93.00
Water Distribution Specialist 2	\$67.00
Project Surveyor	\$129.00
Survey Technician 3	\$103.00
Survey Technician 2	\$88.00
Survey Technician 1	\$77.00
1 Person Survey Crew	\$155.00
1 Person Survey Crew (Prevailing Wage)	\$200.00
2 Person Survey Crew	\$180.00
2 Person Survey Crew (Prevailing Wage)	\$300.00
Construction Administrator	\$103.00
Sr. Construction Observer	\$113.00
Construction Observer	\$93.00
Grant Writer	\$72.00
Administrative Assistant	\$72.00
Testimony/Court Attendance (above rate for Job Classification - 4 Hour Minimum Charge)	

Fixed Costs

Mileage	at Current Federal Rate
Expenses such as Tolls, Copies, Printing	at Cost
Subconsultant or Third Party Expense	at Cost plus 10%

Rates are subject to increase January 1st of each calendar year.

This proposal is issued subject to the client's acceptance of the terms and conditions set forth on the attached/included Schedule "A". By accepting the proposal, the client agrees that these terms and conditions will be incorporated into the resulting agreement ("Agreement") between the client and Nussbaumer & Clarke, Inc. ("Nussbaumer") for the work covered in the proposal ("Work").

SCHEDULE "A"

It is understood that fees quoted herein for the Work are subject to change upon written notice to the client should unforeseen complications and/or problems develop during the course of the Work.

No documents will be released unless all fees have been paid for Work completed. The client agrees that Nussbaumer will not be responsible for providing copies of records generated for this project in case of loss of records by fire, theft or other causes. Copies of finished product will be furnished upon payment for costs of reproductions.

Original tracings of drawings and all other records generated in connection with the Work are the property of Nussbaumer and may not be used without written permission. Tracings may be filed with the County or Municipality, if the tracing was produced for that purpose. Reproducible tracings will be furnished at cost for preparing same and will be noted as a copy. With the exception of original submittals, any blueprints ordered and used in connection with the Work will be billed at cost.

To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of Nussbaumer and its officers, directors, members, partners, agents, employees, and consultants, to client and/or owner and anyone claiming by, through, or under client and/or owner for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from, or in any way related to the Work from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract, indemnity obligations, or warranty express or implied of Nussbaumer or its officers, directors, members, partners, agents, employees, or consultants shall not exceed the total compensation received by Nussbaumer for the Work. Nussbaumer shall not be liable to the client under any circumstances for indirect, special, incidental or consequential damages, nor shall Nussbaumer be liable to the client for lost revenue or profits of any nature or character.

To the fullest extent permitted by law, the client agrees to indemnify and hold Nussbaumer, along with its current and future owners, officers, directors, members, shareholders, parent corporations, subsidiaries, related entities, affiliates, agents, and employees (collectively "Indemnitees") harmless from, against and for all claims by third parties ("Third-Party Claims"), which are caused by the negligence or willful misconduct of the client or its employees, agents, consultants, or anyone acting by, through, on behalf of, or under the client. Notwithstanding the foregoing or anything else in the Agreement, the client's indemnification obligations do not apply to any Indemnitee for any portion of any Third-Party Claims caused by the negligence of such Indemnitee.

This Agreement, unless previously terminated by written notice shall be terminated by completion of the Work. Termination before completion shall be accompanied by payment for Work completed to that date at per diem rates set forth in the attached schedule of fees.

All claims or disputes of any kind arising out of the relationship between client and Nussbaumer shall be submitted to mediation prior to filing suit. The language to be used in mediation shall be English. Any action filed between the parties shall be filed in the state or federal courts in and for Erie County, New York. The prevailing party shall be entitled to recover its costs, including reasonable attorneys' fees.

Nussbaumer shall render invoices to client monthly as set forth in this proposal. Invoices shall be due and payable in full by the client to Nussbaumer within 30 days of billing. If payment is not received within 60 days of billing, client shall be considered in breach of contract and Nussbaumer reserves the right to stop Work under this Agreement, or work under any other other agreement with the client, until such time that all Work is paid in full, including interest at 18% per annum commencing at the 60th day from billing. If applicable, all outstanding unpaid invoices must be paid in full prior to filing of the Map Cover with the county Clerk's Office.

Client shall promptly review invoices and notify Nussbaumer of any objection thereof; absent such objection in writing within fifteen (15) days of the date of the invoice, the invoice shall be deemed proper and acceptable.

It is also agreed and understood that in the event that Nussbaumer finds it necessary to take legal action for collection of any outstanding amounts due under this Agreement, the client herein agrees to pay all costs of litigation, including legal fees, court costs, filing and/or recording fees as well as costs involving time spent in preparation for litigation and/or legal proceedings. Should legal proceedings be initiated, it is understood that all proceedings would take place in Erie County, New York. This Agreement, the Work, and any disputes relating to either the Agreement or the Work shall be governed by the laws of the State of New York, without regard to conflicts of law rules.

This proposal shall be valid for a period of 30 days, after which Nussbaumer shall have the right to revise any portion thereof. It is also understood that fees quoted herein shall be subject to a 10% increase for those phases of Work not yet completed after a period of one year from date of authorization to proceed.

All fees quoted are for the Work as outlined. Any work not ordered will not be billed. Any work not included in the Agreement or any additional items which may be necessary in order to comply with laws, rules or regulations made effective subsequent to this proposal will be charged as extras on a time basis or a mutually agreed upon fixed fee.

Quantities and cost estimates are subject to change due to, but not limited to, actual field conditions encountered, additions or changes to the Work, and changes in conditions on which estimates were based. The client acknowledges and agrees that Nussbaumer was entitled to and did in fact rely on the information provided by the client in performing estimates concerning the Work as embodied in this proposal.

Any revisions to the Work caused by client, Municipality, County or Governmental or Governing Agencies, to the extent they increase Nussbaumer's costs of performance under the Agreement, shall be billed in accordance with the itemized per diem schedule.

The client shall arrange or establish Nussbaumer's right to enter the property. If the client does not own the site, Nussbaumer shall require reasonable verification that permission to enter the site has been granted.

The parties agree and acknowledge that there are no verbal representations, promises, understandings or agreements concerning or relating to the Work other than as contained in the Agreement. All previous negotiations and agreements between the parties concerning or relating to the Work are merged into the Agreement. Modifications of the Agreement must be in writing, except to the extent that the invoice may include, and client shall be obligated to pay, fees or expenses that were orally authorized in order to proceed promptly with the Work.

10/11

Paul Oates

From: Paul Oates <poates@lockportny.gov>
Sent: Monday, May 23, 2022 9:01 AM
To: 'Laura Miskell Benedict'
Subject: RE: [EXTERNAL] Fw: withdraw resolution
Attachments: Inferno Baseball resolutions.docx

Laura,

Please see the attached. I would suggest we add these two resolutions to the June 8th agenda.

Please let me know your thoughts.

Thanks.

Paul K. Oates
City Clerk

From: Laura Miskell Benedict <lmiskell31@hotmail.com>
Sent: Friday, May 20, 2022 4:37 PM
To: Paul K. Oates <poates@lockportny.gov>
Subject: [EXTERNAL] Fw: withdraw resolution

Hi Paul - do you have a word draft of this Resolution (below)?

Laura A. Miskell Benedict
Attorney at Law
Miskell & Moxham
280 East Avenue
PO Box 464
Lockport, NY 14095
(716) 433-1344

From: Molly Lawson <mlawson@lockportny.gov>
Sent: Friday, May 20, 2022 10:42 AM
To: 'Laura Miskell Benedict' <lmiskell31@hotmail.com>
Cc: 'Michelle Roman' <romanforlockport@gmail.com>
Subject: withdraw resolution

Good Morning,

I just spoke with Mark Devine and he stated that he would like to withdraw Resolution 041322.18 to state only games not practices.

It has to do with an out of town league and giving them permission to reserve the baseball diamonds for practices and games. He stated that he didn't realize that

Practice was on the resolution. He is asking if you could write up a new resolution for the June 8th meeting to just say games.

Thank you,

060822.X

By Alderman Devine:

Resolved, that resolution #041322.18 adopted by the Common Council at their April 13, 2022 meeting, granting Inferno Baseball Inc. permission to use the softball field at Outwater Park during the 2022 season for both practice and games, be and the same is hereby rescinded.

Seconded by Alderman _____ and adopted. Ayes _____.

060822.X

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 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 _____ and adopted. Ayes _____.

Paul Oates

From: Kitty Fogle <ward4@lockportny.gov>
Sent: Thursday, May 26, 2022 4:04 PM
To: Paul Oates; 'Gina Pasceri'; 'Jason Cafarella'; 'Kristin Barnard'; 'Laura Miskell Benedict'; 'Luke Kantor'; 'Mark Devine'; 'Michelle Roman'; 'Molly Lawson'; 'Pat McGrath'; 'Paul Beakman'
Cc: Abbey Polichette
Subject: RE: Council minutes 5-25-22

Hi Paul,

Here is the resolution id like to sponsor.

Whereas, an ambulance committee has been convened to review the city's options pertaining to ambulance services in City of Lockport.

And Whereas, An RFP was issued to private ambulance companies to bid on ambulance service and Whereas, the City has recently procured two ambulances and fly car.

Now therefore be it resolved that the City retain the professional services of Lumsen McCormick CPA firm for thorough financial analysis and review each ambulance option available and report back to Common Council.

Regards,
 Kitty

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Paul Oates <poates@lockportny.gov>
Date: 5/23/22 4:04 PM (GMT-05:00)
To: 'Gina Pasceri' <aal@lockportny.gov>, 'Jason Cafarella' <jasoncafarella@msn.com>, 'Kitty Fogle' <ward4@lockportny.gov>, 'Kristin Barnard' <ward5@lockportny.gov>, 'Laura Miskell Benedict' <lmiskell31@hotmail.com>, 'Luke Kantor' <ward2@lockportny.gov>, 'Mark Devine' <ward3@lockportny.gov>, 'Michelle Roman' <romanforlockport@gmail.com>, 'Molly Lawson' <mlawson@lockportny.gov>, 'Pat McGrath' <pmmcgrathesq@hotmail.com>, 'Paul Beakman' <ward1@lockportny.gov>
Cc: Abbey Polichette <apolichette@lockportny.gov>
Subject: Council minutes 5-25-22

Good afternoon,

Attached please find the minutes and packet for the next Council meeting, Wednesday, May 25th, 2022.

Thank you.

Paul Oates

From: jdool@lockportny.gov
Sent: Tuesday, February 22, 2022 3:24 PM
To: 'Jason Cafarella'; 'm roman'; 'Laura Benedict'; 'Patricia McGrath'; 'Steve Abbott'; 'Luca Quagliano'; 'Paul Oates'
Subject: RE: [EXTERNAL] Re: Proposed Dumpster Law

This is starting to happen a little more frequently. In fact, we had someone call this morning. The issue at hand is timing. Someone calls on a Thursday morning, the day after a Council meeting and they have to wait two plus weeks. I guess I was just trying to set forth the same guidelines we normally impose with the ability to issue a permit if all of those could be met. I will review your comments and let you know. Thank you.

From: Jason Cafarella <JASONCAFARELLA@msn.com>
Sent: Monday, February 21, 2022 7:51 PM
To: jdool@lockportny.gov; 'm roman' <mroman@lockportny.gov>; 'Laura Benedict' <lmiskell31@hotmail.com>; 'Patricia McGrath' <pmmcgrathesq@hotmail.com>; 'Steve Abbott' <sabbott@lockportny.gov>; 'Luca Quagliano' <lquagliano@lockportny.gov>; 'Paul Oates' <poates@lockportny.gov>
Subject: [EXTERNAL] Re: Proposed Dumpster Law

Jason,

I have reviewed the attached and included a few comments therein.

Some questions though:

How often does this occur? I understand that it is necessary to have rules in place regarding dumpsters on City property. But if this is a common thing, I am worried that some of the provisions may make it impractical.

Notwithstanding that, it is well drafted and very clear.

It may make sense to include it in a new section 156 (right after "Solid Waste").

Please let me know if you have any questions or concerns.

Thanks,

Jason

Jason J. Cafarella, PC

Attorney at Law

754 Park Place

Niagara Falls, NY 14301

(716) 285-1479

(716) 298-9750 (fax)

Paul Oates

From: Jason Cafarella <JASONCAFARELLA@msn.com>
Sent: Monday, February 21, 2022 7:51 PM
To: jdool@lockportny.gov; 'm roman'; 'Laura Benedict'; 'Patricia McGrath'; 'Steve Abbott'; 'Luca Quagliano'; 'Paul Oates'
Subject: [EXTERNAL] Re: Proposed Dumpster Law
Attachments: Proposed Dumpster Law (JJC).docx

Jason,

I have reviewed the attached and included a few comments therein.

Some questions though:

How often does this occur? I understand that it is necessary to have rules in place regarding dumpsters on City property. But if this is a common thing, I am worried that some of the provisions may make it impractical.

Notwithstanding that, it is well drafted and very clear.

It may make sense to include it in a new section 156 (right after "Solid Waste").

Please let me know if you have any questions or concerns.

Thanks,

Jason

Jason J. Cafarella, PC

Attorney at Law

754 Park Place

Niagara Falls, NY 14301

(716) 285-1479

(716) 298-9750 (fax)

From: jdool@lockportny.gov <jdool@lockportny.gov>
Sent: Friday, February 11, 2022 9:10 AM
To: 'm roman' <mroman@lockportny.gov>; 'JASON CAFARELLA' <jasoncafarella@msn.com>; 'Laura Benedict' <lmiskell31@hotmail.com>; 'Patricia McGrath' <pmmcgrathesq@hotmail.com>; 'Steve Abbott' <sabbott@lockportny.gov>; 'Luca Quagliano' <lquagliano@lockportny.gov>; 'Paul Oates' <poates@lockportny.gov>
Subject: Proposed Dumpster Law

I have put together a proposed law to allow for dumpsters to be placed in the street to alleviate people having to go in front of the Common Council if they can meet the criteria set forth in the law. If everyone could review it I would appreciate it. I am not tied to anything that is in it. Feel free to express any concerns. Thank you.

Jason Dool

Chief Building Inspector

(716) 439-6754

§ xxx-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Code Enforcement Officer

The Code Enforcement Officer/Chief Building Inspector appointed pursuant to Lockport Municipal Code Chapter 66, Section 3 (b)

CONTAINER PERMIT

The permit issued by the Code Enforcement Officer to place a roll off container within the City Right of Way.

§ xxx-2. Permit required.

[Amended 3-15-1994 by L.L. No. 20-1994, effective 3-21-1994]

It shall be unlawful and an offense against this chapter for any person to place or caused to be placed a roll-off container upon any public street or right of way within the City without first obtaining a permit therefor in accordance with the requirements prescribed by this chapter.

§ xxx-3. Rules and regulations.

A.

A container permit shall be prominently displayed on each and every container to be placed within the City Right of Way.

B.

The street upon which any roll-off container is to be placed must meet a minimum width requirement of 30 feet, curb to curb.

C.

The roll-off container must be placed parallel to the curb with the street side of the container not more than eight feet six inches from the nearest curb adjacent to the container.

D.

The roll-off container shall only be placed on the side of the street that is designated for parking and shall not be placed within ten feet of a neighboring driveway.

E.

Roll-off containers shall have a permanent installation of not less than 16 square feet of diagonal reflectorized stripping material on each and every side of the roll-off container and shall also have stenciled or otherwise printed thereon, in English letters at least two inches in height, the name, address and telephone number of the owner-lessor.

F.

The roll-off container shall not obstruct any part of the sidewalk or the sidewalk area adjacent to the street, and the contents thereof shall be emptied and disposed of upon reaching the container's waterline.

G.

The owner-lessor shall be responsible for the repair of any street, sidewalk and curb damage caused by the placement, movement or removal of any roll-off container.

H.

The Code Enforcement Officer shall receive at least 48 hours' prior written notice from the owner-
lessor before a roll-off container or dumpster is placed upon any street located within the City or on
any City owned property.

I.

The Code Enforcement Officer shall receive written notice from the owner-lessor within 48 hours of
the removal of a roll-off container or dumpster from a street located within the City or on any City
owned property.

J.

The Code Enforcement Officer reserves the right to refuse the placement of any roll-off container from
any street location if, in his judgment, he determines that the placement of any roll-off container at any
street location shall constitute an obstruction or public nuisance or a hazard because of contour,
narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.

K.

No roll-off container or dumpster shall be permitted to remain in a particular location for a period of
time exceeding 7 days. The container permit application may be renewed for an additional 7 days by
notifying the Code Enforcement Officer in writing and submitting an additional container permit fee.
The permit may only be renewed once.

L.

There shall be a \$25 placement fee for each roll-off container or dumpster that is placed upon any
street located within the City or on any City owned property. This fee covers a seven-day period.

§ xxx-4. Application for permit.

The Code Enforcement Officer may issue a container permit for the use of a roll-off container upon
any City streets or other City property, prior to the placement thereof, upon written application by the
owner-lessor in accordance with the following terms and conditions.

A.

Each permit shall be of seven days duration and shall require a written application to renew for a
subsequent seven days.

B.

Each application for a container permit hereunder shall be accompanied by a certificate of insurance
from the owner-lessor indicating public liability coverage insuring the City of Lockport in an amount not
less than _____

C.

A filing fee in the amount of \$25 shall accompany each application for a container permit hereunder.

D.

The owner-lessor shall also be responsible to the Code Enforcement Officer for providing not only its
own name and address in the original application and renewals thereof but in providing the name and
address of the lessee for each and every rental of a roll-off container or dumpster.

§ xxx-5. Removal of roll-off containers.

A.

The Code Enforcement Officer reserves the right to remove a roll-off container from any street location upon violation of any section of this chapter or if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the roll-off container location.

B.

Notice.

(1)

Upon determination that the provisions of Subsection A herein have been violated, the Code Enforcement Officer shall cause to be served a written notice upon the owner-lessor that such roll-off container must be removed. The owner-lessor shall have two days from the date of the written notice to remove the roll-off container.

(2)

The written notice shall be by personal service or certified mail, postage paid, returned receipt requested, and addressed to such owner-lessor's last known address, and, if by certified mail, a copy of the notice shall be posted on the roll-off container.

C.

In the event that the owner-lessor fails to remove the roll-off container within the time period stated in Subsection B herein, the Code Enforcement Officer shall cause such roll-off container to be removed. The owner-lessor shall be liable to the Town of Hempstead for any costs incurred in such removal and subsequent storage of such roll-off container, together with any dumping charge to remove any material in the roll-off container.

§ xxx-6. Enforcement.

The Code Enforcement Officer shall have authority to enforce the provisions of this chapter and issue appearance tickets for offenses against this chapter.

§ xxx-7. Penalties for offenses.

A.

Any person committing an offense against this chapter or any section or provision thereof shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

B.

Each day of continued violation shall constitute a separate offense.

C.

In addition to the penalties stated herein, this chapter may be enforced by civil action, including an injunction, in a court of competent jurisdiction for violations of this chapter.

§ xxx-8. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter is adjudged invalid by a court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part

of this chapter that shall be directly involved in the controversy in which such judgment shall have been rendered.



Michael Randall

May 15, 1947 - May 27, 2022

Michael Randall entered into rest on Friday, May 27 after a brief illness. Born May, 15, 1947 in Lockport, NY, to the late Robert and Janice (Long) Randall.

Growing up he spent many summers on Lake Ontario in Barker, NY. He graduated from Lockport High School in 1965 and later became a Lockport Fire Fighter for 28 years.

He enjoyed playing basketball at the YMCA and fast pitch softball in the Ontario Fast Pitch Softball League for many years.

During his retirement years he enjoyed golfing. He also he enjoyed helping with various high school sports.

One of his greatest joys was spending time with his family, especially his two granddaughters and watching them play sports.

Survived by his loving wife, Nancy (Corser) Randall; beloved father of Stephanie Randall and Kristin (Joe) Nugent; cherished granddaughters, Emma and Sarah Nugent. Also survived by two brothers, Tom Randall and James (Catherine) Randall; and one sister, Nancy (Andy) Ortiz. Survived by his wife's brothers, Don (Jane) Corser, Jon (Debbie) Corser; and several

nieces and nephews. Predeceased by his brother John Randall.

Relatives and friends may call Sunday, June 5 from 2-5 PM at the

Taylor & Reynolds Funeral Home, 70 Niagara Street, Lockport. Funeral Service will be at All Saints Catholic Church, 76 Church Street, Lockport, on Monday, June 6 at 10 AM. Family and friends are asked to gather at the Cornerstone Ice Arena, 1 Grigg Lewis Way, Lockport, after the service.

A private burial will be done at St. Charles Cemetery, Newfane, NY, at a later date at the convenience of the family.

He was an avid animal lover, especially cats, so in lieu of flowers, the family would appreciate donations to Pets Alive WNY, 7007 Campbell Blvd., North Tonawanda. Donations can also be made to the Leukemia and Lymphoma Society (<https://givenow.lls.org/>). Please visit Taylorandreynolds.com.

Guestbook