

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 Barnard, the minutes of the Regular Meeting of May 25, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. 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. Niagara Falls, NY | \$1,857,000 base bid <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 | \$112,017.46 |
| Water Fund | Fund FX | \$44,430.66 |
| Sewer Fund | Fund G | \$46,884.05 |
| Capital Projects | Fund H | \$22,722.00 |
| Self-Insurance | Fund MS | \$4,680.00 |
| Refuse & Recycle | Fund CL | \$497.71 |
| Payroll | Pay Date 5/19 | \$488,988.19 |

Seconded by Alderman Pasceri and adopted. Ayes 6.

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 Devine and adopted. Ayes 6.

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 Fogle and adopted. Ayes 6.

060822.5

By Alderman Kantor:

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 Fogle and adopted. Ayes 6.

060822.6

By Alderman Kantor:

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 Barnard and adopted. Ayes 6.

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 Fogle and adopted. Ayes 6.

060822.8

By Alderman Pasceri:

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 Kantor and adopted. Ayes 6.

060822.9

By Alderman Beakman:

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 Pasceri and adopted. Ayes 6.

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 Fogle and adopted. Ayes 1 (Devine). Nays 5. Motion failed.

060822.11 – Grant Permission to Inferno Baseball Inc. use of Outwater Park softball field – WITHDRAWN

060822.12

By Alderman Pasceri:

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 Kantor and adopted. Ayes 6.

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 Pasceri and adopted. Ayes 6.

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 Barnard and adopted. Ayes 6.

060822.15 – Grant Revocable Permit to Amanda Gorko for a fence at 329 East Avenue – WITHDRAWN

060822.16

By Alderman Beakman:

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 Fogle and adopted. Ayes 6.

060822.17

By Alderman Devine:

Whereas, Community Services has obtained grant money and donations for the creation of a Skateboard park in the City of Lockport to replace the current skate park located at Outwater park (“the Park”) and wishes to commence with the creation and development of the Lockport Skateyard Project (“the Project”) as soon as practicable; and

Whereas, the total cost for the Project is expected to be \$550,000 and Lockport Community Services has funds which include \$500,000 to develop and construct the Project, and an additional \$50,000 to complete certain greenscape elements to complement the Project; and

Whereas, the City does not have the funds available to make improvements to the current park, nor the expertise, time or resources to manage and oversee the park, and therefore does hereby agree to allow access to the Outwater park land for the purpose of improvement and/or construction of the Project for the benefit of City residents; and

Whereas, GLDC has agreed to manage and oversee the Project on behalf of the City and Community Services and the three parties will enter into an Agreement for same; now, therefore, be it

Resolved, that the Council hereby permits the Mayor to enter into a contract with the GLDC and Lockport Community Services for the creation and development of the Lockport Skateyard, subject to approval by Corporation Counsel.

Seconded by Pasceri and adopted. Ayes 6.

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 Beakman and adopted. Ayes 6.

060822.18A

By Alderman Fogle:

Whereas, the City of Lockport has a proposed Shared Services Agreement with Niagara Aquatics Club, Inc., a non-profit organization, at specified times throughout the day when the Community Pool is open; and

Whereas, the proposal would allow Niagara Aquatics Club, Inc. to have exclusive access to the Community Pool to conduct lessons for its members and practice for its swim team at specified times set forth in the proposed Agreement and to assist with learn-to-swim sessions in exchange for the opportunity; and

Whereas, the City has agreed to grant a revocable license to access the Community Pool during said designated times during the summer season; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into said agreement with Niagara Aquatics Club, Inc. for the 2022 summer pool season, upon approval of the Corporation Counsel.

Seconded by Alderman Pasceri and adopted. Ayes 6.

060822.19

ADJOURNMENT

At 8:41 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 22, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

PAUL K. OATES
City Clerk