

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

July 27, 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.

072722.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Pasceri, the minutes of the Regular Meeting of July 13, 2022 and the Special Meeting of July 19, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

5/28/22 Steven P. Pump, 5619 Jeffrey Drive, Lockport, NY 14094– appointed to Director of Engineering, for the Engineering Department effective May 2, 2022. Said appointment is Provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.

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: (which have been referred to the appropriate City officials)

6/30/22 Steven Pawlak, Niagara Order of the Eastern Star – request permission to use the city parking lot next to the Masonic building for a chicken barbecue fundraiser on September 21, 2022.

7/19/22 Chad Ruchala, LPFF Local #963 – request that the City immediately tear up and replace Lockport Fire Department’s concrete apparatus ramp on Niagara Street.

Referred to Committee of the Whole.

Notice of Complaint:

7/19/22 E. A. Granchelli, Developer LLC – parking lot wall

Referred to the Director of Highways, Parks and Water Distribution

Notice of Claim:

7/14/22 Keith Wallace, 447 Pine Street, Lockport, NY

7/19/22 Rick Mullins, 8451 East Avenue, Gasport, NY

7/21/22 Erica Copeland, 26 Howard Avenue, Lockport, NY

Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/25/22 Rite Aid of New York Inc #10817-01/Ferryport Wings LLC -vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

7/25/22 Rite Aid #1597/THL Associates, LLC/ALICO High Associates, LLC –vs- City of Lockport, Assessor of the City of Lockport, and The Board of Assessment Review of the City of Lockport

7/26/22 Concord Huth, L.P. –vs- City of Lockport

7/26/22 Timothy Arlington –vs- City of Lockport

7/26/22 Burkard Properties and Management LLC & David Burkard –vs- City of Lockport

7/26/22 Robert Miller Construction, Inc. –vs- City of Lockport

7/26/22 Second Niagara LLC –vs- City of Lockport

- 7/26/22 Henry J. Ciarfella Jr. & Nancy L. Ciarfella Irrevocable Trust –vs- City of Lockport
- 7/26/22 BG271 Properties LLC a/k/a Higher Grounds Apartments f/k/a Richmond Courts –vs- City of Lockport
- 7/26/22 Lockport Professional Park Realty LLC a/k/a Rock 1234 LLC a/k/a JPMBB 2014-C21 a/k/a Lockport Professional Park LLC a/k/a 19 SBLs –vs- City of Lockport
- 7/26/22 Washington Hunt LLC –vs- City of Lockport
- 7/26/22 Pulsar Properties LLC; Tudor Heights Apartments LLC; Nebula Holdings LLC & SYL Enterprises LLC –vs- City of Lockport
- 7/26/22 Cancer Clarity LLC –vs- City of Lockport
- 7/26/22 Sai Ram Hotel LLC –vs- City of Lockport
- 7/27/22 Ballyogan Properties LLC –vs- Tracy A. Farrell, Assessor of the City of Lockport, and, the Board of Assessment Review of the City of Lockport

Referred to the City Assessor.

MOTIONS & RESOLUTIONS

072722.2

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 July 28, 2022 as follows:

General Fund	Fund A	\$90,993.42
Water Fund	Fund FX	\$27,541.84
Sewer Fund	Fund G	\$29,007.69
Capital Projects	Fund H	\$9,251.72
Self-Insurance	Fund MS	\$75,154.20
Community Dev.	Fund CD	\$30,000.00
Refuse & Recycle	Fund CL	\$92,065.67
Payroll	Pay Date 6/30	\$521,377.19

Seconded by Alderman Kantor and adopted. Ayes 6.

072722.3

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to the Niagara Orleans District Order of the Eastern Star to conduct a Chicken Barbecue fundraiser in the City parking lot next to the Masonic Hall on Wednesday, September 21, 2022 from 4 p.m. to 6 p.m., and be it further

Resolved, that permission is hereby granted to barricade the first parking spaces facing Main Street, and the first row of spaces on the East side of the Masonic Hall in the City owned lot for said event, 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 event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

072722.4

By Alderman Devine:

Resolved, that pursuant to their request, Lockport Oldtimers Softball is hereby granted permission to use the softball diamond at Outwater Park for a reunion, with batting practice followed by a picnic at the Outwater Park South shelter, subject to the approval of the Highways & Parks Department, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for preparation of the field for this softball event at 2pm on Saturday, August 13, 2022, and be it further

Resolved, that said permission is subject to Lockport Oldtimers Softball filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

072722.5

By Alderman Beakman:

Resolved, that pursuant to the request of Robert Bell, property owner of 4 Lock Street, permission is hereby granted to extend two apartment balconies in the City's right-of-way at 4 Lock Street 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 balconies 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,

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

Seconded by Alderman Fogle and adopted. Ayes 6.

072722.6

By Alderman Pasceri:

Whereas, the Barge Canal Optimist Club seeks to offer youth programs that provide children with safe, outdoor activities; and

Whereas, the organization wishes to hold a family scavenger hunt between the Lockport Community Market and Upson Park called, 'Trail Clues'; and

Whereas, 'Trail Clues' will be held Saturday, July 30, 2022, and will be a parent/child activity for supervised children ages 2-12; and

Whereas, all traces of the activity will be completely removed at the end of the scavenger hunt, with no permanent markings, structure or changes to the canal path, locks area, or Upson Park; and

Whereas, the number of families will be 50-60 based on previous participation; now, therefore, be it

Resolved, that pursuant to their request, the Barge Canal Optimist Club is hereby granted permission to conduct the 'Trail Clues' family scavenger hunt, starting at the Lockport Community Market on Canal Street and ending at Upson Park along the canal, on Saturday, July 30, 2022, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

072722.7

By Alderman Pasceri:

Resolved, that pursuant to their request, Lockport Main Street, Inc., on behalf of the P3 Center at Niagara Falls Memorial Medical Center, be and the same is hereby granted permission to sponsor a 'Fresh Air Friday' event for younger children at the gazebo and surrounding courtyard on Canal Street on Friday, July 29th, 2022 from 1-3pm; and be it further

Resolved, that the event will include sidewalk chalk art, small prizes for participants, snacks, P3 Center handouts, and a chalk/art door prize; and be it further

Resolved, said permission is subject to Lockport Main Street, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

072722.8

By Alderman Kantor:

Whereas, The Lockport Locks Heritage District Corporation (LHDC) is a 501c3 not-for-profit organization with a mission to rehabilitate the Erie Canal Flight of Five Locks and to encourage and support the transformation of the Locks Heritage District into a vibrant heritage tourism destination; and

Whereas, the vision of the LHDC is a vibrant, robust Locks Heritage District, annually welcoming tens of thousands of visitors throughout the year, anchored by a fully rehabilitated and functional Flight of Five Locks, representing an historic site of national significance, and serving as a catalyst for economic development and jobs within and around the Locks Heritage District; and

Whereas, the LHDC has developed a “Lockport Bicentennial Project” that celebrates the bicentennial of the completion of construction of the Erie Canal (1825-2025), including further rehabilitation of the historic Erie Canal Flight of Five Locks, the completion of the Lock Tenders Tribute project, and the promotion of the Erie Canal, Flight of Five, and City of Lockport as a world class heritage destination; and

Whereas, the LHDC is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located at the historic Erie Canal Flight of Five Locks, part of the Erie Canal National Heritage Corridor, a site located within the territorial jurisdiction of this Council; and

Whereas, the LHDC is additionally applying for funding through other state agencies and programs, including but not limited to Empire State Development, Market NY, and the Canal Corporation; and

Whereas, as a requirement under the rules of these programs, the LHDC must obtain the approval/endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

Resolved, that the Council of the City of Lockport hereby approves and endorses the application of the LHDC for a grant under Title 9 of the Environmental Protection Act of 1993, and for all funding being pursued by the LHDC, for a project known as the “Lockport Bicentennial Project” and located within the City of Lockport.

Seconded by Alderman Pasceri and adopted. Ayes 6.

072722.9

By Alderman Beakman:

Whereas, the Director of Engineering has requested to have New York State Electric and Gas (NYSEG) install a new streetlight along Grand Street in the City of Lockport; and

Whereas, the Director of Engineering will arrange for the installation of the streetlight to be placed on the existing pole #2 on line 65. The light will be a Cobrahead with 6,700 nominal lumen LED with a 4,000K color; and

Whereas, the City will see an additional charge of \$4.63 a month on the streetlight account, and the associated supply cost for kWh used will be minimal and is based on supply market price; now, therefore, be it

Resolved, that the Mayor is hereby authorized to execute a “Streetlight Request Form” with New York State Electric and Gas (NYSEG), 150 Erie Street, Lancaster NY 14086.

Seconded by Alderman Devine and adopted. Ayes 6.

072722.10

By Alderman Fogle:

Whereas, National Grid has entered into a contract with Ironwood Heavy Highway, LLC to perform vegetation maintenance along National Grid’s power lines that run adjacent to City of Lockport property, from Hinman Road to Lockport Road; and

Whereas, Ironwood has requested permission to enter onto City property and agreed that such work shall be limited to the described area; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to grant permission and give consent to Ironwood Heavy Highway, LLC to enter onto the property identified above in order to apply herbicide to kill saplings or high-growing brush on National Grid property, and be it further

Resolved, that permission is subject to the receipt of certificates of insurance covering liability and worker's compensation, naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 6.

072722.11

By Alderman Beakman:

Whereas, Resolution 060822.14, which passed on June 8, 2022, the Common Council unanimously approved the retention of a certified public accounting firm to conduct a thorough financial analysis and review of each ambulance option available to the City of Lockport; and

Whereas, pursuant to the 2022 Procurement Policy an RFP is not required for the Common Council to retain such professional services; now therefore, be it

Resolved, that funds are approved, not to exceed \$30,000.00, for the City to contract with a company to complete said analysis.

Seconded by Alderman Kantor and adopted. Ayes 6.

By Alderman Fogle:

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

Seconded by Alderman Devine and adopted. Ayes 6.

072722.12

By Alderman Pasceri:

Whereas, the City of Lockport (City) is seeking funds from the Department of State (DOS) for a Smart Growth Comprehensive Planning Grant and intends to submit via the New York Consolidated Funding Application (CFA) for said grant; and

Whereas, the City project cost estimate for the Smart Growth Comprehensive Planning Grant Project is \$57,000; and

Whereas, the Smart Growth Comprehensive Planning Grant program through NYS Department of State (NYSDOS) is authorized to fund up to \$51,300 of the project cost; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City via the CFA for the Smart Growth Comprehensive Planning Grant Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the City as well as a Grant Agreement with the NYSDOS and any and all other contracts,

documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 10% local match as required by the Smart Growth Comprehensive Planning Grants Program. Under the Smart Growth Comprehensive Planning Grant, this local match must be at least 10% of the total project cost of \$57,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$5,700 subject to receipt of a Smart Growth Comprehensive Planning Grant and available funding. The total estimated maximum grant is \$51,300. The Mayor may increase this local match through the use of in-kind services without further approval from the City; and be it further

Resolved, that the Mayor is authorized to sign a grant application on behalf of the City via the CFA to the NYSDOS Smart Growth Comprehensive Planning Grant Program for the Project; and be it further

Resolved, that should a Smart Growth Comprehensive Planning Grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSDOS and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Smart Growth Comprehensive Planning Grant Program through NYSDOS.

Seconded by Alderman Fogle and adopted. Ayes 6.

072722.13

By Alderman Beakman

Whereas, Resolution 060822.14, which passed on June 8, 2022, the Common Council unanimously approved the retention of a certified public accounting firm to conduct a thorough financial analysis and review of each ambulance option available to the City of Lockport; and

Whereas, pursuant to the 2022 Procurement Policy an RFP is not required for the Common Council to retain such professional services; and

Whereas, Resolution 072722.11 passed authorizing the Council to secure funds for \$30,000 to retain such professional services; now, therefore, be it

Resolved that the Mayor is authorized to enter into an agreement with Freed Maxick CPAs, P.C., 424 Main St., Suite 800, Buffalo, New York 14202, after the contract, or scope of work, provided by Freed Maxick is approved by Corporation Counsel; and be it further

Resolved, that the fee for Freed Maxick to complete said analysis shall not exceed \$30,000.00 as authorized in Resolution 072722.11; and be it further

Resolved, that Freed Maxick shall complete their analysis within 6 weeks after the mutual execution of the approved Contract, and they shall report their findings directly to the Common Council and Mayor, simultaneously.

Seconded by Alderman Barnard and adopted. Ayes 6.

072722.14

ADJOURNMENT

At 6:58 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Tuesday, August 2, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

PAUL K. OATES
City Clerk