

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 9, 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.

110922.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of October 26, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law implementing a Videoconferencing Policy in the City Charter, Relative to Public Officers Law §103-a.

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

Recess for public input.

The Mayor closed the public hearing.

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)
Referred to the Committee of the Whole

10/21/22 Sarah K. Lanzo, City Clerk – notification of bids received on October 21, 2022 for Chemicals for Municipal Water Treatment Facility are as follows:

Chlorine:

JCI Jones Chemicals, Inc.	Caledonia, NY	\$3,503 per ton
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Polyaluminum chloride:

Usalco	Baltimore, MD	\$2.3265 per gal
Kemira Water Solutions	Lawrence, KS	\$2.51 per gal
Holland Company, Inc.	Avon Lake, OH	\$5.126 per gal

Hydrofluorosilicic Acid:

Univar Solutions USA, Inc.	Morrisville, PA	\$3.17 per gal
Brenntag	Reading, PA	\$4.85 per gal
Slack Chemical Co., Inc.	Carthage, NY	No Bids Included

Notice of Complaint:

10/26/22 239 Niagara Street - Tree

Referred to the Director of Highways, Parks and Water Distribution.

Notice of Claim:

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

110922.2

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 November 10, 2022 as follows:

General Fund	Fund A	\$389,322.42
Water Fund	Fund FX	\$27,293.46
Sewer Fund	Fund G	\$61,682.83
Comm. Dev.	Fund CD	\$146,192.00
Refuse Fund	Fund CL	\$434.93
Self Insurance	Fund MS	\$1,287.41
Worker's Comp	Fund S	\$
Payroll	Pay Date 11/3	\$502,958.39

Seconded by Alderman Fogle and adopted. Ayes 6.

110922.3

By Alderman Devine:

Whereas, the City of Lockport advertised for bid proposals for chemicals for municipal water treatment for the 2023 calendar year, and

Whereas, the following bids were received and publicly opened by the City of Lockport on Friday, October 21, 2022 at 11:00 am: JCI Jones Chemicals, Inc., \$3,503 per ton for chlorine; Usalco, \$2.3265 per gallon, Kemira Water Solutions, \$2.51 per gallon, Holland Company, Inc., \$3.25 per gallon, and Applied Specialties, Inc., \$5.126 per gallon for polyaluminum chloride; and, Univar Solutions USA, Inc., \$3.17 per gallon, and Brenntag, \$4.85 per gallon, and

Whereas, the contracts will be awarded solely from the bids received; and

Whereas, the Chief Water Treatment Plant Operator has reviewed the bids and recommends awarding the contract to each of the low bidders; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign contracts with JCI Jones Chemicals, Inc. for chlorine, Usalco for polyaluminum chloride, and Univar Solutions USA, Inc. for hydrofluorosilicic acid for January 1, 2023 through December 31, 2023.

Seconded by Alderman Barnard and adopted. Ayes 6.

110922.4. – Withdrawn

By Alderman Kantor:

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Barnard. Ayes 6.

110922.4A

By Alderman Kantor:

WHEREAS, the City of Lockport approved the execution of a Payment In Lieu Of Tax agreement with OYA Ruhlmann A LLC at its regular meeting on October 21, 2020.

WHEREAS, pursuant to an assignment and amended and restated solar ground lease dated as of July 22, 2022 and effective as of March 7, 2020 (as amended, supplemented and/or assigned, as of the date hereof and as the same may be further amended from time to time in accordance therewith, the "Property Lease"), between the Landlord and the Company, a memorandum of which is intended to be filed of record with the Niagara County Clerk's office, the Landlord has leased the Land to the Company; and

WHEREAS, the Property Lease shall remain in effect for the term of the Lease Agreement; and

WHEREAS, said Project is to be used for a Solar Generating Facility; and

WHEREAS, the Project is located within the boundaries of the City of Lockport; and

WHEREAS, the Obligors shall agree to make payments in lieu of Real Estate Taxes ("PILOT Payments") pursuant to this Agreement with respect to the Project; and

WHEREAS, the PILOT Payments contemplated by this Agreement are in lieu of Real Estate Taxes which may be payable with respect to the Project during the term of this Agreement;

NOW, THEREFORE, in consideration of the matters above recited, for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the Mayor is hereby directed and authorized to enter into the PILOT agreement with

OYA Ruhlmann A LLC previously approved by the Council on October 21, 2020, and subsequently revised and reviewed by Corporation Counsel

- (1) The payments in lieu of taxes (“PILOT”) period is to commence on July 1, 2023 (the Commencement Date), and be concurrent with the Project’s use as a solar energy system for the community, but shall in no event exceed fifteen (15) years from the Commencement Date.
- (2) Beginning with the first fiscal year following the Commencement Date and continuing through the fifteenth (15) fiscal tax year following, the taxpayer shall make annual payments in lieu of general real estate taxes on the land and solar system (constituting OYA Ruhlmann Solar A LLC) in the amount of \$37,500.00 with a two percent (2%) annual escalation., The total payment is to be apportioned between the City, County and School Districts as per the predetermined schedule as per the agreement, in satisfaction of all property taxes.
- (3) In each fiscal year during the term of this agreement, additional facilities not associated with the solar energy system the Assessor shall appraise in the same manner as similar properties in the general area and value at one hundred (100%) percent.

Seconded by Alderman Fogle and adopted. Ayes 4. Devine and Beakman voted no.

110922.4B

By Alderman Beakman:

Whereas, Resolution 041322.17 was unanimously adopted by the Common Council that placed a temporary moratorium on enforcement of the Ordinance §183-23 of the Lockport Municipal Code, which bans overnight parking on city streets between the hours of 2 a.m. and 6 a.m., unless the vehicle owner has received a special parking permit from the City; and

Whereas, the Council has heard all positive feedback regarding the temporary moratorium on said restriction on parking during the months from April to November; and

Whereas, the Traffic Advisory Committee has recommended that the Common Council consider a permanent modification to the ban on overnight parking during the non-winter months; and

Whereas: The Lockport City Common Council must conduct a public hearing prior to implementing the modification to the Code with regard to Ordinance §183-23;

NOW, THEREFORE, BE IT RESOLVED THAT:

A Public Hearing shall be held at the Common Council Meeting of Wednesday, November 16, 2022, starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the modification of the parking ordinance, to permit overnight parking on the City streets from April 15th to November 1st each year.

Seconded by Alderman Devine and adopted. Ayes 6.

110922.4C - Withdrawn

110922.4D

By Alderman Devine:

Whereas, Lockport 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 has commenced with the development of the Lockport Skateyard Project (“the Project”); 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, GLDC has agreed to manage and oversee the Project on behalf of the City and Community Services and the parties have entered into an Agreement for same; and

Whereas, the Niagara County Greenway Commission is requesting confirmation that the City will continue to maintain the Skateyard as part of the City Parks system; and

Now therefore, be it

Resolved, that the City of Lockport confirms that the City shall at all times maintain, repair and oversee the Skateyard Park, as it does with all City parks.

Seconded by Barnard and adopted. Ayes 6.

110922.5

ADJOURNMENT

At 6:53 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 16, 2022.

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO
City Clerk