

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 31st, 2023
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 Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

053123.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of May 10th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

5/8/2023 Matthew Sova, 233 High Street, Lockport, NY 14094 appointed to the City of Lockport Audit Committee.

5/12/2023 Scott Cercone, 353 Hawley Street, Lockport, NY 14094 appointed to the City Of Lockport's Parks Board. Said term expires January 1, 2027.

5/26/2023 Scott Previte, 54 Regent Street, Lockport, NY 14094 appointed to Network Coordinator for the city of Lockport IT Department. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

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. Reviewed by the Finance Committee.

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

4/20/2023 Letter from Kenan Center requesting permission to hang banner in promotion of the 52nd Annual American Craftsman event.

5/8/2023 Cornell Cooperative Extension of Niagara County requesting permission to hang banner in promotion of the 2023 Niagara County Fair.

5/9/2023 Kyle and Dawn Lambalzer, Matthew and Danielle Warchocki, 2023 Lockport in Bloom Committee- request permission to hold their 20th Annual Garden Walk on July 14th and 15th and 16th. Also request permission to place signs in Lockport parks promoting same.

05/10/2023 Holly Dickinson, on behalf of the Lockport City School District My Brother's Keeper (MBK) Program Advisory Council – request permission to use Dolan Park for end of year "MBK Celebration" on June 10, 2023.

5/12/2023 NYSDOT requesting designation of restricted highway on Saunders Settlement Road, continuing on West Avenue through West Genesee Street in both east and west bound directions.

5/15/2023 Amy Castle and Jonathan George provided notification related to a retail dispensary on 20 Lock Street, Lockport, NY.

5/22/2023 Terry Bryant, Pastor, God's Voice Ministries, Lockport, NY – requesting permission to use Altro Park for their 3rd Annual "Community in Unity" event held at on August 12, 2023.

5/18/2023 Deborah A. Coder, Assistant Superintendent for Finance and Management Services for Lockport City School District, confirming the Board of Education approved the City's use of the athletic field at Aaron Mossell Junior High School for its July 4th fireworks display.

5/25/2023 Ellen Martin requesting to block off Berkley Drive from Sargent to the dead end on June 21st.

Referred to Committee of the Whole.

Notice of Complaint:

5/1/2023 77 Webb Street – tree
5/3/2023 265 Pine Street - tree
5/4/2023 184 Locust Street – dead tree removal
5/5/2023 159 Washington Street – tree branches
5/11/2023 239 Niagara Street – dead tree
5/25/2023 86 N Adam Street – tree in front of home
5/20/2023 120 West Grant St. – tree in front of home
5/22/2023 Akron Rd and Davison Road – dips in the road and pothole in front of 622 Davison Rd.

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

MOTIONS & RESOLUTIONS

053123.2

By Alderman Swanson-Gellerson:

WHEREAS the City of Lockport has entered into a contract with Young Explosives Corporation for Fourth of July fireworks at a cost of \$8,000; and

WHEREAS the Lockport City School District has given approval for the use of the Aaron Mossell Junior High School Athletic Field for said fireworks display at dusk on July 4th with a rain date of July 5th;

NOW THEREFORE BE IT RESOLVED that pursuant to the request of the Chief of Police, Corinthia Street will be closed between Trowbridge and Prospect Streets, and Passaic Avenue will be closed between Green and Corinthia Streets, and be it further;

RESOLVED that the City Clerk will obtain certificate of insurance naming the Lockport City School District 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 event.

Seconded by Alderman Lupo and adopted. Ayes 6.

053123.3

By Alderman Lupo:

RESOLVED that pursuant to their request, permission is hereby granted to WNY Disc Golf Club to conduct a Tournament at Outwater Memorial Park on May 28, 2023, from 7 am until 6 pm, and be it further

RESOLVED that said permission is subject to WNY Disc Golf Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Beakman and adopted. Ayes 6.

053123.4

By Alderman Devine:

WHEREAS the City is the owner of Exchange Field at Outwater Park and the Rotary Club Community Pool's Men's Locker Room located on Corinthia Street, Lockport, New York.

WHEREAS Lockport Wildcats Minor Professional Adult Football team wishes to use said field and locker rooms for the purpose of playing semi-professional football on the following dates: 6/10, 7/8, 7/15, 8/5, 8/19 and 8/26.

WHEREAS the Wildcats have partnered with Lockport Little Loop football club this season to bring Saturday night entertainment to the Lockport community.

WHEREAS Lockport Wildcats Minor Professional Adult Football is a For-Profit organization that promotes social welfare and physical fitness and it lessen the burdens of government by promoting the participation of people in sports, thereby enhancing their quality of life, by providing a public venue or venues for sports and recreational activities in the City of Lockport, New York.

RESOLVED that said permission is subject to Lockport Wildcats Minor Professional Adult Football Team filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to Corporation Counsel approval and be it further

RESOLVED that the Lockport Wildcats maintain the conditions of the Exchange Field at Outwater Park and the Rotary Club Community Pool's Locker Rooms when in use.

Seconded by Alderman Kantor and adopted as amended. Ayes 6.

053123.5

By Alderman Swanson-Gellerson:

RESOLVED that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 20th annual Lockport In Bloom "City Garden Tour 2023" event the weekend of Friday July 14th 6:00pm-10:00pm, Saturday July 15th 10:00am-4:00pm and Sunday, July 16th, 10:00am-4:00pm, and be it further

RESOLVED that permission is also granted to place signs advertising the event in 3 city parks, Children's Memorial Park on Transit Rd, Locust Street Park and Ida Fritz Park.

Seconded by Alderman Lupo and adopted. Ayes 6.

053123.6

By Alderman Kantor:

RESOLVED that pursuant to their request, the Kenan Center, Inc. is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the 52nd Annual 100 American Craftsman event from May 24th through June 4th, 2023 Said permission is subject to the Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Beakman and adopted. Ayes 6.

053123.7

By Alderman Swanson-Gellerson:

RESOLVED that pursuant to their request, the Lockport City School District My Brother's Keeper (MBK) Program Advisory Council is hereby granted permission to use Dolan Park for their end of year MBK Celebration on Saturday, June 10, 2023 beginning at 9 am.

Subject to Lockport City School District filing a certificate of insurance with the City Clerk, naming the City of Lockport as additional insured.

Seconded by Alderman Lupo and adopted. Ayes 6.

053123.8

By Alderman Swanson-Gellerson:

RESOLVED that pursuant to their request, Cornell Cooperative Extension of Niagara County is hereby granted permission to erect a banner across East Avenue to promote the 2023 Niagara County Fair from July 26th through August 6th. Said permission is subject to the Cornell Cooperative Extension of Niagara County filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 6.

053123.9

By Alderman Kantor:

RESOLVED that pursuant to their request, the YMCA of Buffalo Niagara, is hereby granted permission to conduct the “Fitness in the Parks” program at Nelson C Goehle Marina Park (Widewaters), Sundays and Thursday’s and Outwater Park on Monday’s; beginning June 4, 2023 until August 28, 2023. All classes free and open to members of the community. Said permission is subject to the YMCA of Buffalo Niagara filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6.

053123.10

By Alderman Lupo:

WHEREAS the NYSDOT has awarded the City of Lockport a total of \$2,411,485.60 in CHIPS, PAVE NY, EWR, STR, and POP funding for the FY 2023 capital budget year; now, therefore, be it

RESOLVED that the FY 2023 Capital Fund budget is amended to add the apportioned balances as follows:

Revenue:

Increase		
H082.5112.33501	Consolidated Highway Aid	\$1,238,468.02
H208.5112.33501	Consolidated Highway Aid	\$1,173,017.58

Expense:

Increase		
H082.5112.52450	Infrastructure – Roads	\$1,238,468.02
H208.5112.52450	Infrastructure – Roads	\$1,173,017.58

Seconded by Alderman Kantor and adopted. Ayes 6.

053123.11

By Alderman Devine:

WHEREAS the Chief Operator of Wastewater Treatment has proposed a plan to remove debris from the diffusers (mixing zone) at the creek, redo the biofilter at the Compost plant, and to help redirect water during high flows away from the plant property; and

WHEREAS said plan requires further equipment that is not currently available with that of City-owned equipment, but is available via short term leases; and

WHEREAS funding has not been allotted for this purposes;

NOW THEREFORE BE IT RESOLVED that the FY 2023 Sewer Fund Operating Budget is amended as follows:

Expense:

Decrease		
G.1900.54775	Contingency	\$5,500

Increase:

G.8130.54065	Equipment Rental / Lease	\$5,500
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Seconded by Alderman Beakman and adopted. Ayes 6.

053123.12

By Alderman Lupo:

WHEREAS the NYS Department of Transportation has awarded the City of Lockport \$781,155.13 in CHIPS funding in the FY 2023 capital budget;

WHEREAS the Director of Streets, Parks, and Water Distribution has recommended to purchase a 12-ton truck for street operations that are eligible for CHIPS reimbursement;

WHEREAS a quote from Kenworth and Viking under Onondaga pricing agreement #8996 provides said equipment for a total price of \$217,281 and is within the parameters of the procurement policy;

NOW THEREFORE BE IT RESOLVED that the City is authorized to enter into a purchasing agreement with Kenworth and Viking and to utilize account number H082.5112.52450.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6

053123.13

By Alderman Devine:

WHEREAS the City of Lockport recognizes the importance of providing efficient waste management services to its residents and businesses; and

WHEREAS the current bulk item allowance of one item per single, two, and three family units, as well as commercial and industrial properties, may not adequately meet the needs of the community during certain months; and

WHEREAS the City of Lockport aims to ensure the responsible disposal of bulk items while maintaining cleanliness and orderliness within the community; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Lockport, that the following temporary allowance is hereby approved:

- Effective from June to August 2023, the bulk item allowance for single, two, and three family units, as well as commercial and industrial properties, shall be increased from one item to two items.
- The additional bulk item allowance shall apply to the specified months only, and the previous limit of one item shall be reinstated outside of this period.

Seconded by Alderman Kantor and adopted. Ayes 6.

053123.14

By Alderman Devine:

RESOLVED that pursuant to their request, 18 U Travel Baseball League, is hereby granted permission to use the baseball field at Outwater Park for their 2023 Travel Baseball Team, subject to approval of the schedule by the Highways & Parks Department, for June 13th and June 20, 2023, and be it further

RESOLVED that 18 U Travel Baseball League file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Swanson-Gellerson 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.

053123.15

By Alderman Beakman:

WHEREAS the City of Lockport (City), is seeking a grant from the Inflation Reduction Act Funding Opportunity and intends to submit via the online portal to the USDA Forest Service Urban & Community Forestry, and;

WHEREAS the City of Lockport is applying for a waiver for the city match, as the city meets the requirements in four (4) census tracts, 36063023500, 36063023600, 36063023700, and 36063023800, and;

WHEREAS the Inflation Reduction Act through USDA Forest Service Urban & Community Forestry is authorized to fund \$150,000 of the project budget for The City of Lockport Street Tree Canopy Restoration project;
Now, therefore, be it:

RESOLVED that the City of Lockport authorizes and appropriates a minimum of 0% local match as per the waiver, by the USDA Forest Service Urban & Community Forestry program for The City of Lockport Street Tree Canopy Restoration project. Under the USDA Forest Service Urban & Community Forestry, this local match will be 0%. The Mayor may increase this local match through the use of in-kind services without further approval from the City.

Authorization for representative to sign documents:

WHEREAS Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the online portal to USDA Forest Service Urban & Community Forestry program for The City of Lockport Street Tree Canopy Restoration project in the amount of \$150,000; and

WHEREAS the Mayor is authorized to sign the grant application for The City of Lockport Street Tree Canopy Restoration project via the USDA Forest Service Urban & Community Forestry on behalf of the City of Lockport and will sign the Grant Agreement with the USDA 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 Mayor is authorized to sign a grant application in the amount of \$150,000 on behalf of the City for The City of Lockport Street Tree Canopy Restoration project via USDA Forest Service Urban & Community Forestry, and;

BE IT FURTHER RESOLVED that should a USDA Forest Service Urban & Community Forestry grant be awarded to the City for The City of Lockport Street Tree Canopy Restoration project, the Mayor is authorized to execute a Grant Agreement with the USDA and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the USDA Forest Service Urban & Community Forestry Program through USDA.

Seconded by Alderman Lupo and adopted. Ayes 6.

053123.16

By Alderman Devine:

WHEREAS Rubberform Recycled Products, located at 75 Michigan Street, will be installing a new roof on the building, and will need a crane to pick up the materials onto the roof. Rubberform Recycled Products estimates that they will need the crane situated on South Niagara Street, for a duration of approximately 3-4 weeks; and

WHEREAS the crane situated on South Niagara Street will require a road closure for the entirety of the duration of approximately 3-4 weeks; and
Now therefore be it:

RESOLVED that pursuant to their request, RB Mac Construction, the general contractor for RubberForm Recycled Products, is hereby granted permission to barricade South Niagara Street to through traffic, from Michigan Street and extending approximately six-hundred (600) feet west along South Niagara Street beginning on June 1st and ending on or about the week of June 26th; subject to approval of the closure by the Police Chief and Fire Chief; and be it further

RESOLVED that said permission is subject to RB Mac Construction filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

RESOLVED that RB Mac Construction send a letter to affected residents and local businesses informing them of the closure of South Niagara Street to through traffic, no later than May 22, 2023, with a copy of same provided to the City Clerk's Office; and be it further

RESOLVED that RB Mac Construction will provided all barricades, cones, 'detour', and 'street closed' signs as required.

Seconded by Alderman Beakman and adopted. Ayes 6.

053123.17

By Alderman Lupo:

WHEREAS the City of Lockport is prepared to enter into a Payment In Lieu Of Tax agreement with Capital Realty Group, Inc., regarding the property commonly known as Autumn Gardens Phase II; and

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

WHEREAS Capital Realty Group 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 Capital Realty Group, subject to Corporation Counsel review.

- (1) The payments in lieu of taxes ("PILOT") period is to commence on January 1, 2024 (the Commencement Date), and be concurrent with the Project's use as apartment units for the community, but shall in no event exceed twenty (20) years from the Commencement Date.
- (2) Beginning with the first fiscal year following the Commencement Date, and continuing through the twentieth (20th) fiscal tax year following, Capital Realty Group shall make annual payments in lieu of general real estate taxes on the property located at 800-822 East High Street, Lockport, commonly known as Autumn Gardens Phase II, in the amount of \$25,445 with a three percent (3%) annual escalation for each of five (5) years, then four percent (4%) for each of eight years, and finally five percent (5%) for

each of seven years. Such payments shall be due and payable on January 1st of each year.

- (3) In the event of a default in payment of the PILOT agreement contemplated by this resolution, the City shall retain all rights afforded it under law and the PILOT Agreement.

Seconded by Alderman Beakman and adopted. Ayes 4.
Alderman Fogle and Alderman Kantor voted NO.

053123.18

By Alderman Swanson-Gellerson:

RESOLVED that pursuant to their request, permission is hereby granted to the residents of Berkley Drive, through the Lockport Public Arts Council, to barricade said street from Sargent to the dead end on June 21, 2023 from 5-9pm 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 during the week prior to said event; and be it further

RESOLVED that if the Lockport Public Arts Council wishes to erect a tent on the Parkway during the term of the picnic, it shall obtain insurance coverage for same, naming the City of Lockport as an additional insured as its interests may appear.

Seconded by Alderman Lupo and adopted. Ayes 6.

053123.19

By Alderman Beakman:

RESOLVED that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway, through the Lakeview Parkway Association, to barricade said street on June 24, 2023, with a rain date of June 25, 2023, 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 during the week prior to said event; and be it further

RESOLVED that if the Lakeview Parkway Association wishes to erect a tent on the Parkway during the term of the picnic, it shall obtain insurance coverage for same, naming the City of Lockport as an additional insured as its interests may appear.

Seconded by Alderman Kantor and adopted. Ayes 6.

053123.20

ADJOURNMENT

At 7:27 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 14, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO
City Clerk