

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

January 6, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION – Pastor Wayne Dent**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**010621.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of December 16, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

12/30/20 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointment, John Lombardi, III, as the City of Lockport representative for NIACAP effective January 1, 2021.

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)

**Notice of Claim:**

12/18/20 Janelle Hawkins, 118 Chestnut Street, Lockport, NY 14094

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS****010621.2**

By Alderman Oates:

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 January 7, 2021 as follows:

General Fund	Fund A	\$116,267.08
Water Fund	Fund FX	\$ 45,009.72
Sewer Fund	Fund G	\$ 29,298.61
Capital Projects	Fund H	\$ 359.00
Refuse Fund	Fund CL	\$ 152.00
Payroll	Pay Date 12/17	\$508,767.81

Seconded by Alderman Allport and adopted. Ayes 6.

**010621.3**

By Alderman Allport:

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>
Jeanne E. Goff	20	Deputy City Clerk
Jason P. Hunt	20	Water/Sewer Maintenance Worker
Michael E. Tucker	15	Laborer – Highways and Parks

Seconded by Alderman Devine and adopted. Ayes 6.

**010621.4**

By Alderman Schratz:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a NYS HOME Local Program ("HOME") grant application to the New York State Office of Homes and Community Renewal (the "OCR") for a grant to fund incentives supporting first-time homebuyers purchasing homes within the City of Lockport, and

Whereas, the City of Lockport is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for HOME funding, now, therefore, be it

Resolved, that the Common Council hereby calls for a virtual public hearing whereat all interested parties shall be heard regarding the HOME program, the City's community development programs, and the proposed funding application. Said virtual public hearing to be held on January 20, 2021, at 5:30 pm; and be it further

Resolved, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman Oates and adopted. Ayes 6.

**010621.5**

By Alderman Oates:

Resolved, that pursuant to the recommendation of the City Treasurer and Director of Finance, the Manufacturers & Traders Trust Company, J. P. Morgan Chase & Co. Bank and Key Bank, be designated as depositories of City funds for fiscal year 2021, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman Abbott and adopted. Ayes 6.

**010621.6**

**ADJOURNMENT**

At 5:44 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, January 20, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

January 20, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Allport, Devine, Kantor, Oates, and Schratz.

Alderman Abbott was absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**012021.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of January 6, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **PUBLIC HEARING**

The Mayor announced a public hearing on a proposal to submit a Community Development Block Grant application to the New York State Office of Homes and Community Renewal for a grant to fund to implement the First-Time Home Buyer Grant programs.

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

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing on the report from the Police Policy Review Committee.

The Mayor asked the City Clerk if any petitions or communications relative to a plan on the Police Policy Review Committee report for the City of Lockport have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Resignation:**

1/12/21 Margaret F. Truax, submitted resignation as City Historian effective December 28, 2020.

1/13/2021 Christina Quagliano, submitted resignation from the Citizen's advisory Board effective January 4, 2021.

1/13/2021 Craig Hugill, submitted resignation from the Planning Board effective January 13, 2021.  
Received and filed.

### **Appointments:**

1/12/21 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments;

**For the term of one year expiring on December 31, 2021:**

President of the Common Council	Mark S. Devine
Corporation Counsel	Laura Miskell Benedict
Deputy Corporation Counsel	Jason J. Cafarella
Deputy Corporation Counsel	Patricia M. McGrath
Niagara Community Action Program	John Lombardi III
Traffic Advisory Committee	Patricia M. McGrath

**2021 Common Council Standing Committees:**

**Finance Committee-** Alderman Oates, Chairman  
Members: Aldermen Abbott, Allport, Devine, Kantor, Schratz,  
City Treasurer, Staff Accountant

**Public Health & Safety Committee-** Alderman Devine, Chairman  
Members: Fire Chief, Police Chief, and Chief Building Inspector, Aldermen Abbott,  
Allport, Kantor, Oates, Schratz

**Highways & Parks Committee-** Alderman Oates, Chairman  
Members: Aldermen Abbott, Allport, Devine, Kantor, Schratz  
City Engineer, Director of Streets and Parks

**Water & Sewer Committee-** Alderman Devine, Chairman  
Members: Aldermen Abbott, Allport, Kantor, Oates, Schratz  
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water,  
Water Distribution Supervisor

**Youth Committee-** Alderman Kantor, Chairman

**Personnel Committee-** Alderman Allport, Chairman  
Members: Aldermen Abbott, Devine, Kantor, Oates, Schratz  
City Clerk, Personnel Officer

**Washington Hunt Committee-** Mayor Roman, Chairman  
Members: Alderman Devine, Deputy Corporation Counsel Laura Miskell Benedict

**Commissioner of Deeds:** For the term of two years expiring on December 31, 2022

1. Paul M. Beakman, Jr., 104 Caledonia Street, Lockport, NY 14094
2. Benjamin Briskey, 120 Grant Street, Lockport, NY 14094
3. James G. Budde, 7665 Highland Drive, Gasport, NY 14067
4. Roxanne M. Devine, 114 Maple Street, Lockport, NY 14094
5. Amanda J. Irons-Rindfleisch, 5785 Tonawanda Creek Road, Lockport, NY 14094
6. John Jacoby 4621 Lower River Road, Lewiston, NY 14092
7. Molly A. Lawson, 24 Grosvenor Street, Lockport NY 14094
8. Thomas E. Lupo, 17 Boblink Lane, Lockport, NY 14094
9. Matthew Martinello, 181 Independence Drive, Lockport, NY 14094

10. Anita Mullane, 93 Lindhurst Drive, Lockport, NY 14094
11. Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY 14094
12. Jeanann Page, 532 Irving Drive, Lewiston, NY 14092
13. Mark Pietrzykowski, 323 East Avenue, Lockport, NY 14094
14. Michelle M. Roman, 30 Cherry Street, Lockport, NY 14094
15. William C. Rutland, 5798 Locust Street, Lockport, NY 14094
16. Carla L. Speranza, 6438 Lincoln Avenue, Lockport, NY 14094
17. Jeanette Stump, 450 Tryon Drive, Lewiston, NY 14092
18. Wendy Guild Swearingen, 3075 N.Creek Road, Youngstown, NY 14174
19. Kevin M. Watier, 784 East Avenue, Lockport, NY 14094
20. John M. Wick, 6617 N.Canal Road, Lockport, NY 14094

Received and filed.

1/12/21 Craig E. Bacon, 739 Walnut Street, Lockport, NY – appointed as the City of Lockport Historian effective January 1, 2021. Received and filed.

1/13/21 Sheila M. Tracy, 19 Grosvenor Street, Lockport, NY – re-appointed to the Zoning Board of Appeals effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 Andrew Rosenberg, 268 Genesee Street, Lockport, NY – re-appointed to the Zoning Board of Appeals effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 Robert Bragg, 536 Willow Street, Lockport, NY – re-appointed to the Planning Board effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 David Pynn, of Pynn Plumbing, 31 Simonds Street, Lockport, NY – re-appointed to the Plumbing Board effective January 1, 2021. Said term expires December 31, 2023. Received and filed.

1/13/21 John F. Swan, 28 Maple Street, Lockport, NY – appointed to the Building and Grounds Accessibility Committee. Said term expires on December 31, 2021. Received and filed.

1/12/21 Denise C. Michel, 135 Church Street, Lockport, NY – appointed to the Fire Board effective January 1, 2021. Said term expires on December 31, 2024. Received and filed.

1/13/21 Miles D. Patterson, 12 Hoover Parkway, Lockport, NY – re-appointed to the Police Board effective January 1, 2021. Said term expires on December 31, 2024. Received and filed.

1/11/21 Kristin M. Schubring, 6 Wilson Parkway, Lockport, NY – appointed to Principal Account Clerk for the Accounting Department effective January 1, 2021. Said appointment is permanent 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)

## **MOTIONS & RESOLUTIONS**

### **012021.2**

By Alderman Oates:

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 January 21, 2021 as follows:

#### **2020 Expenses**

Fund A General - \$86,589.76  
Fund CL Refuse & Recycling - \$98,796.16  
Fund FX Water - \$17,244.57  
Fund G Sewer -\$27,285.40  
Fund H Capital Projects - \$2,264.40

Payroll Pay Date 12/31/20 \$ 458,879.87

#### **2021 Expenses**

Fund A General - \$74,949.16  
Fund FX Water - \$13,646.72  
Fund G Sewer -\$1,984.36  
Fund MS Health Insurance - \$88,440.20

Payroll Pay Date 1/14 \$ 554,901.76

Seconded by Alderman Allport and adopted. Ayes 5.

### **012021.3**

By Alderman Schratz:

Whereas, the City of Lockport has been invited by the New York State Homes and Community Renewal to submit an application for the New York State HOME Local Program, and

Whereas, the City of Lockport is desirous of applying for a homeownership assistance program to assist low- and moderate-income first-time homebuyers; and

Whereas, a program has been prepared that meets those community needs that have been identified, now therefore be it

Resolved that the Mayor be and is hereby authorized to execute and submit a \$800,000 application to the New York State Homes and Community Renewal for the New York State HOME Local Program and any other future documents related to this grant should funding be awarded.

Seconded by Alderman Oates and adopted. Ayes 5.

### **012021.4**

By Alderman Kantor:

Resolved, that pursuant to their request, Score This!!! is hereby granted permission to conduct the Lockport 10 Open Road Race from 9am until 12:30pm on Saturday, February 13, 2021. The race route will require closing East Avenue between Elm and Charles Streets;

closing Elm Street for the finish of the race; and, disrupting traffic flow on Market Street. Permission is granted subject to approval of the race route by the Police Chief and subject to Score This!!! 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 Streets and Parks is hereby authorized and directed to arrange for salting the streets in the City's portion of the race route if necessary, and to deliver barricades, cones, and "street closed" signs as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines.

Seconded by Alderman Oates and adopted. Ayes 5.

#### **012021.5**

By Alderman Schratz:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 45<sup>th</sup> Annual Lockport Optimists Arts and Crafts Festival on June 26<sup>th</sup> and 27<sup>th</sup>, 2021 from 10:00 A.M. until 5:00 P.M. (street closing from 8:00 A.M. until 7:00 P.M.) with the following provisions:

- (1) The Lockport Optimist Club shall issue exhibitor's permits to arts and crafts exhibitors, vendors and peddlers, and to insure public safety and order and to avoid overcrowding of the exhibit areas, no other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property, and the Lockport Optimist Club shall enforce this ban with the cooperation of the Lockport Police Department.
- (2) The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers from the show area not possessing an exhibitor's permit.
- (3) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street and Market Street from Main Street north to Chestnut Street.
- (4) The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, subject to the approval of the Corporation Counsel, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is granted the Optimist Club to use the Police Garage for storage of a golf cart overnight on Friday and Saturday night, June 25<sup>th</sup> and 26<sup>th</sup> subject to the approval of the Chief of Police, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman Allport and adopted. Ayes 5.



**012021.6**

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 10<sup>th</sup> through September 13<sup>th</sup>, 2021 from 5:30 p.m. to 8:30 p.m., (Memorial Day and Labor Day Super Cruise begin at 4:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items, crafts, and related items.
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

and, be it further

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club 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 Streets and Parks is hereby authorized and directed to arrange for delivery of barricades, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman Kantor and adopted. Ayes 5.

**012021.7**

By Alderman Schratz:

Resolved, that a virtual public hearing be held at the Common Council Meeting of February 3, 2021 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Marc & Ashley Pietrzykowski, for approval to utilize house and outdoor space for dining, drinking and entertainment from May to October located at 484 West Avenue, situated in a I-3 Zone, and be it further

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

Seconded by Alderman Devine and adopted. Ayes 5.

**012021.8**

By Alderman Allport:

Resolved, that pursuant to the approval of the Civil Service Commission at their regular meeting on December 15, 2020, the following job title, Network Coordinator, be and the same is hereby incorporated into the City of Lockport and part of the 2021 Budget.

Seconded by Alderman Schratz and adopted. Ayes 5.

**012021.9**

By Alderman Oates:

Whereas, the City of Lockport (City) owns and operates a potable water treatment plant (WTP) and water distribution system which serves City residents, and

Whereas, the City WTP includes a high service pump station which delivers treated water to the City water distribution system utilizing a combination of multiple types and vintages of pumps which are operated to maintain pumping redundancy and ensure adequate flow and pressure to the City water distribution system, and

Whereas, on August 12, 2020 high service pump #1 (HSP-1) went off line and could not be restored to normal operation, requiring a Public Emergency Declaration by the Mayor on August 13, 2020, due to the loss of redundancy of pumping capacity to supply the City potable water system, and

Whereas, HSP-1 has subsequently been removed, inspected, repaired and placed back into service, and

Whereas, based upon the condition inspection of HSP-1 severe degradation of the hardware was discovered which likely contributed to the failure of HSP-1 and had potential for addition adverse impacts, and

Whereas, HSP-3 is of the same type and vintage and has reportedly been in service longer than HSP-1, therefore it is recommended to remove, inspect and rebuild HSP-3 due to the anticipated severe degradation of its hardware, and

Whereas, due to the specialized nature of the equipment/means/method to repair or replace components of HSP-3, it is anticipated that the lead time to accomplish such repairs will be significant, however, time is of the essence and the work cannot be performed independently by City forces; and

Whereas, City WTP operations staff has previously successfully utilized Moley Magnetics (Moley) to perform pump and motor services at the WTP, and

Whereas, Moley staff has visited the project site and met with City WTP operations staff and submitted an estimate dated December 30, 2020 to perform repairs to HSP-3 in the amount of \$73,283.70, and

Whereas, City WTP operations staff have reviewed the estimate and recommend Moley to perform the repairs to HSP-3, now, therefore, be it;

Resolved, that the Mayor is authorized to execute an Agreement with Moley Magnetics, 5202 Commerce Drive, Lockport, NY 14094, for a not-to-exceed fee of \$73,283.70 per their estimate dated December 30, 2020, plus a contingency of 20%, subject to Corporation Counsel review.

Seconded by Alderman Kantor Ayes 5.

#### **012021.10**

By Alderman Devine:

Whereas, the City of Lockport, NY (City) owns and operates a Combined Sewer system which has a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Permit, No. NY0027057, and

Whereas, per the SPDES Permit requirements, an annual Combined Sewer Overflow (CSO) system report must be submitted to NYSDEC by January 31st of each year for the previous reporting year, and

Whereas, Nussbaumer & Clarke, Inc. has prepared the annual CSO report in conjunction with and on behalf of the City since 2016 and submitted a proposal dated January 7, 2021 to prepare the 2020 annual CSO report for a lump sum fee of \$3,000, representing no fee increase since 2016, 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 lump sum fee of \$3,000 per their proposal dated January 7, 2021, subject to Corporation Counsel review.

Seconded by Alderman Oates Ayes 5.

**012021.11**

By Alderman Oates:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Section 66-19 of the City Code, Electrical Standards for Licensing and Inspections, and be it further

Resolved, that a virtual public hearing be held at the Common Council meeting of February 3, 2021, starting at 5:30 P.M., 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 Allport and adopted. Ayes 5.

**012021.11A**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Police Department to barricade Outwater Drive, from the point of entry to Outwater Park, and, Trowbridge Street, at the entry to the park, on Saturday, January 30<sup>th</sup>, 2021, from 9am until 11am and from 12noon until 2pm, to conduct agility testing for recruits, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event, and to salt said stretch of Outwater Drive between the barricades.

Seconded by Alderman Schratz and adopted. Ayes 5.

**012021.11B**

By Alderman Oates:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John "Tate" Pitrello, a four-term City of Lockport alderman from 1990-1998, and a 21-year member of the Board of Police Commissioners, from 1998-2019, who recently passed away.

Seconded by Alderman Allport and adopted. Ayes 5.

**012021.12**

**ADJOURNMENT**

At 6:05 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 3, 2021.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES

City Clerk

On motion of Alderman Oates, seconded by Alderman Kantor, the Common Council moved to Executive Session regarding Labor Contracts and Personnel Issues at 6:06 P.M. Ayes 5. Carried.

On motion of Alderman Kantor, seconded by Alderman Schratz, the Common Council ended Executive Session at 6:13 P.M. Ayes 5. Carried.

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

February 3, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S STATE OF THE CITY**

**RECESS**

Recess for public input.

**020321.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of January 20, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to utilize a house and outdoor space for dining, drinking and entertainment from May to October at 484 West Avenue.

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

2/2/21 Terry Harmon, Planning and Zoning Board, the board recommends the request to the Council with stipulations.

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending section 66-19 of the Lockport City Code, Electrical Standards for Licensing and Inspections.

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

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Resignation:**

1/26/21 Felicia Grooms, resignation from the Human Relations Committee and the Police Policy Review Board. Effective January 31, 2021.  
Received and filed.

1/27/21 Jessica Dittly, resignation from the Tree Committee effective January 18, 2021.  
Received and filed.

#### **Appointments:**

1/12/21 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 make the following appointments;

#### **Parks Board**

John F. Swan, 28 Maple Street, Lockport, NY. Said term expires January 12, 2022.  
Caitlin J. Kenney, 315 East Avenue, Lockport, NY. Said term expires January 12, 2023.  
Sarah K. Lanzo, 129 Beattie Avenue, Lockport, NY. Said term expires January 12, 2024.  
Darryl L. DeVoe, 50 Lake Avenue, Lockport, NY. Said term expires January 12, 2025.

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)

1/15/21 Mayor Michelle M. Roman – recommendation that Kathleen Sparks DiMillo be appointed as an alternate member of the Lockport Board of Ethics.

Referred to the Committee of the Whole.

1/29/21 Paul K. Oates, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President’s Birthdays:

Monday, February 8<sup>th</sup>

Monday, February 15<sup>th</sup>

There will be no change in the garbage pickup schedule.

Referred to the media.

## **MOTIONS & RESOLUTIONS**

### **020321.2**

By Alderman Oates:

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 February 4, 2021 as follows:

#### **2020 Expenses**

Fund A General - \$85,391.61

Fund CD Community Development - \$37,500.00

Fund FX Water - \$14,693.27

Fund G Sewer -\$14,946.27

#### **2021 Expenses**

Fund A General - \$242,068.59

Fund CL Refuse & Recycling – \$297.44

Fund FX Water - \$24,824.64

Fund G Sewer -\$15,964.88

Fund MS Health Insurance - \$84,448.70

Fund S Worker’s Comp - \$96,578.69

Payroll Pay Date 1/28 \$ 578,994.17

Seconded by Alderman Abbott and adopted. Ayes 6.

### **020321.3**

By Alderman Allport:

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>
Todd M. Wheeler	20	Waste Water Attendant

David A. Yourdan  
William E. Jones

20  
10

Municipal Worker  
Police Officer

Seconded by Alderman Schratz and adopted. Ayes 6.

**020321.4**

By Alderman Schratz:

Resolved, that pursuant to the recommendation of Mayor Roman, Kathleen Sparks DiMillo, 73 Lincolnshire Drive, Lockport, NY is hereby appointed as an alternate member of the Board of Ethics. Said term expires on December 31, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

**020321.5**

By Alderman Devine:

Resolved, that the request for a special use permit made by Marc & Ashley Pietrzykowski to utilize a house and outdoor space for dining, drinking and entertainment from May to October, located at 484 West Avenue, situated in a I-3 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

The outdoor entertainment be limited to 8pm to 10 pm.

The applicant returns to the Planning Board with site plans for the permanent building structures.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property if other than the applicant, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Allport and adopted. Ayes 6.

**020321.6**

By Alderman Oates:

Resolved, that pursuant to their request, Great Lakes Racing, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on the weekend of July 31 and August 1, 2021, for the annual Summer Beast of Burden Ultra Marathon. Said permission is subject Great Lakes Racing, LLC 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 Streets and Parks is hereby authorized and directed to arrange for the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman Kantor and adopted. Ayes 6.

**020321.7**

By Alderman Kantor:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring Soccer Program on Thursdays and Saturdays at Altro Park beginning April 15, 2021 through June 26, 2021, subject to Soccer Shots Buffalo filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman Abbott and adopted. Ayes 6.

**020321.8**

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Helen E. Young, a retired City of Lockport employee who worked in the Treasurer's office from 1972-1989, who recently passed away.

Seconded by Alderman Schratz and adopted. Ayes 6.

**020321.9**

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their 2021 Youth Baseball Tournaments, subject to approval of the schedule by Highways & Parks Department, for games to be played between June 4<sup>th</sup> and August 1<sup>st</sup>, 2021; and be it further

Resolved, that Niagara Jr. Thunder Wolves file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved, said permission is granted provided that the practice of social distancing and the use of masks by attendees is followed in accordance with New York State guidelines, if applicable.

Seconded by Alderman Devine and adopted. Ayes 6.

**020321.10**

By Alderman Schratz:

Whereas, Governor Andrew Cuomo signed the "Say Their Name Reform" Agenda Package on June 12, 2020 and issued an Executive Order requiring municipal Police Departments to Reinvent and Modernize Police Strategies/Programs; and

Whereas, on June 17, 2020, Mayor Michelle Roman appointed the City of Lockport Police Policy Review Committee; and

Whereas, the City conducted Police Policy Review Committee meetings on July 20, 2020, August 17, 2020, September 14, 2020, October 13, 2020, October 29, 2020, and November 30, 2020; and

Whereas, the City conducted eight separate Community Forums throughout the City of Lockport; and

Whereas, the Police Policy Review Committee Report dated October 24, 2020 was approved by the Committee; and

Whereas, the Public Hearing was held on January 20, 2021; now, therefore, be it



Resolved, that the City of Lockport hereby acknowledges the receipt of the Police Policy Review Committee Report dated October 24, 2020.

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **020321.11**

By Alderman Schratz:

Whereas, Governor Andrew Cuomo signed the “Say Their Name Reform” Agenda Package on June 12, 2020 and issued an Executive Order requiring municipal Police Departments to Reinvent and Modernize Police Strategies/Programs; and

Whereas, on June 17, 2020, Mayor Michelle Roman appointed the City of Lockport Police Policy Review Committee; and

Whereas, the City conducted Police Policy Review Committee meetings on July 20, 2020, August 17, 2020, September 14, 2020, October 13, 2020, October 29, 2020, and November 30, 2020; and

Whereas, the City conducted eight separate Community Forums throughout the City of Lockport; and

Whereas, the Police Policy Review Committee Report dated October 24, 2020 was approved by the Committee; and

Whereas, the Public Hearing was held on January 20, 2021; and

Whereas, on February 3, 2021, the Common Council approved the Police Policy Review Committee Report dated October 24, 2020; now, therefore, be it

Resolved, that the City of Lockport hereby approves the following mandatory training for all Lockport Police personnel:

Training Type	Hours
1) Firearms Qualification	2 – 4-hour blocks
2) Use of Force Training	4-hour blocks
3) Emergency Vehicle Operation	2-hour block
4) Mental Health/ CIT	4-hour blocks
5) De-escalation	2-hour blocks
6) CPR/AED	4-hour block
7) Implicit Bias Policing	2-hour block
8) Taser Qualification	4-hour block
9) Reality Based Training	2 – 4-hour blocks
10) Sexual Harassment	2-hour block
11) Diversity Training	2-hour block
12) Legal Updates /Search/Seizure	4-hour block
13) Supervisor/Leadership	4-hour block
14) Procedural Justice	2-hour block
15) Defensive Tactics	4-hour block

TOTAL 58 hours

And be it further

Resolved, that the City of Lockport shall allocate the sum of \$57,600 for the aforementioned police department training.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **020321.12 Local Law No. 1 of the year 2021 – WITHDRAWN**

#### **020321.13**

By Alderman Schratz:

Resolved, that pursuant to the request of Brian Hutchison, permission is hereby granted to maintain a sign in the City's right-of-way at 16 West Main Street, Lockport, NY 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 sign 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,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Allport and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **020321.14**

By Alderman Schratz:

Whereas, the City of Lockport (City), is seeking a grant for the GIGP Streetscape Phase II project and intends to submit via the New York Green Innovation Grant Program (GIGP); and

Whereas, the City project cost estimate for the GIGP Streetscape Phase II Project is \$1,760,000; and

Whereas, the GIGP through NYS Environmental Facilities Corporation (NYSEFC) may fund up to 90% of the project cost or \$1,584,000; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City via the CFA for the GIGP Streetscape Phase II Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the as well as a Grant Agreement with the NYSEFC 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 Green Innovation Grants Program. Under the GIGP, this local match must be at

least 10% of total project of \$1,760,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$176,000 subject to receipt of a GIGP grant and available funding. The total estimated maximum grant is \$1,584,000. 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 to the NYSEFC Green Innovation Grants Program for the GIGP Streetscape Phase II Project; and be it further

Resolved, that should a GIGP grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Green Innovation Grants Program through NYSEFC.

Seconded by Alderman Kantor and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **020321.15**

By Alderman Abbott:

Whereas, the City of Lockport (City) has reviewed the proposed project for the Streetscape Phase II Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review (SEQR), for a determination as to the level of required environmental review for the proposed project; now, therefore, be it

Resolved, that the City does hereby determine that the proposed action is a Type II action for SEQR under 617.5(c)(3) "retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure" as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **020321.16**

By Alderman Kantor:

Whereas, the City of Lockport (City), is seeking a grant for the City CSO Monitoring Equipment project and intends to submit via the New York Green Innovation Grant Program (GIGP); and

Whereas, the project cost estimate for the City CSO Monitoring Equipment Project is \$50,000; and

Whereas, the GIGP through NYS Environmental Facilities Corporation (NYSEFC) may fund up to 75% of the project cost or \$37,500; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City to the NYSEFC GIGP for the City of Lockport CSO Monitoring Equipment 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 NYSEFC 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 25% local match as required by the GIGP. Under the GIGP, this local match must be at least 25% of total project of \$50,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$12,500 subject to receipt of a GIGP grant and available funding. The total estimated maximum grant is \$37,500. 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 to the NYSEFC Green Innovation Grants Program for the City of Lockport CSO Monitoring Equipment Project; and be it further

Resolved, that should a GIGP grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the GIGP through NYSEFC.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Schratz:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **020321.17**

By Alderman Allport:

Whereas, the City of Lockport (City) has reviewed the proposed project for the City of Lockport CSO Monitoring Equipment Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review (SEQR), for a determination as to the level of required environmental review for the proposed project, now, therefore, be it

Resolved, that the City does hereby determine that the proposed action is a Type II action for SEQR under 617.7(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site" as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

**020321.18**

By Alderman Abbott:

Whereas, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study for CSOs 6 and 8 to identify locations of excessive infiltration and inflow and capacity deficiencies, and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the (City) is preparing an application to the NYS Environmental Facilities Corporation (NYSEFC) Engineering Planning Grant Program (EPG) to investigate CSOs 6 and 8; now, therefore, be it

Resolved, that the Mayor is authorized to execute a Grant Application and if awarded, an Agreement with NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the EPG Agreement; and be it further

Resolved, that the City authorizes and appropriates a minimum of 20% local match as required by the EPG Program for the Wastewater Engineering Planning Study for CSOs 6 and 8. Under the EPG Program, this local match must be at least 20% of the grant award of \$30,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$6,000. The total estimated maximum project cost is \$36,000. The Mayor may increase this local match through the use of in kind services without further approval from the City.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Oates:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

**020321.19**

By Alderman Abbott:

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now, therefore, be it

Resolved, that the City of Lockport hereby determines that the proposed Wastewater Engineering Planning Study for CSOs 6 and 8 is a Type II action in accordance with 6 NYCRR Section 617.5(c) (18) and (21) which constitutes the "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action" and "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action" and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Alderman Devine and adopted. Ayes 6.

**020321.20**

By Alderman Oates:

WHEREAS, the City of Lockport has appropriated lease funds in FY 2021 public works budget; and

WHEREAS, the Director of Highways and Parks has recommended to trade in a current skidsteer and dozer blade attachment and enter in a lease agreement via NYS contract with Bobcat for a S76 T4 Bobcat Skidsteer Loader; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport Common Council hereby approves of the Mayor to enter into a lease contract, attached hereto with Bobcat and utilize budgeted funds in A.5110.54065.

Seconded by Alderman Abbott and adopted. Ayes 6.

**020321.21 Agreement with AZAVAR - WITHDRAWN**

**020321.22**

**ADJOURNMENT**

At 6:13 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 17, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

February 17, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**021721.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Schratz, the minutes of the Regular Meeting of February 3, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

2/4/21 Rosemarie Swanson, 385 Ontario Street, Lockport, NY – appointed to the Youth Board. Said term expires on December 31, 2023.

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)

#### **Notice of Complaint:**

2/12/21 62 Bridlewood Drive - tree  
Referred to the Director of Streets and Parks.

#### **Notice of Claim:**

2/3/21 Mary Beaudoin, 826 East High Street, Lockport, NY  
2/16/21 Zachary Nadeau, 4314 Upper Mountain Road, Sanborn, NY  
Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **021721.2**

By Alderman Oates:

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 February 18, 2021 as follows:

#### **2020 Expenses**

Fund A General - \$640.00  
Fund FX Water - \$1,139.48  
Fund G Sewer -\$606.00  
Fund H Capital - \$101,058.44  
**Total** - \$103,443.92

#### **2021 Expenses**

Fund A General - \$159,922.94  
Fund CD Community Development - \$5,880.00  
Fund CL Refuse & Recycling – \$96,288.53  
Fund FX Water - \$16,799.28  
Fund G Sewer -\$27,463.67  
Fund MS Health Insurance - \$1,412.50  
Payroll Pay Date 2/11 \$458,563.80

Seconded by Alderman Allport and adopted. Ayes 6.

**021721.3**

By Alderman Abbott:

Whereas, the City of Lockport believes in the right of all of its employees to receive a living wage; and

Whereas, State of New York has enacted the Minimum Wage Act (Article 19 of the New York State Labor Law); and

Whereas, the current effective minimum wage under such law is \$12.50 per hour, with future scheduled increases; now therefore be it

Resolved, the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees, the rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

Seconded by Alderman Oates and adopted. Ayes 6.

**021721.4**

By Alderman Allport:

Whereas, Title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulations on Reporting for Elected or Appointed Officials requires the reporting of time for certain elected or appointed officials participating in the New York State Retirement System, and

Whereas, Title 315.4 required that the Common Council establish by resolution a standard work day for each Elected or Appointed official serving the City of Lockport, and

Whereas, newly elected or appointed offices must prepare and file a time record for the first 180 days of taking office which is good for a period of eight years, and

Whereas, section 315.3 of Chapter VI, Title 2 of the New York Code of Rules and Regulations require the Common Council establish by resolution a standard work day for each elective or appointed official, and

Whereas, none of the participants listed below are in Tier 1, and

Whereas, all of the participants below have submitted their respective Record of Activities to the City Clerk.

NOW, THEREFORE, BE IT

Resolved, that the City of Lockport, a municipal corporation located at One Locks Plaza, Lockport, New York 14094 hereby establishes the following standard work days for these titles for the calendar year of 2020 and will report the officials to the New York State and Local Retirement System based on their record of activities:

<u>Title</u>	<u>Std.</u> <u>Work Day</u>	<u>Name</u>	<u>SS#</u>	<u>Reg#</u>	<u>Term</u>	<u>Record</u> <u>Activity</u> <u>Results</u>
Deputy Corporation Counsel	7	Jason Cafarella	7854		1/1/2020- 12/31/2020	12.29

Seconded by Alderman Devine and adopted. Ayes 6.

**021721.5**

By Alderman Allport:



WHEREAS, the City of Lockport FY 2021 appropriated operating budget has a Property and Right of Way (ROW) Maintenance Worker (CSEA grade 4) assigned to A.3620 Code and Safety Inspection; and

WHEREAS, said position is now vacant and the department head wishes to alter the position title to Code Compliance Technician (CSEA grade 6) to better fit the needs of the department; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lockport FY 2021 Appropriated budget's personnel detail is hereby altered to reflect this change.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **021721.6 Amend Budget WWTP trainee - WITHDRAWN**

By Alderman Schratz:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **021721.7**

By Alderman Oates:

### **City of Lockport**

#### **Local Law No. 1 of the year 2021**

A LOCAL LAW Amending Electrical Standards Section 66-19 of the Lockport City Code.

Be it hereby enacted by the City Council of the City of Lockport as follows:

#### **SECTION 19. ELECTRICAL STANDARDS**

##### **A. Licensing**

1. License; when required. No person shall conduct electrical inspections pursuant to applicable codes unless the person undertaking such inspections has obtained a license to inspect from the Chief Building Inspector.
2. Application for license.
  - (a) Applications for licenses shall be made at the Building Inspection Office. Such applications shall be made on forms prescribed by the Chief Building Inspector and shall contain such information as he or she may require.
  - (b) Persons seeking a license must submit documentation and certify that they meet the standards for an electrical inspection agency established by the Chief Building Inspector. The standards shall be filed in the office of the Commissioner and the City Clerk.
3. Issuance of license. The Chief Building Inspector shall issue a license if in his or her judgment, the applicant meets the standards for an electrical inspector and is competent to conduct electrical inspections. The City shall maintain a minimum of one and a maximum of three licensed inspectors.

4. Licensee: No person licensed under this chapter shall be deemed as an employee, officer or independent contractor of the City of Lockport.
5. Revocation and expiration.
  - (a) The Chief Building Inspector, at any time subsequent to the issuance of a license, if he or she has reason to believe that the licensee no longer meets the standards for an electrical inspector or is no longer competent to conduct electrical inspections, shall, after a hearing before the City's Corporation Counsel, have the power to suspend or revoke the license.
  - (b) All licenses, unless sooner revoked, shall expire on the last day of December after the date of issuance, and application for a new license shall be made in the same manner as for the original license by the last day of November.

## **B. Inspections**

1. Conformance with standards. All electrical installations, alterations and repairs of wiring for electrical, light, heat and power shall be made in conformity with the requirements of the edition of the National Electrical Code, published by the National Fire Protection Association, designated by order or regulation of the Code Enforcement Officer.
2. Inspections.
  - (a) Inspections shall only be conducted by individuals licensed by the Chief Building Inspector.
  - (b) The inspector shall make inspections and re-inspections of electrical installations within the City of Lockport upon the written request of the Building Inspections Department pursuant to this Chapter.
  - (c) In the event of any emergency, the inspector shall make electrical inspections upon the oral request of an official or officer of the City of Lockport.
3. Applicability. The provisions of this Chapter shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings exclusively for that purpose.
4. Reporting. The inspector shall issue a written report to the Chief Building Inspector within seventy-two (72) hours after conducting an inspection. The Chief Building Inspector shall enforce all the provisions of this chapter, the electrical provisions of the National Electric Code, all local laws and ordinances, and the Building Code, insofar as any of the same apply to electrical wiring.
5. Certificate of Compliance. The inspector shall issue a Certificate of Compliance when the electrical installations and equipment are completed and are in conformity with this chapter. The inspector shall cause a copy of the Certificate of Compliance be filed with the Chief Building Inspector in the City of Lockport within seventy-two (72) hours from the completion of the inspection. The Certificate of Compliance shall be in writing, on the licensee's letterhead, and shall contain the address of the premises and a description of the work approved.
6. Additional provisions. This Article VIII, entitled "Electrical Standards" is a supplement to the Electrical Ordinance of the City of Lockport that was approved by Common Council and effective September 30, 1964, along with any additional amendments. For further information regarding electrical inspections, permits and other pertinent information, refer to Chapter 89, Electrical Standards.

7. Penalties for offenses. Any person found to be in violation of the provisions under this Chapter by the Chief Building Inspector shall be subject to penalties as determined by the Chief Building Inspector. Penalties shall include written warnings, license suspension or license revocation. The inspector shall have the right to request a hearing in the event that its license is suspended or revoked. Said hearing shall be conducted before the City Corporation Counsel.

This Local Law shall be effective upon filing with the with the Secretary of State pursuant to the Municipal Home Rule Law.

Seconded by Alderman Schratz. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

The Local Law was thereupon declared duly adopted.

#### **021721.8**

By Alderman Allport:

WHEREAS, the City of Lockport Assessor's Office utilizes an online assessment program that allows the public to view assessments online; and

WHEREAS, said service was required to change vendor for the fiscal year, and the amount for the invoice under the vendor is not within appropriated budget; and

Resolved, that the 2021 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 2,300
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Increase:

A.1355.54115	Computer Software	\$ 2,300
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Seconded by Alderman Abbott and adopted. Ayes 6.

#### **021721.9**

By Alderman Kantor:

Whereas, the City of Lockport Police Department participates in joint enforcement activities with the Federal Drug Enforcement Agency and the Niagara County Drug Task Force; and

Whereas, the City of Lockport Police Department receives, from time to time, funds

generated from these joint enforcement activities which are to be used for the purchase, maintenance and/or replacement of capital equipment within the Police Department; and

Whereas, the City must amend its 2021 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the need to improve and maintain in-car cameras and plate readers; now, therefore, be it

Resolved, that the 2021 General Fund Budget is hereby amended as follows:

Increase:

Expense: A3120.54515 Special Supplies	\$10,883.43
A3120.52070 Public Safety Equipment	\$12,480.00
Revenue: A.3120.34389 Other Federal Public Safety	\$23,363.43

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **021721.10**

By Alderman Kantor:

Whereas, the City of Lockport Police Department has DA Asset Forfeiture funds bank account that has accumulated funds; and

Whereas, the City of Lockport Police Chief has ensured that funds can be used appropriately for Police Department upgrades and maintenance; and

Whereas, the City must amend its 2021 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the need to improve their briefing room equipment, utilities, and furniture; now, therefore, be it

Resolved, that the 2021 General Fund Budget is hereby amended as follows:

Increase:

Expense: A3120.54515 Special Supplies	\$6,593.05
Revenue: A.3120.34389 Other Federal Public Safety	\$6,593.05

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **021721.11**

By Alderman Schratz:

Whereas, each community contains significant multi-use trails which combine to form essential connections of the Shoreline, Erie Canalway, Empire State Trail, and local trail networks and,

Whereas, said communities acknowledge the regional significance of the confluences of these 3 greenways and wish to collaborate to maximize taxpayer investments to ensure community strengths; now, therefore, be it

Resolved, that the City of Lockport actively participate in the working group identified as the Northern Niagara Regional Trail Network Collaborative and to work to fulfill its stated vision.

Seconded by Alderman Allport and adopted. Ayes 6.

On motion of Alderman Oates, seconded by Alderman Devine, the Common Council moved to Executive Session regarding Labor Contract Negotiations and Negotiations Regarding Walnut Street at 5:58 P.M. Ayes 6. Carried.

Alderman Abbott left the session at 6:19 P.M.

On motion of Alderman Devine, seconded by Alderman Allport, the Common Council ended Executive Session at 6:35 P.M. Ayes 5. Carried.

**021721.12**

## **ADJOURNMENT**

At 6:35 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 3, 2021.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

March 3, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

#### **030321.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of February 17, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

02/18/21 Robert J. Woods, 71 Beverly Avenue, Lockport, NY - appointed to Heavy Equipment Operator in the Highways and Parks Department for the City of Lockport effective February 19, 2021. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

2/18/21 Enoch R. Plumeri, 126 Chestnut Street, Lockport, NY – appointed to the Human Relations Committee to fill the unexpired term of Felicia Grooms. Said term expires July 15, 2022.

3/1/21 Under and by the 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 make the following appointment to the Commissioners of Deeds:

John Jacoby, 4621 Lower River Road, Lewiston NY 14092

Said term expires on December 31, 2022.

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)

3/2/21 Taren J. LaGamba, Director WNY Historic Parks Assoc. Inc. requests permission to submit an application to the 2021 Wm. G. Mayne Jr. Grant Fund, in the amount of \$4,100, on the City's behalf. Received and filed.

#### **Notice of Claim:**

Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **030321.2**

By Alderman Oates:

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 March 4, 2021 as follows:

General Fund	Fund A	\$133,496.71
Water Fund	Fund FX	\$ 23,150.26
Sewer Fund	Fund G	\$ 9,444.27
Refuse Fund	Fund CL	\$ 87.25
Self Insurance	Fund MS	\$193,164.15
Community Dev.	Fund CD	\$183,710.00
Payroll	Pay Date 2/25	\$463,410.19

Seconded by Alderman Abbott and adopted. Ayes 6.

### **030321.3**

By Alderman Allport:

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>
Luca C. P. Quagliano	20	Asst Fire Chief

Seconded by Alderman Devine and adopted. Ayes 6.

### **030321.4**

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Cynthia Hinton, a retired City of Lockport Building Inspection employee for 32 years, from 1978 to 2010, who recently passed away.

Seconded by Alderman Schratz and adopted. Ayes 6.

### **030321.5**

By Alderman Kantor:

Resolved, that pursuant to their request, the Buffalo Niagara YMCA, is hereby granted permission to conduct the "Fitness in the Parks" program at Nelson C Goehle Marina Park Monday thru Thursday beginning June 3, 2021 until September 30, 2021. Said permission is subject to the YMCA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Oates and adopted. Ayes 6.

### **030321.6**

By Alderman Devine:

Whereas, the United States Department of Agriculture currently has a project surveying the presence of the invasive pest, European Cherry Fruit Fly in all species of cherry trees, honeysuckle bushes and several ornamental hosts such as barberry and dogwood in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate this invasive pest in the City of Lockport, the USDA European Cherry Fruit Fly project is hereby granted blanket permission to place yellow glue traps in host plants on City of Lockport properties and road rights of way subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **030321.7**

By Alderman Abbott:

Whereas, the City of Lockport's FY 2021 Appropriated Budget removed a wastewater treatment operator trainee (AFSCME grade 4) that was requested in the Mayor's Recommended Budget and put funds into contingency to be asked for if necessary; and

Whereas, the department head of Wastewater Treatment has requested that said position as well as an additional trainee position be filled as per audit findings; now, therefore, be it

Resolved, that the City of Lockport FY 2021 Appropriated Budget's personnel detail is hereby altered to reflect the increase of two positions and the line items are altered as stated below:

Expense:

Decrease:

G.1900.54775	Contingency	\$ 55,287
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Increase:

G.8130.51010	Full-Time Wages	\$ 41,990
G.8130.58010	FICA	\$ 1,285
G.8130.58020	Worker's Compensation	\$ 2,178
G.8130.58040	Medical Insurance	\$ 7,382
G.8130.58050	Retirement	\$ 2,452

Seconded by Alderman Oates and adopted. Ayes 6.

#### **030321.8**

By Alderman Schratz:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a NYS Community Development Block Grant (CDBG) application to the New York State Office of Homes and Community Renewal (the "OCR") for a grant to fund incentives supporting homeowner's rehabilitation within the City of Lockport, and

Whereas, the City of Lockport is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding; now, therefore, be it

Resolved, that the Common Council hereby calls for a virtual Public Hearing whereas all interested parties shall be heard regarding the CDBG program, the City's community development programs, and the proposed funding application. Said virtual Public Hearing to be held on March 17, 2021, at 5:30 pm; and be it further

Resolved, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman Kantor and adopted. Ayes 6.



**030321.9**

By Alderman Oates:

Whereas, the Treasurer's Office must employ the services of a third-party vendor to assist with collection of all fees and/or taxes paid by credit card through a convenience fee payment processing service; and

Whereas, the Treasurer's Office conducted a survey of available, competent vendors to perform this service to the City; and

Whereas, following its investigation into the subject, the Treasurer's Office identified the most competent vendor to be Value Payment Systems, LLC, a limited liability company organized under the laws of the State of Tennessee; and

Whereas, the Treasurer's Office sought input from the Corporation Counsel's Office regarding the terms of said agreement, and successfully obtained modifications that were recommended by the Corporation Counsel's Office, and

Whereas the agreement with Value Payment Services, LLC has been executed by the Mayor in order to avoid an interruption of the convenience fee payment processing service; now, therefore, be it

Resolved, that the Common Council hereby ratifies said Agreement, which shall remain in place for a period of two (2) years.

Seconded by Alderman Abbott and adopted. Ayes 6.

**030321.10**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Peacemakers and Lockport New Beginnings to conduct an Easter egg hunt, rain or shine, on Saturday, April 3rd, 2021 beginning at 1pm, at Outwater Park, and be it further

Resolved, that permission is subject to Lockport Peacemakers and Lockport New Beginnings 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 Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event, and be it further.

Resolved, that the City stage be made available to the event, if needed, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Devine and adopted. Ayes 6.

**030321.11**

By Alderman Oates:

Whereas, a technical error in the City of Lockport FY 2021 appropriated budget resulted in an employee remaining in a laborer position in public works (AFSCME grade 2) as opposed a municipal worker position (AFSCME grade 3) that was intended; and

Whereas, current turnover savings in the department has already resulted in excess full time salary wages to support the grade 3 municipal worker position; now, therefore, be it

Resolved, that the City of Lockport FY 2021 Appropriated Budget's personnel detail is hereby altered to reflect the change in title for department A.5110.

Seconded by Alderman Allport and adopted. Ayes 6.

**030321.12**

**ADJOURNMENT**

At 5:45 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 17, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

March 17, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**031721.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of March 3, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposal to submit a Community Development Block Grant application to the New York State Office of Homes and Community Renewal for funding to implement the Housing Rehabilitation program.

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

Recess for public input.

The Mayor closed the public hearing.

### FROM THE MAYOR

#### **Appointments:**

3/2/210 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments to Commissioner of Deeds for the term of two years expiring on December 31, 2022:

Kevin M. Watier, 784 East Avenue, Lockport, NY

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)

3/17/21 Paul K. Oates, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of April in observance of Good Friday:

Friday, April 2<sup>nd</sup>

There will be no change in the garbage pickup schedule.

Referred to the Media

#### **Notice of Claim:**

3/16/21 Jerry Nichols, 10623 Freeman Road, Medina, NY  
Referred to the Corporation Counsel.

### MOTIONS & RESOLUTIONS

#### **031721.2**

By Alderman Oates:

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 March 18, 2021 as follows:

General Fund	Fund A	\$102,869.20
Water Fund	Fund FX	\$ 20,783.08
Sewer Fund	Fund G	\$ 31,648.84
Refuse Fund	Fund CL	\$ 92,554.82
Self Insurance	Fund MS	\$ 56,985.65
Worker's Comp	Fund S	\$ 6,250.00
Payroll	Pay Date 3/11	\$441,283.91

Seconded by Alderman Abbott and adopted. Ayes 6.

**031721.3**

By Alderman Schratz:

Whereas, the City of Lockport has been invited by the New York State Homes and Community Renewal to submit an application for the 2020 New York State Community Development Block Grant (CDBG) Program, and

Whereas, the City of Lockport is desirous of applying for a rehabilitation program to assist low and moderate income homeowners; and

Whereas, a program has been prepared that meets those community needs, as identified; now, therefore, be it

Resolved, that the Mayor is hereby authorized to execute any documents related to the grant should funding be awarded, and be it further

Resolved, that the Mayor be and is hereby authorized to execute and submit a \$500,000 application to the New York State Homes and Community Renewal for the New York State CDBG Program.

Seconded by Alderman Allport and adopted. Ayes 6.

**031721.4**

By Alderman Oates:

Resolved, that pursuant to their request, Lockport AnJo Summer Baseball is hereby granted permission to use the baseball diamonds at Outwater Park for their 2021 summer season, subject to the approval of the schedule by the Highways & Parks Department, and be it further

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

Seconded by Alderman Abbott and adopted. Ayes 6.

**031721.5**

By Alderman Abbott:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to implement a microenterprise assistance program, and

Whereas, the Lockport Common Council is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to submitting an application for CDBG funding, now, therefore, be it

Resolved, that a virtual public hearing be held on April 7, 2021 at 5:30 p.m., before the Lockport Common Council, whereat all interested parties shall be heard regarding the CDBG program, the City's community development and economic development programs, and the proposed funding application, and be it further

Resolved, that, pursuant to New York State Executive Order 202.1, as amended and extended, public in-person access to the hearing will not be permitted and members of the public shall be permitted to access and participate in the meeting via telephone, and be it further

Resolved, that the City Clerk is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing to be published in the City's official paper, and to post

a copy of said notice on the City website, with both publication and posting to be made at least eight (8) days before the public hearing.

Seconded by Alderman Schratz and adopted. Ayes 6.

**031721.6**

By Alderman Schratz:

Whereas, the City of Lockport's FY 2021 Appropriated Budget reduced the City's Dog Control Officer FTE from .5 to .25; and

Whereas, in light of improved financial conditions, City officials have considered increasing the position back to the original FTE of .5; now, therefore, be it

Resolved, that the City of Lockport FY 2021 Appropriated Budget's personnel detail is hereby altered to reflect the increased FTE and the line items are altered as stated below:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 5,849
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Increase:

A.3510.51010	Full-Time Wages	\$ 5,433
A.3510.58010	FICA	\$ 416

Seconded by Alderman Devine and adopted. Ayes 6.

**031721.7**

By Alderman Devine:

Whereas, the City in 2004 negotiated a lease with Ulrich City Center, LLC (hereafter, "City Center") that included an option to purchase for a vacant parcel located at 195 Walnut Street; and

Whereas, City Center subsequently exercised the right to purchase the parcel in July 2005; and

Whereas, City Center has its sole member David Ulrich (hereafter, "Ulrich"); and

Whereas, City Center subsequently transferred the western portion of the original parcel to Niagara Management Group, LLC (hereafter, "NMG"), another entity owned by Ulrich; and

Whereas, the 2004 lease contained an environmental indemnification that survived the subsequent purchase; and

Whereas, Ulrich has advised the City that environmental testing on the parcel owned by NMG has detected contamination that was reported to the NYS Department of Environmental Conservation (hereafter, "DEC"); and

Whereas, the DEC will require the parcel to be remediated in accordance with state and federal law; and

Whereas, the costs of remediation are estimated to be extremely significant, with a range of \$500,000 to \$1,000,000; and

Whereas, Ulrich has invoked the environmental indemnification clause from the 2004 lease; and

Whereas, the City believes it has legal defenses to the claim, but understands the cost of litigation alone would be significant, and the outcome uncertain; and

Whereas, Ulrich and his related entities, including City Center, NMG and Elm-Locust, LLC, have offered to release the City from its indemnification and environmental liability obligations for the sum of \$200,000; and

Whereas, the Common Council has obtained a legal opinion from experts in environmental law that a release from the Ulrich entities would provide the City with an opportunity to limit its exposure to payment of remediation costs; and

Whereas, the City's financial position will be better served by a fixed settlement of the issue rather than protracted litigation; now therefore be it

Resolved, that the Mayor is hereby authorized on behalf of the City to enter into the settlement agreement with the Ulrich entities, subject to approval of Corporation Counsel; and be it further

Resolved, that the Common Council authorizes the payment of \$200,000 to NMG in full release of the City's environmental indemnification and liability for remediation at the parcel known as 195 Walnut Street; and be it further

Resolved, that to effectuate said payment, the 2021 General Fund Budget is hereby amended as follows:

Expense:

DECREASE

A.1900.54775	Contingency	\$200,000.00
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INCREASE

A.1900.54765	Judgments and Claims	\$200,000.00
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Seconded by Alderman Allport and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

### **031721.8**

By Alderman Devine:

Resolved, that Taren LaGamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2021 William G. Mayne, Jr. Grant Fund for a grant to be used for community enhancement.

Seconded by Alderman Kantor and adopted. Ayes 6.

### **031721.9**

By Alderman Oates:

Whereas, through resolution 111820.7, the Council directed the City Treasurer to transfer funds from under expended appropriations accounts to over expended accounts in the 2020 General, Water, Sewer, and Refuse Fund budgets, and to appropriate fund balance to the extent necessary to balance the budgets; and furthermore, report to the Common Council on those accounts having had transfers, and

Whereas, the City Treasurer and the Director of Finance have prepared and posted the necessary budgetary amendments to balance the budgets for 2020. The adjustments recorded have been attached to this resolution. Now, therefore, be it

Resolved, that the 2020 General Fund, Water, Sewer and Refuse Budgets are hereby amended.

Seconded by Alderman Kantor and adopted. Ayes 6.

**031721.10**

By Alderman Oates:

Whereas, the Department of Finance has completed a review of all open capital projects, and

Whereas, all completed projects have been identified, associated account balances verified, and budgetary balances have been resolved (see attachment included), and

Whereas, closure of all completed projects with outstanding funds require Council approval to move excess funds to original funding sources, and

Whereas, capital projects requiring additional funds due to reductions in revenues or unrealized funding must have funds supplied from the 2020 operating budget; now, therefore, be it

Resolved, that the following capital project be closed, the account balance be transferred to the original funding source or from operating sources, and all related budgets be closed:

Project #	Funding Source	Sponsor Fund	Surplus/ (Deficit)
H159	Debt	General	\$ 10,340.08
H185	Debt	General	\$ 50,000.00
H193	Debt	Sewer	\$ 18,210.26
H186	Debt	Sewer	\$ 40,812.19
H179	General	General	\$ 7,585.13
H191	General	General	\$ 5.00
H187	Sewer	Sewer	\$ 53.60
H195	Sewer	Sewer	\$ 5,095.36
H164	General	General	\$ (19,288.83)
H181	General	General	\$ (5,220.00)
H182	Sewer	Sewer	\$ (0.10)
H171	Sewer	Sewer	\$ (45.86)

Seconded by Alderman Kantor and adopted. Ayes 6.

**031721.11**

By Alderman Oates:

Whereas, the City of Lockport FY 2021 appropriated reduced funds available for the community pool department; and

Whereas, services for maintenance are required to be done at this time and funds need to be moved; now, therefore, be it

Resolved, that the 2021 General Fund Budget is hereby amended as follows:

Expense:

Decrease:		
A.1900.54775	Contingency	\$ 5,000
Increase:		
A.7180.54050	Equip. Maintenance and Repair	\$ 5,000

Seconded by Alderman Devine and adopted. Ayes 6.

### **031721.12**

By Alderman Oates:

Whereas, through resolution 121620.11, the Council directed the Mayor to accept a bid to purchase a replacement vehicle in water distribution using 2020 operating funds, and

Whereas, said purchase and invoice could not be completed within the FY 2020 timeframe and is to be encumbered and moved to the FY 2021 operating budget; now, therefore, be it

Resolved, that the 2021 Water Budget is hereby amended to reflect the increase in encumbered funds in the amount of \$71,578.20 to FX.8340.52035.

Seconded by Alderman Kantor and adopted. Ayes 6.

### **031721.12A**

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Russell Sprung, a city employee for the past 15 years, most recently as a heavy equipment operator with the Highways and Parks department, who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

### **031721.13**

### **ADJOURNMENT**

At 6:19 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 7, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

April 7, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**



The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Kantor, Oates, and Schratz.

Alderman Devine absent.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **040721.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Oates, seconded by Alderman Kantor, the minutes of the Regular Meeting of March 17, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on the NYS Community Development Block Grant program to provide funding to communities under the Microenterprise Program to create or expand job opportunities.

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

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

3/26/21 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby create the Ad-Hoc Comprehensive Plan Committee, effective March 26, 2021, and make the following appointments:

Ellen Schratz  
Amy Fisk  
Brian Smith  
Jamie Elmer  
Renee Cheatham

390 Locust Street, Lockport, NY  
6311 Inducon Corporate Dr., Sanborn, NY  
362 Deerhurst Pk Blvd. Buffalo, NY  
2886 Brent Dr. Sanborn, NY  
5534 Victoria Ln, Lockport, NY

Kevin Foltz  
Kevin McDonough  
Gary Bennett  
Received and filed.

94 N. Transit St., Lockport, NY  
70 Lakeview Pkwy., Lockport, NY  
535 Willow St., Lockport, NY

3/26/21 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby create the Ad-Hoc Comprehensive Plan Rezoning Committee, effective March 26, 2021, and make the following appointments:

Jason Dool	149 Roosevelt Dr.
Debra Allport	161 Lincoln Ave.
Nancy Babis	138 Grant St.
Meghan Lutz	207 Washington St.
Pat McGrath	70 Lakeview Pkwy.
James McCann	54 Waterman St.

Received and filed.

3/26/21 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby create the Ad-Hoc 911 Dispatch Review Committee, effective March 26, 2021, and make the following appointments:

Common Council President Mark Devine  
Niagara County Legislator Anita Mullane  
Fire Board Member Robert Bates  
Police Board Member Flora Hawkins  
Fire Union representative Joshua Wolck  
Police Union representative Kevin Lucinski  
Retired NFPD Dispatcher Lt. Michael Drake  
Retired NT Fire Dispatcher Frank Demart  
Deputy Corporation Counsel Jason Cafarella  
Lockport Police Chief Steven Abbott  
Niagara County Sheriff Michael Filicetti

Received and filed.

3/26/21 Joshua J. Ritchie, 20 Cherry Street, Lockport, NY – appointed to WWTP Operator Trainee for the City of Lockport effective March 26, 2021. Said appointment is Permanent 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)

4/1/21 Paul K. Oates, City Clerk – notification of bids received on March 31, 2021 for Refuse Collection and Disposal and Recyclable Materials Collection and Processing.

The following bid proposals for the above referenced were received and opened on March 31, 2021:

Waste Management West Seneca, NY	\$1,546,627.15
Modern Disposal Model City, NY	\$1,283,541.21

Referred to Committee of the Whole

**Notice of Complaint:**

3/23/21	478 Willow Street – Trees
3/29/21	131 Church Street – Tree stump
	281 Pine Street – Tree
	69 Chapel Street – Tree roots
	156 Vine Street – Trees
	7 Priscilla Lane – Tree roots
3/31/21	285 Grand Street – Tree
3/31/21	49 Adam Street - Tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

Referred to the Corporation Counsel.

**Order to Show Cause:**

3/31/21 Hickory Club P.B.A.; Daniel Barrancotta; Patricia Burdick; David Pytlik; and Marissa Bonito vs. City of Lockport; COL Board of Police Commissioners; and COL Chief of Police

**MOTIONS & RESOLUTIONS**

**040721.2**

By Alderman Oates:

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 April 8, 2021 as follows:

General Fund	Fund A	\$402,818.79
Water Fund	Fund FX	\$ 41,336.43
Sewer Fund	Fund G	\$ 56,083.77
Capital Projects	Fund H	\$ 54,918.50
Refuse Fund	Fund CL	\$ 257.81
Self Insurance	Fund MS	\$ 81,496.20
Worker's Comp	Fund S	\$ 7,277.00
Payroll	Pay Date 3/25	\$449,336.70

Seconded by Alderman Allport and adopted. Ayes 5.

### **040721.3**

By Alderman Oates:

Whereas, the boat stewards of the WNY Partnership for Regional Invasive Species Management (PRISM) have performed voluntary boat inspections to remove visible aquatic plants and animals from all types of watercraft, and

Whereas, the removal of these plants and animals helps prevent the transport and spread of aquatic invasive species, and

Whereas, WNY PRISM has conducted its boat steward program in Lockport for the past two years and wishes to do so again this summer, and

Whereas, the stewards will also be responsible for public education and distribution of educational materials; now, therefore, be it

Resolved, that pursuant to their request, WNY PRISM is hereby granted permission to have watercraft inspection stewards at launches at Nelson C. Goehle Wide Waters Marina during the upcoming season. Stewards will work Thursday through Sunday and holidays, 7am until 5:30pm, from Memorial Day weekend through Labor Day weekend. Said permission is subject to WNY PRISM filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 5.

### **040721.4**

By Alderman Schratz:

Whereas, the New York State Community Development Block Grant Program provides funding to communities under the Microenterprise Program to undertake activities that focus on community development needs such as creating or expanding job opportunities, and

Whereas, the City of Lockport (the "City") desires to partner with The Greater Lockport Development Corporation ("GLDC") as a subrecipient to apply to the New York State Office of Community Renewal ("OCR") for \$300,000 for eligible Microenterprise activities which will provide grants to eligible businesses (including startup and existing) for working capital, equipment, etc., and

Whereas, the City has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and regarding the proposed Microenterprise Program; now therefore, be it

Resolved, that the Mayor is hereby authorized to submit a grant application in the amount of \$300,000, such amount to be used to provide business grants and fund the costs of grant administration and program activities, and be it further

Resolved, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

Resolved, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with GLDC relating to the use and administration of the grant funds, subject to review and approval by the City Attorney.

Seconded by Alderman Allport and adopted. Ayes 5.

### **040721.5**

By Alderman Abbott:

Whereas, the City of Lockport's FY 2021 Appropriated Budget reduced the Engineering Department Intern position in light of financial difficulties from COVID-19.

Whereas, in light of improved financial conditions, City officials have recommended increasing the position back to pre-COVID hours; now, therefore, be it

Resolved, that the City of Lockport FY 2021 Appropriated Budget's personnel detail is hereby altered to reflect the increase in FTE and the line items are altered as stated below:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 8,612
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Increase:

A.1440.51040	Part-Time Wages	\$ 8,000
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A.1440.58010	FICA	\$ 612
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Seconded by Alderman Allport and adopted. Ayes 5.

#### **040721.6**

By Alderman Allport:

Resolved, that pursuant to their request, the MUNY Buffalo Men's Senior Baseball League ('MSBL') is hereby granted permission to use the baseball diamond at Outwater Park for their 2021 practices and home games, subject to approval of the schedule by the Highways & Parks Department, and MSBL filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Schratz and adopted. Ayes 5.

#### **040721.7**

By Alderman Kantor:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to erect a banner at least 17' from the ground on East Avenue at Davison Road to promote their, "Kenan Center American Craftsmen: 50<sup>th</sup> Anniversary Weekend" event which will be held Saturday, July 10<sup>th</sup> and Sunday, July 11<sup>th</sup>, 2021. Banner is to be erected for a minimum of one week prior to the event dates based on a schedule approved by the City Clerk, and be it further

Resolved, that 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 and subject to payment of \$50 for the banner to be erected, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 5.

#### **040721.8**

By Alderman Oates:

Whereas, COVID-19 has had significant impact on the financial security of the City of Lockport since early FY 2020;

Whereas, the City of Lockport's FY 2021 Appropriated Budget was developed in a particularly conservative nature, as typical revenue sources had uncertain futures;

Whereas, the City has now acquired unbudgeted revenue sources (State AIM funds) that have been received and recommended by the NYS Comptroller' Office to be accounted for in the 2021 fiscal year;

Whereas, the administration has compiled a recommendation to the use of these funds in form of a FY 2021 Supplemental Budget #1, which proposes that said funds be appropriated for three distinct purposes - (1) a parks improvement program to revitalize the City's parkscapes, infrastructure, and equipment (with associated capital project to account for purchases), (2) to appropriate all revenues and expenditures found in the FY 2021 Mayor's Recommended Budget for the Playground and Recreation Centers, Marina, and Community Pool, and (3) to contribute funds to the negative budgeted line item for turnover and vacancy savings as per OSC recommendation;

Resolved, that the FY 2021 General Fund and Capital Budget be updated to reflect these changes described above with full line-item detail in the attached handout.

Seconded by Alderman Abbott and adopted. Ayes 5.

### FY 2021 Budget Supplement #1 Proposal

Line Item	Description	Amount
A.0000.33001	State Aid Per Capita	\$ 397,579
A.7140.32001	Parks and Recreation Charges	\$ 4,575
A.7140.32025	Special Recreation Facility Charges	\$ 2,500
A.7140.33820	Youth Program State Aid	\$ 18,386
A.7180.32001	Parks and Recreation Charges	\$ 7,000
A.7180.32012	Recreation Concessions	\$ 1,000
A.7180.32025	Special Recreation Facility Charges	\$ 2,500
A.7185.32001	Parks and Recreation Charges	\$ 1,500
A.7185.32012	Recreation Concessions	\$ 5,000
A.7185.32025	Special Recreation Facility Charges	\$ 800
<b>Revenue Total:</b>	<b>\$440,840</b>	
A.7140.51060	Temporary / Seasonal	\$ 23,400
A.7140.54500	Medical Fees and Services	\$ 200
A.7140.54510	Program Expenses	\$ 1,500
A.7140.54515	Special Supplies	\$ 730
A.7140.58010	FICA	\$ 1,790
A.7140.58050	Retirement	\$ 3,791
A.7180.51060	Temporary / Seasonal	\$ 31,500
A.7180.54050	Equip. Maintenance/Repair	\$ 1,500
A.7180.54076	Property Repairs	\$ 1,000
A.7180.54085	Clothing and Uniforms	\$ 630
A.7180.54440	Fees & Permits	\$ 250
A.7180.54500	Medical Fees and Services	\$ 200
A.7180.54510	Program Expenses	\$ 200
A.7180.54515	Special Supplies	\$ 500
A.7180.54520	Chemicals	\$ 3,000
A.7180.58010	FICA	\$ 2,410
A.7185.51060	Temporary / Seasonal	\$ 6,666
A.7185.54050	Equip. Maintenance/Repair	\$ 500
A.7185.54077	Const. & Maint. Supplies	\$ 1,500
A.7185.54078	Gasoline, Oil, Diesel Fuel	\$ 7,000
A.7185.54515	Special Supplies	\$ 2,000
A.7185.58010	FICA	\$ 510

A.9000.51170	Additional & Other Compensation	\$ 75,063
A.9901.5900.H	Interfund Transfer to Capital	\$ 275,000
<b>Expenditure Total:</b>	<b>\$440,840</b>	

#### **040721.9**

By Alderman Oates:

Resolved, that a virtual public hearing be held at the Common Council Meeting of April 21, 2021 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Kayleen Sylvis, for approval to hold outdoor social events to be located at 767 Market Street, situated in a R-2 Zone; and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **040721.10**

By Alderman Abbott:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support an expansion by Trek, Inc. of its operations at 190 Walnut Street within the City, and

Whereas, the Lockport Common Council is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to submitting an application for CDBG funding, now, therefore, be it

Resolved, that a virtual public hearing be held on April 21, 2021 at 5:30 p.m., before the Lockport Common Council, whereat all interested parties shall be heard regarding the CDBG program, the City's community development and economic development programs, and the proposed funding application, and be it further

Resolved, that, pursuant to New York State Executive Order 202.1, as amended and extended, public in-person access to the hearing will not be permitted and members of the public shall be permitted to access and participate in the meeting via telephone, and be it further

Resolved, that the City Clerk is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing to be published in the City's official paper, and to post a copy of said notice on the City website, with both publication and posting to be made at least eight (8) days before the public hearing.

Seconded by Alderman Schratz and adopted. Ayes 5.

#### **040721.11**

By Alderman Oates:

Whereas, the City of Lockport has an annual fee structure of \$100 per year, per applicant, for revocable permits to utilize the City's right-of-way; and

Whereas, the City wishes to allow for a waiver of said fee on an annual basis, after the initial fee is paid in year one, for the same application; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby waives the annual fee of \$100 per applicant, for a revocable permit for using the City right-of-way, after the first year fee of \$100 is paid. If an applicant's permit request is the same annually, after the initial fee of \$100 is paid, said fee will be waived each year thereafter that the applicant applies for the waiver; and be it further

Resolved, applicants must still make the annual application for the waiver, but the fee will be waived. Said waiver of fee does not guarantee permission of a revocable permit on an annual basis; and be it further

Resolved, applicants will continue to be responsible for providing the City Clerk's office with a certificate of insurance naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 5.

**040721.12**

## **ADJOURNMENT**

At 5:54 P.M. Alderman Oates moved the Common Council be adjourned until 5:30 P.M., Wednesday, April 21, 2021.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

April 21, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**042121.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of April 7, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.



## **PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to hold Outdoor Events at 767 Market Street.

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

4/6/21 Terry Harmon, Lockport Planning and Zoning Board – the Board recommends the request with stipulations.

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing on the NYS Community Development Block Grant funding to communities under the Economic Development Program to create or expand job opportunities.

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

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

4/8/21 Brian Bull, 179 Irving Street, Lockport, NY – reappointed to the License Revocation Board effective March 3, 2021. Said term expires on March 3, 2023. Received and filed.

4/19/21 Danielle K. Lawrence, 82 Saxton Street, Lockport, NY – appointed to Account Clerk for the Building Inspection Department for the City of Lockport effective April 16, 2021. Said appointment is permanent 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)

**Notice of Complaint:**

4/7/21 101 Center Street – tree  
4/12/21 251 Niagara Street – tree  
4/14/21 211 High Street – tree  
4/15/21 434 Vine Street - tree

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**042121.2**

By Alderman Oates:

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 April 22, 2021 as follows:

General Fund	Fund A	\$51,086.44
Water Fund	Fund FX	\$48,786.72
Sewer Fund	Fund G	\$38,531.39
Capital Projects	Fund H	\$3,781.40
Refuse Fund	Fund CL	\$98,921.00
Self Insurance	Fund MS	\$58,906.24
Payroll	Pay Date 4/8	\$467,997.85

Seconded by Alderman Devine and adopted. Ayes 6.

**042121.3**

By Alderman Abbott:

Whereas, the New York State Community Development Block Grant Program provides funding to communities under the Economic Development Program to undertake activities that focus on economic development needs such as creating or expanding job opportunities, and

Whereas, Trek, Inc. (hereinafter the “Company”) plans to construct building improvements, acquire machinery and equipment, and incur working capital expenses in connection with the expansion of its operations at 190 Walnut Street within the City of Lockport (the “Project”); and

Whereas, the Project will have an estimated cost of \$8.2 million and will create new employment opportunities within the City of Lockport; and

Whereas, the City of Lockport (the “City”) desires to partner with The Greater Lockport Development Corporation (“GLDC”) as a subgrantee to apply to the New York State Office of Community Renewal (“OCR”) for \$450,000 in grant funding which would be used by GLDC to make a term loan and deferred loan to the Company to fund a portion of the Project costs; and

Whereas, the City has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the proposed grant application; now, therefore, be it

Resolved, that the Mayor is hereby authorized to submit a grant application in the amount of \$450,000, such amount to be used to provide funding to support the Project, and be it further

Resolved, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

Resolved, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with GLDC relating to the use and administration of the grant funds, subject to review and approval by the City Attorney.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **042121.4**

By Alderman Oates:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a Lockport Community Farmers Market ("LCFM") on Canal Street, the pocket park and the adjoining parking lot, the extent to be determined by the city, each Saturday 9am-2pm beginning June 5<sup>th</sup> and running through October 23<sup>rd</sup>, 2021, and be it further

Resolved, that permission is hereby granted to host a new, mid-week Farmers Market every Wednesday from 2pm-6pm beginning July 7<sup>th</sup> and running through September 29<sup>th</sup>, 2021; and be it further

Resolved, that permission is hereby granted to access the electricity available at the light posts, in addition to the gazebo, and for the city to install the outdoor extension cords at each junction box, and be further

Resolved, that LCFM is authorized to place yard signs in the city rights-of-way for June through October, and A-frame directional signage at the intersections of Main and Pine, and Main and Church, for the open hours of the market on assigned days; and be it further

Resolved, that said permission is subject to Lockport Main St. Inc. 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 Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said dates; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **042121.5**

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Professional Fire Fighters Association is hereby granted permission to use the softball field at Outwater Park for the 2021 Niagara County Fire Fighters Softball League season, subject to approval of the schedule by the Highways & Parks Department, for six games to be played between May 11<sup>th</sup> and August 3<sup>rd</sup>, 2021; and be it further

Resolved, that the LPFFA file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **042121.6**

By Alderman Oates:

Resolved, that the request for a special use permit made by Kayleen Sylvis to hold outdoor events, located at 767 Market Street, situated in a R-2 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.  
No excessive noise or disturbance of neighborhood.  
No appreciable change in traffic.  
No outside storage of materials.  
Special permits can be indefinite or limited to a specific time.  
The social events shall be held only on Thursday, Saturday or Sunday during normal business hours.  
The social events shall not extend past 8 p.m.  
Any alcohol sales must be provided by an outside vendor.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **042121.7**

By Alderman Kantor:

Whereas, Community Solar Campaigns are short term, local efforts that bring together groups of potential customers through widespread outreach and education, and

Whereas, this model helps customers choose a Community Solar company that is offering competitive, transparent pricing, and

Whereas, residents and businesses who participate in the campaign by a specific deadline will be able to take advantage of group rates below market prices, and

Whereas, the New York State Energy Research and Development Authority (NYSERDA) provides technical assistance and other tools and resources to communities in support of Community Solar campaigns; now, therefore, be it

Resolved, that the City of Lockport supports, endorses, and is committed to participate in a Community Solar Campaign; and be it further

Resolved, that the City of Lockport stands ready to assist with community outreach and education in support of a Community Solar Campaign.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **042121.8**

Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding;

Whereas, the City of Lockport's Common Council and Mayor had a public workshop to do a preliminary review of projects and estimates and have come to the current consensus on what improvements should be made;

Descriptions: Wheelchair picnic tables, parking lot improvements, baseball/softball, pickleball, volleyball, roof, paths, skatepark, pool improvements, bathrooms, flowers, poison ivy removal, docks, tennis, and misc. Total: \$275,000

Resolved, that Capital Budget detail for H206 be updated with the above descriptions, and that expenditures for the project may begin if within the budgeted amount (and following procurement policy).

Seconded by Alderman Kantor and adopted. Ayes 6.

**042121.9**

By Alderman Allport:

Whereas, the City of Lockport currently uses New World software from Tyler Technologies for budgeting, accounting, AP, payroll, and human resources; and

Whereas, the Finance Department was appropriated funds for New World training and consultation in the FY 2021 appropriated budget; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a training and consultation contract, attached hereto with Tyler Technologies and utilize budgeted funds in A.1310.54055.

Seconded by Alderman Schratz and adopted. Ayes 6.

**042121.10**

By Alderman Schratz:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled 3 quotes for a steel roof replacement of the Outwater Park Little Loop Building and has recommended to move forward with the lowest bidder; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, attached hereto with Granzow Construction for \$31,509.74 and utilize funds in the H206 capital project.

Seconded by Alderman Oates and adopted. Ayes 6.

**042121.11 Budget Supplement Revision - WITHDRAWN**

**042121.12**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Hospice to conduct the 8th Annual Hospice Gran Fondo Bike Ride, on Saturday, July 24<sup>th</sup>, 2021 beginning at 7 a.m. subject to approval of the race route by the Police Chief, and 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.

**042121.13**

By Alderman Abbott:

Whereas, Community Electric Vehicle Campaigns are short term, local efforts that bring together groups of potential customers through widespread outreach and education, and

Whereas, this model helps customers choose an electric vehicle company that is offering competitive, transparent pricing, and

Whereas, residents and businesses who participate in the campaign by a specific deadline will be able to take advantage of group rates below market prices, and

Whereas, the New York State Energy Research and Development Authority (NYSERDA) provides technical assistance and other tools and resources to communities in support of community Electric Vehicle campaigns; now, therefore, be it

Resolved, that the City of Lockport supports, endorses, and is committed to participate in an Electric Vehicle Campaign; and be it further

Resolved, that the City of Lockport stands ready to assist with community outreach and education in support of the Electric Vehicle Campaign.

Seconded by Alderman Allport and adopted. Ayes 6.

**042121.14**

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Richard Litz, a retired firefighter who worked at the City of Lockport Fire Department from 1969-1999, who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**042121.15 Budget Amendment re: Position Title Sr. Account Clerks – WITHDRAWN**

**042121.16**

By Alderman Allport:

Resolved, that the street currently known as, 'Ceramics Plaza' be and the same is hereby renamed, 'Hydraulicrace Way'; and be it further

Resolved, that the City Clerk is hereby directed to record the new street name in the 'Highway Record'; and be it further

Resolved, that the Director of Highways and Parks is authorized and directed to take the necessary steps to erect the appropriate signage.

Seconded by Alderman Oates and adopted. Ayes 6.

**042121.17**

By Alderman Oates:

Resolved, that pursuant to his request, Matthew Martin, 13 W. Main Street is hereby granted permission to place two dumpsters in the city right-of-way, from April 22<sup>nd</sup> through May 5<sup>th</sup>, 2021, for the duration of their renovation project. Said permission is subject to Matthew Martin filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Schratz and adopted. Ayes 6.

**042121.18 2021 Agreement with Niagara CAP – WITHDRAWN**

**042121.18A**

By Alderman Allport:

Whereas, the City of Lockport's Collective Bargaining Agreement with Local 855 of the International Union, American Federation of State, County, and Municipal Employees, AFL-CIO, District Council 66 ("AFSCME") expired on December 31, 2012; and

Whereas, the City of Lockport's negotiating committee and AFSCME's negotiating committee reached a tentative agreement; and

Whereas, the AFSCME's union membership has approved the tentative agreement; and

Whereas, the Common Council has reviewed that attached tentative agreement with appendices; now, therefore, be it

Resolved, that the City of Lockport hereby adopts and approves the tentative agreement with appendices, and that the City of Lockport FY 2020 General, Water, and Sewer Operating Budgets be amended as follows:

By Alderman Devine:

Resolved, that the reading of the revenue and expenditures in this foregoing resolution be the same is hereby waived.

Seconded by Alderman Schratz Ayes 6.

### **Revenue**

Increase:

A.0000.30599	Appropriated Fund Balance	\$72,000
FX.0000.30599	Appropriated Fund Balance	\$54,000
G.0000.30599	Appropriated Fund Balance	\$42,000

### **Expenditures**

Decrease:

A.1900.54775	Contingency	\$72,000
FX.1900.54775	Contingency	\$54,000
G.1900.54775	Contingency	\$42,000

Increase:

A.1900.54775	Contingency	\$72,000
FX.1900.54775	Contingency	\$54,000
G.1900.54775	Contingency	\$42,000
A.1620.51170	Additional & Other Comp.	\$6,000
A.1640.51170	Additional & Other Comp.	\$6,000
A.5110.51170	Additional & Other Comp.	\$30,000
A.7110.51170	Additional & Other Comp.	\$15,000
A.8730.51170	Additional & Other Comp.	\$15,000
FX.8310.51170	Additional & Other Comp.	\$3,000
FX.8330.51170	Additional & Other Comp.	\$27,000
FX.8340.51170	Additional & Other Comp.	\$24,000
G.8120.51170	Additional & Other Comp.	\$9,000
G.8130.51170	Additional & Other Comp.	\$27,000
G.8135.51170	Additional & Other Comp.	\$6,000

Seconded by: Alderman Schratz and adopted. Ayes: 6.

### **042121.18B**

By Alderman Devine:

Resolved, that a virtual public hearing be held at the Common Council Meeting of May 5, 2021 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Thomas P. Callahan of the Hydraulic Race Co., for approval of signage to be located at 5 Gooding Street, situated in an I-2 Zone, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

**042121.19**

## **ADJOURNMENT**

At 6:20 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday May 5, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

May 5, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**050521.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of April 21, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**



The Mayor announced a public hearing in a request for a Special Use Permit to utilize seasonal banner signs throughout the property at 5 Gooding Street.

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

5/5/21 Terry Harmon, Lockport Planning and Zoning Board – the Board recommends the request with a stipulation.

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Appointments:**

4/21/21 Julissa Quero, 268 South Street, Lockport, NY – appointed to the Celebrations & Events Committee effective April 21, 2021.  
Received and filed.

4/22/21 Heather N. Grimmer, P.O. Box 438, Lockport, NY 14095 – appointed to the Lockport Housing Authority effective April 26, 2021.  
Received and filed.

4/23/21 Raymond M. Aldrich, 18 Spruce Street, Lockport, NY 14094 – appointed to Heavy Equipment Operator for the City of Lockport Streets Department effective April 30, 2021. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

4/23/21 Jean M. Kiene, 400 Willow Street, Lockport, NY – reappointed to the Environmental Advisory Committee effective April 23, 2021. Said term expires April 23, 2023.  
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)

4/28/21 Gregory Dudziak of Lock-City Moose Lodge #617 will be holding their annual Kids Fishing Derby on June 20<sup>th</sup>, 2021 at Widewaters Marina.  
Received and filed.

#### **Notice of Complaint:**

4/21/21 55 Weld Street - Tree  
4/23/21 185 Union Street - Tree  
Referred to the Director of Streets and Parks.

**Notice of Claim:**

04/23/21 Anthony Laspada, 185 South Street #2B, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS****050521.2**

By Alderman Oates:

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 May 6, 2021 as follows:

General Fund	Fund A	\$90,858.64
Water Fund	Fund FX	\$26,256.65
Sewer Fund	Fund G	\$16,718.23
Refuse Fund	Fund CL	\$307.22
Self Insurance	Fund MS	\$82,540.20
Community Dev.	Fund CD	\$250,000.00
Payroll	Pay Date 4/22/21	\$ 471,454.15

Seconded by Alderman Abbott and adopted. Ayes 6.

**050521.3**

By Alderman Allport:

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>
Thomas J. Venne	5	Police Officer
Tracy A. Farrell	5	Assessor

Seconded by Alderman Schratz and adopted. Ayes 6.

**050521.4**

By Alderman Oates:

Whereas, through resolution 070120.12C, the Council directed the Mayor to accept a bid to purchase system updates in water administration using 2020 operating funds; and

Whereas, said purchase and invoice could not be completed within the FY 2020 timeframe and is to be encumbered and moved to the FY 2021 operating budget; now, therefore be it

Resolved, that the 2021 Water Budget is hereby amended to reflect the increase in encumbered funds in the amount of \$28,328 to FX.8310.52015.

Seconded by Alderman Devine and adopted. Ayes 6.

**050521.5**

By Alderman Allport:

Whereas, Niagara Community Action Program ("Niagara CAP") provides emergency services to the needy and disadvantaged persons within Niagara County through use of funding grants and subsidies from federal, state, and municipal governments and agencies, and

Whereas, the City desires to contribute to and participate in the funding of Niagara CAP for such purposes in return for Niagara CAP's promise of emergency services to the residents of the City, now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to execute the 2021 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00, and that the FY 2021 General Fund Budget is amended as follows:

Expenditures:

Decrease

A.1900.54775	Contingency	\$2,500
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Increase

A.8510.54075	Maintenance/Service Agreements	\$2,500
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Seconded by Alderman Oates and adopted. Ayes 5. Alderman Abbott voted no.

#### **050521.6**

By Alderman Oates:

Resolved, that the request for a special use permit made by Hydraulic Race Co., Inc. to utilize seasonal banners, located at 5 Gooding Street, situated in a I-2 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

The signs be put up and taken down daily.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **050521.7**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted to 'Hogs and Heroes' to barricade Caledonia Street from North Transit Street to Church Street on Saturday, May 15, 2021, for a dice run to be held at the VFW Post, 112 Caledonia from 10am until 4pm; and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades and traffic cones to the area prior to the event; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **050521.8**

By Alderman Oates:

Whereas, an accident involving a police vehicle has resulted in damage to said car; and  
Whereas, an invoice received through our insurance has resulted in unbudgeted costs in the amount of \$5,000 to be paid; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby alter the FY 2021 general fund operating budget as follows:

Expenses:

Increase

A.1900.54765	Judgement and Claims	\$5,000
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Decrease

A.1900.54775	Contingency	\$5,000
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Seconded by Alderman Abbott and adopted. Ayes 6.

#### **050521.9**

By Alderman Kantor:

Whereas, the City of Lockport's Water Filtration plant required emergency purchasing of valve replacements to maintain operations; and

Whereas, the Director of Water Filtration has compiled 3 quotes for said replacement and has recommended to move forward with the lowest bidder; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, attached hereto with Lock City Supply Inc. for a total of \$37,135.25 and utilize funds in the H204 capital project (FX Infrastructure Improvements).

Seconded by Alderman Devine and adopted. Ayes 6.

#### **050521.10**

By Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled 3 quotes for a softball field renovation and has recommended to move forward with the lowest bidder; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, with Rich Sports Field Inc. and Batavia Turf for a combined total of \$18,580 and utilize funds in the H206 capital project.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **050521.11**

By Alderman Kantor:

Whereas, Niagara County, since 2007, has allowed the City of Lockport Fire Department to utilize a county-owned 2006 Ford F350 vehicle; and

Whereas, Niagara County has graciously offered the City to keep said vehicle (currently estimated at a value of \$14,600) free of charge; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to accept the vehicle and to allow the Finance Director to update City fleet records and depreciation assets accordingly.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **050521.12**

By Alderman Allport:

Whereas, the City has experienced unforeseen vacancies and turnover in regards to account clerk positions City wide;

Whereas, the Administration believes that further efficiencies can be achieved through a slightly altered account clerk organization in which all positions are at least at the senior account clerk level;

Resolved, that the FY 2021 General Fund Budget be updated to reflect these changes described above with full line-item detail below.

#### FY 2021 Account Clerk Re-Organization

Line Item	Description	Amount
A.1355.51010	Full Time Wages	\$ (1,312)
A.1355.58010	FICA	\$ (100)
A.1355.58050	Retirement	\$ (213)
A.1325.51010	Full Time Wages	\$ 2,063
A.1325.58010	FICA	\$ 158
A.1325.58050	Retirement	\$ 334
A.1410.51010	Full Time Wages	\$ (1,895)
A.1410.58010	FICA	\$ (145)
A.1410.58050	Retirement	\$ (307)
A.3620.51010	Full Time Wages	\$ 1,435
A.3620.58010	FICA	\$ 110
A.3620.58050	Retirement	\$ 232
A.1900.54775	Contingency	\$ (360)
Total:		\$0

Seconded by Alderman Schratz and adopted. Ayes 3. Nays 3. Alderman Abbott, Kantor and Oates voted no. The Mayor voted in the affirmative. Motion passed.

#### **050521.13**

By Alderman Oates:

Whereas, the City of Lockport is anticipating significant increases to our Consolidated Local Street and Highway Improvement Program (CHIPS) funding in FY 2021 but has not yet obtained our final funding letter from NYS; and

Whereas, City officials would like to begin scheduling street work in light of potential improvements in funding, but cannot do so until the capital budget for our CHIPS program contains funding that can be encumbered; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of a temporary placeholder of funds in the CHIPS capital project that will allow encumbrances and scheduling

to occur with minimal disruption to planning, and that the FY 2021 Capital Budget is amended as follows:

Revenues

Increase

H082.5112.33501	Consolidated Highway Aid	\$350,000
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Expenditures

Increase

H082.5112.52450	Infrastructure – Roads	\$350,000
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Seconded by Alderman Abbott and adopted. Ayes 6.

**050521.14**

By Alderman Allport:

Whereas, I-Evolve Corporation and the City of Lockport have previously disputed the validity of contract claims made by I-Evolve; and

Whereas, I-Evolve sought to charge the City for software licenses that the City claimed it was not using; and

Whereas, the City and I-Evolve have reached a settlement of this dispute by payment of a compromised amount by the City in exchange for I-Evolve ending its efforts to control firewalls within the City's technology structure; now, therefore, be it

Resolved, that the dispute shall be settled by the mutual release signed by the Mayor on behalf of the City and the corporate representative of I-Evolve, and the payment by the City of \$7,500 in full and final settlement of the dispute, said payment to be taken from City funds by adjusting the annual budget in the following manner:

Expenditures:

Increase:

A.1900.54765	Judgement and Claims	\$7,500
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Decrease

A.1680.54605	Telephone Services	\$7,500
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Seconded by Alderman Oates and adopted. Ayes 6.

**050521.15**

By Alderman Allport:

Whereas, local residents have raised concerns to the Traffic Advisory Committee regarding the safety of pedestrians at the intersection of Locust Street and Lincoln Avenue; and

Whereas, representatives of the City have reached out to Lockport City School District personnel because of the intersection's proximity to Lockport High School and its impact on students walking to and from school; and

Whereas, there is a collective desire to make the intersection as safe as possible for pedestrians and that the best approach to that end is a professional analysis of the options; now, therefore, be it

Resolved, that the City shall work with the School District to determine the best options for the intersection, by sharing the cost of a traffic study to be done by Fisher Associates, at a total cost of \$11,000, of which the City shall pay \$5,500 in the following manner:

Increase:

A.1440.54055	Professional Services	\$5,500
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Decrease

A.1900.54775	Contingency	\$5,500
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Seconded by Alderman Schratz and adopted. Ayes 6.

#### **050521.16**

By Alderman Kantor:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled 3 quotes for tennis court renovation and re-surfacing at Altro Park on Willow Street and has recommended to move forward with the lowest bidder; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with AstroTurf Corporation for a total of \$35,275 and utilize funds in the H206 capital project.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **050521.17**

By Alderman Schratz:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled quotes for repairs made to the swimming pool shed roof and has recommended to move forward with the lowest bidder; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with Granzow Construction for a total of \$1,659.89 and utilize funds in the H206 capital project.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **050521.18**

By Alderman Devine:

Whereas, the Water Distribution department has experienced an unexpected breakdown of their backhoe equipment that requires repairs; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, attached hereto with Niagara Frontier, for \$8,614 and that the FY 2021 water fund budget is amended as follows:

Expenditures

Decrease:

FX.1900.54775	Contingency	\$8,614
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Increase:  
FX.8340.54050 Equip. Repair \$8,614

Seconded by Alderman Oates and adopted. Ayes 6.

**050521.19**

## **ADJOURNMENT**

At 6:05 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, May 19, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

May 19, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, and Oates.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**051921.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of May 5, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.



## FROM THE MAYOR

### Appointments:

4/30/21 Abbey Jo Polichette, 392 Ohio Street, Lockport, NY – appointed to Deputy City Clerk in the City Clerks Department. 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)

04/23/21 Jackie Schultz, Emmanuel United Methodist Church, request permission to hold their annual Block Party on Wakeman Alley on July 21, 2021.

05/3/21 NY Power Authority advises that it will be performing preventive maintenance of vegetation in its right-of-way for the Niagara-Adirondack Transmission Line, which is crossed by or adjacent to the city's raw water pipeline.

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

5/17/21 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of May in observance of Memorial Day.

Monday, May 31

Garbage will be collected on the day following regularly scheduled collection that week. Referred to the Media.

### Notice of Complaint:

5/7/21 17 Vine Street – tree

5/7/21 614 Walnut Street - tree

Referred to the Director of Streets and Parks.

### Notice of Claim:

5/17/21 Linda Severson, 617 Market Street, Lockport, NY

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 051921.2

By Alderman Oates:

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 May 20, 2021 as follows:

General Fund	Fund A	\$82,794.74
Water Fund	Fund FX	\$29,121.97
Sewer Fund	Fund G	\$30,874.80
Refuse Fund	Fund CL	\$100,496.26

Health Insurance	Fund MS	\$58,853.62
Payroll	Pay Date 5/6/21	\$453,946.79

Seconded by Alderman Devine and adopted. Ayes 5.

### 051921.3

By Alderman Allport:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Emmanuel United Methodist Church to barricade Wakeman Alley on Wednesday July 21, 2021 from 12 noon to 8 p.m. for their annual block party, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades and traffic cones to said area prior to said event, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Oates and adopted. Ayes 5.

### 051921.4

By Alderman Allport:

Whereas, the Department of Code and Safety Inspection is required to administer an exam for master plumbers, which is supported by fees to administer the exam; and

Whereas, the FY 2021 general budget was not developed with these revenues/expenditures in mind; now, therefore, be it

Resolved, that the FY 2021 General Fund Budget is amended as follows:

#### Revenues

##### Increase

A.3620.32595	Fees for Services	\$600
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#### Expenditures

##### Increase

A.3620.54055	Professional Services	\$600
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Seconded by Alderman Abbott and adopted. Ayes 5.

### 051921.5

By Alderman Abbott:

Resolved, that pursuant to the request of Thomas and Jacqueline Szumla, property owners of 56 Harrison Avenue, permission is hereby granted to replace a fence in the City's right-of-way at 56 Harrison 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,

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

Seconded by Alderman Oates and adopted. Ayes 5.

**051921.6**

By Alderman Allport:

Resolved, that the City Clerk is hereby authorized and directed to forward a communication to the Lockport City School District requesting permission to conduct the fireworks display at North Park Junior High School, and be it further

Resolved, that the fireworks display shall be conducted on Sunday, July 4, 2021, with the rain date being Monday, July 5, 2021

Seconded by Alderman Oates and adopted. Ayes 5.

**051921.7**

By Alderman Abbott:

Whereas, the City of Lockport has been awarded a grant from the New York State Department of Environmental Conservation in the amount of \$50,000 for tree removal and maintenance; and

Whereas, the City match portion of this grant amounts to \$12,500, and will utilize overtime funds already budgeted in the Department of Forestry in the FY 2021 City operating budget; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby allows the Mayor to accept said grant from New York State Department of Environmental Conservation, and that the FY 2021 Capital Budget is amended as follows:

Revenues

Increase		
H207.8730.33997	State Aid – Natural Resources	\$50,000

Expenditures

Increase		
H207.8730.52490	Capital Improvements - Expense	\$50,000

Seconded by Alderman Allport and adopted. Ayes 5.

**051921.8**

By Alderman Oates:

Whereas, the City of Lockport has experienced unbudgeted surpluses in State revenue sources such as AIM and CHIPS which has resulted in more-than-anticipated work in the public works division; and

Whereas, said increase in work is not within the capabilities of current staff;

Now, therefore, be it resolved, that the City of Lockport Common Council hereby adds 5 additional seasonal employees for public works into the FY 2021 personnel detail, and that the FY 2021 General Fund Budget is amended as follows:

Expenditures

Decrease

A.1900.54775	Contingency	\$43,060
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Increase

A.5110.51100	Temporary/Seasonal	\$17,500
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A.5110.58010	FICA	\$1,339
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A.7110.51100	Temporary/Seasonal	\$22,500
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A.7110.58010	FICA	\$1,721
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Seconded by Alderman Abbott and adopted. Ayes 5.

**051921.9**

By Alderman Oates:

Whereas, the City of Lockport has experienced unbudgeted surpluses in State revenue sources such as AIM and CHIPS which has resulted in more-than-anticipated work in the public works division; and

Whereas, said increase in work is not within the capabilities of current staff;

Now, therefore, be it resolved, that the City of Lockport Common Council hereby increases the work week of the Director of Highways and Parks to 25 hours in the FY 2021 personnel detail, and that the FY 2021 General Fund Budget is amended as follows:

Expenditures

Decrease

A.1900.54775	Contingency	\$6,424
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Increase

A.1490.51040	Part Time Wages	\$5,897
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A.1490.58010	FICA	\$527
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Seconded by Alderman Kantor and adopted. Ayes 5.

**051921.10**

By Alderman Allport:

Whereas, the City Clerk Office must update the City Code book to adhere to new formatting guidelines for both the physical book as well as the eCode360 online access; and

Whereas said services and costs were not known at the time of the budget proposal or request but are important for City transparency and regulation;

Now, therefore, be it resolved, that the City of Lockport Common Council amend the FY 2021 General Fund Budget as follows:

Expenditures

Decrease

A.1900.54775	Contingency	\$1,765
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Increase

A.1410.54075	Maintenance/Service Contracts	\$1,765
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Seconded by Alderman Kantor and adopted. Ayes 5.

#### **051921.11**

By Alderman Allport:

Whereas, the City of Lockport Fire Department must prepare for an upcoming mandate beginning on 1/1/2022 which requires new electronic pre-hospital care reports; and

Whereas, in gathering multiple quotes, the Fire Department has chosen to move forward with ESO, a group who will be providing the software required to provide said reports as well as taking on the City's fire incident safety reporting software as an integrated product;

Now, therefore, be it resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into said contract with ESO for 12 months, upon approval of the Corporation Counsel.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **051921.12**

By Alderman Oates:

Whereas the responsibility for enforcement of the City sign ordinances is vested in the Building Inspection Department which is currently short-staffed; and

Whereas the political party primaries for various elective offices will occur within five weeks of today; and

Whereas a strict application of the relevant ordinance would require any sign placed between the sidewalk and roadway be removed or the property owner cited for violating said ordinance; now be it

Resolved, that a moratorium for 2021 shall be placed on enforcement of City Ordinance §190.125(B) (8) with respect to the placement of political signs in front of a resident's property between the sidewalk and the roadway.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **051921.13**

By Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled quotes to add a fence crown for added safety at the Outwater Park softball field and has recommended to move forward with the lowest bidder;

Now, therefore, be it resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with BSN Sports for a total of \$868.10 and utilize funds in the H206 capital project.

Seconded by Alderman Abbott and adopted. Ayes 5.

**051921.14**

**ADJOURNMENT**

At 5:51 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 2, 2021.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

June 2, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**060221.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of May 19, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

5/24/21 Dennis Stachera, 20 Regent Street, Lockport, NY – appointed to the Youth Board effective May 01, 2021. Said term expires May 1, 2024.

5/24/21 William Agronin, 11 Berkley Drive, Lockport, NY – appointed to the Youth Board effective May 01, 2021. Said term expires May 1, 2024.

5/27/21 Jason P. Hunt, 644 Old Niagara Road, Lockport NY – appointed to WWTP Operator Trainee in the Waste Water Treatment Plant. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

**Resignation:**

05/18/21 Darryl DeVoe, resigned as a member of the Parks Committee. Effective May 17, 2021.

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)

5/11/21 Justin P. Rogers, Fair Director, Cornell Cooperative Extension, Niagara County – request permission to erect a banner across East Avenue to promote the 2021 Niagara County Fair, from July 26<sup>th</sup> thru August 8<sup>th</sup>.

5/19/21 Don Jablonski, Director of Niagara County Employment & Training – request permission to use Ida Fritz Park on June 30<sup>th</sup> for a Career Fair.

Referred to the Committee of the Whole.

**Notice of Complaint:**

5/20/21 19 Treehaven Drive – tree  
5/25/21 266 South Street – tree  
5/27/21 407 East Avenue – tree  
6/1/21 Corner of John and Price Street - tree  
6/1/21 257 Davison Road - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

6/1/21 Kelly Wells, 20 East Avenue, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**060221.2**

By Alderman Oates:

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 3, 2021 as follows:

General Fund	Fund A	\$68,962.18
Water Fund	Fund FX	\$48,699.02
Sewer Fund	Fund G	\$8,929.69
Capital Projects	Fund H	\$27,161.07
Refuse Fund	Fund CL	\$303.90
Health Insurance	Fund MS	\$80,940.20
Community Dev.	Fund CD	\$3,425.00
Payroll	Pay Date 5/20/21	\$621,930.68

Seconded by Alderman Abbott and adopted. Ayes 6.

### **060221.3**

By Alderman Allport:

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>
Heather Cepuchowski	5	Police Officer
Joseph M. Prica	25	Asst. Fire Chief

Seconded by Alderman Schratz and adopted. Ayes 6.

### **060221.4**

By Alderman Allport:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Berkley Drive to barricade their street from Sargent Drive to 19 Berkley Drive on June 18, 2021 from 5 to 9 p.m. for a block party, with a rain date of June 19, 2021; and be it further

Resolved that during the period of time set forth above, the no-parking restrictions set forth for the street will not be enforced; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations, and be it further

Resolved, that the Director of Streets and Parks 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 Kantor and adopted. Ayes 6.

### **060221.5**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Freedom Church to barricade a portion of Ontario Street, between Hawley and North Transit Streets, in front of the Imagine Community Garden, on Wednesday June 23, 2021, for a Neighborhood Appreciation Picnic from 5 until 8 p.m., and be it further

Resolved, that Freedom Church is granted permission to erect a bounce house during the event, subject to Freedom Church providing the City Clerk with a certificate of insurance naming the City of Lockport as additionally insured prior to the event, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations, and be it further



Resolved, that the Director of Streets and Parks 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 Oates and adopted. Ayes 6.

**060221.6**

By Alderman Schratz:

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 2021 Niagara County Fair. Banner is to be erected from July 26 thru August 8, 2021 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 Abbott and adopted. Ayes 6.

**060221.7**

By Alderman Oates:

Resolved, that pursuant to their requests, Martha Craig and Melissa Devine, certified and registered yoga instructors, are hereby granted permission to conduct outdoor yoga classes to the public at Outwater Park; Martha Craig on Tuesdays and Saturdays beginning June 8 until September 28, 2021, and Melissa Devine on Mondays, Thursdays and Saturdays from June 3 until October 31, 2021, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations, and is further subject to Martha Craig and Melissa Devine each filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 5. Alderman Devine abstained.

**060221.8**

By Alderman Allport:

Resolved, that pursuant to their request, God's Voice Ministries Church is hereby granted permission to hold a community outreach event in Altro Park on Willow Street, with use of the pavilion, to be held on August 22, 2021, from 1 p.m. until 8 p.m., and be it further

Resolved, that permission is additionally granted to have music, games and food trucks. Said permission is subject to the Church filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured prior to the event, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 6.

**060221.9**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Latter Rain Cathedral to conduct a walk in memory of Troy Hodge on Thursday, June 17, 2021 from 6 to 8 p.m., on Park Avenue from South Bristol Avenue to City Hall, subject to approval of the walk route by the Police Chief, and filing a certificate of insurance with the City Clerk prior to the walk naming the City of Lockport as additional insured, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **060221.10**

By Alderman Abbott:

Whereas, the NYS Department of Transportation has awarded the City of Lockport \$817,483.66 in CHIPS funding, \$221,409.07 in PAVE NY funding, \$150,044.55 in EWR funding for FY 2020, and \$837,869.70 in Touring funding for a total of \$2,026,806.98;

Whereas, of this total, the City of Lockport, in resolution 050521.13 added \$350,000 into the CHIPS budget to have purchase ordering and scheduling in place; now, therefore, be it

Resolved, that the FY 2021 Capital Fund budget is amended to add the remaining balances as follows:

Increase:

Revenue: H082.5112.33501	Consolidated Highway Aid
	\$838,937.28

Expense: H082.5112.52450	Infrastructure - Roads
	\$838,937.28

Revenue: H208.5112.33501	Consolidated Highway Aid
	\$837,869.70

Expense: H208.5112.52450	Infrastructure - Roads
	\$837,869.70

Seconded by Alderman Oates and adopted. Ayes 6.

#### **60221.11**

By Alderman Abbott:

Resolved, that pursuant to their request, the Niagara County Employment & Training Department is hereby granted permission to use Ida Fritz Park on Wednesday, June 30<sup>th</sup>, 2021 from 10 a.m. to 12 noon, with a rain date of Wednesday, July 7<sup>th</sup>, to host a Career Fair featuring various Lockport area employers. Said permission is subject to Niagara County Employment & Training filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for the grass to be cut in the park prior to the event.

Seconded by Alderman Oates and adopted. Ayes 6.

**060221.12**

By Alderman Oates:

Resolved, that pursuant to their request, Iskalo Development Corporation is hereby granted permission to place a Conex box in the City of Lockport municipal parking lot next to the existing metal staircase behind their building at 1 East Avenue; and be it further

Resolved, that the Conex will be secure and locked at all times when not in use by their construction team and approved contractors, and will be used to store interior historical lighting fixtures from June 14<sup>th</sup> until they are re-installed approximately November 5<sup>th</sup>, 2021; and be it further

Resolved, said permission is subject to Iskalo Development Corp. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Schratz and adopted. Ayes 6.

**060221.13**

By Alderman Oates:

Whereas, the City of Lockport wishes to reopen the Community Pool at Outwater Park for the first time since the 2019 season; and

Whereas, the City has reached a Shared Services Agreement with Niagara Aquatics Club, Inc., a non-profit organization with their own certified lifeguards and instructors at specified times throughout the day when the Community Pool is open; and

Whereas, the proposal would allow Niagara Aquatics Club, Inc. to assist with trained staffing for the Community Pool during learn-to-swim sessions in exchange for the opportunity to conduct lessons for its members and practice for its swim team; and

Whereas, the City has agreed to grant a revocable license to access the Community Pool during designated times during the summer season, provided the Community Pool has had all necessary repairs to pass governmental inspections; 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 2021 summer pool season, upon approval of the Corporation Counsel.

Seconded by Alderman Allport and adopted. Ayes 6.

**060221.14**

**ADJOURNMENT**

At 5:50 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 16, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

June 16, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**061621.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of June 2, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

06/11/21 Michael Tracy, 10 Cherry Street, Lockport, NY – reappointed to the Traffic Advisory Committee effective June 1, 2021. Said term expires on June 1, 2026.

Received and filed.

**Resignation:**

06/01/21 Wayne Hale, resigned as a member of the Human Relations Commission. Effective May 31, 2021.

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)

6/7/21 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 North Park for its July 4<sup>th</sup> fireworks display.

6/7/21 Steven Pawlak, Niagara Orleans District Order of the Eastern Star, requesting permission to use the city parking lot next to the Masonic building for a chicken barbeque fundraiser on September 15, 2021.

Referred to the Committee of the Whole

**Notice of Complaint:**

6/7/21 43 Stevens Street – tree  
6/11/21 187 Elmwood Avenue – tree  
6/14/21 180 Spalding Street – tree  
6/14/21 202 Cottage Street – tree  
6/15/21 Washburn Street Parking Lot - concrete

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**061621.2**

By Alderman Oates:

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 17, 2021 as follows:

General Fund	Fund A	\$83,572.26
Water Fund	Fund FX	\$21,887.22
Sewer Fund	Fund G	\$23,437.19
Capital Projects	Fund H	\$113,839.89
Refuse Fund	Fund CL	\$98,501.89
Health Insurance	Fund MS	\$57,936.62
Worker's Comp	Fund S	\$6,250.00
Community Dev.	Fund CD	\$22,440.00
Payroll	Pay Date 6/3/21	\$466,796.92

Seconded by Alderman Abbott and adopted. Ayes 6.

**061621.3**

By Alderman Schratz:

Resolved, that pursuant to their request, Lockport Main Street, Inc. be and the same is hereby given permission to use the Pine and Main Street parking lots on Friday, July 9<sup>th</sup> through Sunday, July 11<sup>th</sup> to conduct the Lockport Chalk Walk, 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, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange delivery and pick-up of City barricades, trash receptacles and temporary no parking

signs for the parking lanes on Main and Pine Streets between the parking lots, to allow for additional pedestrian space, and be it further

Resolved, that said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **061621.4**

By Alderman Oates:

Resolved, that resolution 020321.6 adopted by the Common Council at their February 3, 2021 meeting, granting Great Lakes Racing, LLC permission to conduct the annual Summer Beast of Burden Ultra Marathon at Nelson C. Goehle Wide Waters Marina on July 31 and August 1, 2021, be and the same is hereby rescinded.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **061621.5**

By Alderman Oates:

Resolved, that pursuant to their request, Happily Running, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on the weekend of July 31 and August 1, 2021, for the annual Summer Beast of Burden Ultra Marathon. Said permission is subject to Happily Running, LLC 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 Streets and Parks is hereby authorized and directed to arrange for the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot, and be it further

Resolved, that said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **061621.6**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to the Lockport Summer Recreation Program to barricade the south side of Outwater Drive in the park on Wednesday, July 14, 2021, from 9am until 12:30pm for a truck demonstration for the kids by local towing and rigging companies, and be it further

Resolved, that the Director of Streets and Parks 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 Abbott and adopted. Ayes 6.

#### **061621.7**

By Alderman Oates:

Whereas, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City's wastewater collection system; and

Whereas, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation (NYSEFC) Engineering Planning Competitive Grant Program to investigate sewers tributary to CSO's 6 and 8 which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000, and

Whereas, NYSEFC requires that the City submit an executed engineering agreement in order to enter into a Grant Agreement between NYSEFC and the City; and

Whereas, the City's engineering consultant Nussbaumer & Clarke, Inc. assisted the City with preparation of the grant application and submitted a proposal dated June 3, 2021 to provide engineering services related to the CSO 6 and 8 tributary area evaluation; and

Whereas, TECsmith, Inc. submitted a proposal to the City dated June 2, 2021 for flow monitoring services required for the CSO 6 and 8 tributary area evaluation and has successfully completed similar work for the City on previous such studies; now, therefore, be it

Resolved, that the Mayor is authorized to execute agreements for the proposal dated June 3, 2021 from Nussbaumer & Clarke, Inc. for \$24,150 and the proposal dated June 2, 2021 from TECsmith for \$11,850 to complete the proposed Wastewater Planning Study; and be it further

Resolved, that no work shall commence on the project until the Grant Agreement is executed between the City and New York State Environmental Facilities Corporation.

Seconded by Alderman Abbott and adopted. Ayes 6.

#### **061621.8**

By Alderman Allport:

Whereas, Lockport High School will be conducting graduation exercises at the Kenan Center on Friday, June 25<sup>th</sup> at 3pm, 5pm, and 7pm; now, therefore, be it

Resolved, that pursuant to the request of the Chief of Police, Locust Street from Lincoln Avenue to Willow Street, and, Beattie Avenue from Lincoln Avenue to Willow Street will be closed to traffic for said ceremonies; and be it further

Resolved, that said closings will be in effect from 2:30pm until 7:30pm on June 25<sup>th</sup>; and be it further

Resolved, that the Director of Streets and Parks 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 Schratz and adopted. Ayes 6.

#### **061621.9**

By Alderman Allport

Whereas, the Lockport Public Library has requested that the City of Lockport partner in a "Story Walk" Project; and

Whereas, the Lockport Public Library is requesting to utilize City property to display said "Story Walk" project displays; and

Whereas, the Lockport Public Library is requesting that displays be shipped to the City Highway Department, and the City employees construct and install said displays; and

Whereas, the City wishes to partner with the Lockport Public Library on this project; now, therefore, be it

Resolved, that the Common Council grants permission for the Mayor to enter into a contract with the Lockport Public Library for the following on the "Story Walk" Project:

- (1) The Library may use City property to display the anticipated 22 exhibits of pages on a book that will change throughout May-October on a yearly basis; and

- (2) The Library may have the displays shipped to the City Highway Department and the City employees will construct and install said displays for the project; and
- (3) The Library will be responsible for the ongoing costs and purchasing of the displays, but the City will be responsible for any occasional repairs that may arise; and
- (4) This Resolution will be reviewed yearly by the Common Council
- (5) The Mayor is authorized to send a letter of support, on behalf of the City, for the grant application by the Library, before August 1, 2021

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **061621.10 NYS AIM Funds - WITHDRAWN**

##### **061621.11**

By Alderman Abbott:

Whereas, Resolution 112420.8 established the IT Infrastructure Reserve Fund (H203) to be used for upkeep of systems, utility improvements, structures, and equipment, upon Council approval, and

Whereas, the Network Coordinator of IT has proposed that said funds be utilized for 7 laptop replacements for police and general use from CDW Government, Inc. for a total of \$15,478.75; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the authorization of the funds in H203.

Seconded by Alderman Oates and adopted. Ayes 6.

##### **061621.12**

By Alderman Abbott:

Whereas, on May 26, 2021, the City of Lockport Common Council heard from New York State Electric and Gas (NYSEG) representatives regarding a proposal for LED conversion of public lights city-wide; and

Whereas, said program would require budgeted funds in the department for FY 2022 in the amount of \$85,165 for one-time start-up costs, but would then result in an estimated annual savings of \$163k each year after; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with NYSEG, pending approval of Corporation Counsel.

Seconded by Alderman Allport and adopted. Ayes 6.

##### **061621.13**

By Alderman Devine:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has estimated costs and quotes for two separate projects to be: (1) asphalt work in Outwater Park for \$28,500 and \$5,000 for Dolan Park, and (2) fence upgrades for Outwater Park for \$7,300 and Dolan Park for \$3,100; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the authorization of the funds in H206 for these purposes.

Seconded by Alderman Oates and adopted. Ayes 6.



**061621.14**

By Alderman Kantor:

Whereas, the City has experienced the need for an additional youth and recreation leader in the Parks and Recreation Department; now, therefore, be it

Resolved, that the City of Lockport FY 2021 budget and personnel detail is hereby altered as follows:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 3,860
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Increase:

A.7140.51060	Temporary/Seasonal	\$ 3,600
A.7140.58010	FICA	\$ 260

Seconded by Alderman Schratz and adopted. Ayes 6.

**061621.15**

By Alderman Schratz:

Whereas, the City of Lockport has entered into a contract with Young Explosives Corporation for Fourth of July fireworks at a cost of \$7,550; and

Whereas, the FY 2021 budget did not include said costs because of the uncertainty of COVID-19; and

Whereas, the Lockport City School District has given approval for the use of the North Park Junior High School Athletic Field for said fireworks display; now, therefore, be it

Resolved, that the City of Lockport FY 2021 budget is hereby altered as follows:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 7,550
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Increase:

A.8510.54510	Program Expenses	\$ 7,550
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and be it further,

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 Director of Streets and Parks 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 Allport and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

**061621.16**

By Alderman Oates:

Resolved, that the Director of Highways and Parks is hereby authorized and directed to sell via online auction, to the highest bidders, used vehicles and surplus equipment, including a

2003 Chevrolet dump truck, 2000 Volvo dump truck, 2019 Kenworth pot hole vehicle, and a 2013 Ford van; and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Devine and adopted. Ayes 6.

**061621.17**

By Alderman Oates:

Resolved, that pursuant to the request of Nancy Rivera, 14 Butler Street, permission is hereby granted to the residents of Butler Street to barricade Butler from Vine Street to Adam Street on August 9, 2021, from 5-10pm for a block party; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations; and be it further

Resolved, that the Director of Streets and Parks 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 Schratz and adopted. Ayes 6.

**061621.18**

**ADJOURNMENT**

At 6:18 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 7, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES

City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

July 7, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Kantor, and Oates.

**INVOCATION**

**MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

### **070721.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Oates, seconded by Alderman Kantor, the minutes of the Regular Meeting of June 16, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

William J. Bisher, 314 Pine Street, Lockport, NY – reappointed to the Youth Committee effective June 21, 2021. Said term expires on June 17, 2024.

Steven D. O'Mara, 197 Jackson Street, Lockport, NY – appointed to the Human Relations Commission effective June 25, 2021. Said term expires on July 15, 2023.

Selena Truax Morello, 534 Locust Street, Lockport, NY – appointed to the Parks Board to fill the unexpired term of Darryl Devoe. Said term expires on January 12, 2025.

Julie F. Ramroop, 9 South New York Street, Lockport, NY – appointed to the Human Relations Commission effective June 30, 2021. Said term expires July 15, 2024.

David J. Poole, 586 West Avenue, Lockport, NY 14094 – appointed to Water/Sewer Maintenance Worker for the City of Lockport Water Distributions department effective June 25, 2021. Said appointment is permanent 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)

#### **Notice of Complaint:**

6/17/21	373 East Avenue – tree
6/22/21	98 Niagara Street – tree
6/24/21	169 Allen Street – tree
6/24/21	255 Clinton Street – tree
6/25/21	329 East Avenue – tree
6/28/21	297 Cottage Street – tree
6/28/21	16 Alabama Place – tree
6/28/21	20 Cleveland Place – tree

7/1/21 28 Independence Drive – tree  
7/6/21 431 Willow Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

6/29/21 Samantha Goff, 291 South Street, Lockport, NY 14094  
6/29/21 Kenrick Ramroop, 9 South New York Street, Lockport, NY 14094

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**070721.2**

By Alderman Oates:

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 8, 2021 as follows:

General Fund	Fund A	\$208,922.78
Water Fund	Fund FX	\$28,761.61
Sewer Fund	Fund G	\$56,249.55
Capital Projects	Fund H	\$18,438.30
Refuse Fund	Fund CL	\$626.21
Health Insurance	Fund MS	\$138,373.83
Worker's Comp	Fund S	\$7,500.00
Payroll	Pay Date 6/17/21	\$468,051.63

Seconded by Alderman Allport and adopted. Ayes 4.

**070721.3**

By Alderman Allport:

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>
Jon B. Fredrickson	15	Assistant Fire Chief
Christopher C. Lane	15	Fire Lieutenant
James M. Scapelliti	15	Fire Captain
Scott A. Cercone	15	Heavy Equipment Operator

Seconded by Alderman Abbott and adopted. Ayes 4.

**070721.4**

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 BBQ fundraiser in the City parking lot next to the Masonic Hall on Wednesday, September 15, 2021 from 4 p.m. to 6 p.m., and be it further

Resolved, that permission is hereby granted to barricade the first row of parking spaces east of the Masonic Hall in the City owned lot for said event, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Oates and adopted. Ayes 4.

#### **070721.5**

By Alderman Kantor:

Whereas, reliable water supply to the City of Lockport (City) Municipal Building (Building) is necessary for operation of the Building; and

Whereas, the Building water supply service line is from the original construction of the Building and has developed leaks and determined to have reached the end of its service life; and

Whereas, the City has requested the Engineering Department and its Engineering Consultant prepare plans and specification for replacement of the Building water service line; and

Whereas, the City has obtained contractor quotes for the replacement of the Building water service as follows:

CONTRACTOR	Benedict's Contracting, Inc.	R. MacFarlane	R.I.C. Plumbing, Inc.
TOTAL QUOTE AMOUNT	\$21,650.00	\$21,880.00	\$22,500.00

Whereas, the Engineering Department and its Engineering Consultant have reviewed the contractor quotes and recommends that the City award the contract to the low responsible quote, Benedict's Contracting, Inc., for a total amount of \$21,650.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Benedict's Contracting, Inc., 50 Exchange Street, Lockport, NY 14094 in the amount of \$21,650.00 contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Allport and adopted. Ayes 4.

#### **070721.6**

By Alderman Allport:

Whereas, Compeer Niagara is a non-profit, volunteer based program of the Mental Health Association in Niagara County, serving both children and adults who have a mental health diagnosis and limited social supports; and

Whereas, Compeer Niagara's programs are successful in improving the quality of life for participants through social inclusion, friendship, and fun; and

Whereas, Compeer Niagara wishes to offer outdoor programming over the summer break; now, therefore, be it

Resolved, that pursuant to their request, Compeer Niagara is hereby granted permission to conduct a summer program for the public at Rogers Park on Mondays, beginning July 12 until August 30, 2021, from 9am until 12noon, and from 1pm until 3:30pm, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations, and is further subject to Compeer Niagara filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 4.

**070721.7**

By Alderman Allport:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Jacob C. Minnick, a City of Lockport Community Pool lifeguard who recently passed away.

Seconded by Alderman Oates and adopted. Ayes 4.

**070721.8**

By Alderman Oates:

Whereas, the City of Lockport (City), is seeking funding for the Gulf Interceptor Sewer Upgrades project and intends to submit a grant application via the New York Consolidated Funding Application (CFA) to Water Quality Improvement Project (WQIP) program through NYS Department of Environmental Conservation (NYSDEC); and

Whereas, the City's Consulting Engineer Nussbaumer & Clarke, Inc. (Nussbaumer) is authorized to prepare and submit a grant application on behalf of the City via the CFA for such project; and

Whereas, the City of Lockport has a project cost estimate of \$6,448,000 for the Gulf Interceptor Sewer Upgrades; and

Whereas, a WQIP Grant may fund up to \$4,030,000 of project costs; and

Whereas, the City's required match is intended to be funded by a Clean Water State Revolving Fund (CWSRF) hardship loan (0%) up to \$2,418,000; and

Whereas, the Mayor is required to sign the grant application on behalf of the City as well as a Grant Agreement with the NYSDEC 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 up to \$2,418,000 to funded by a CWSRF hardship loan for the Gulf Interceptor Sewer Upgrade project. The total estimated maximum WQIP Grant through NYSDEC is \$4,030,000. 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 if a WQIP grant is awarded, the Mayor is hereby authorized to execute a Grant Agreement with the NYSDEC, pursue a CWSRF loan for any portion of the project not covered by the Grant, to authorize in-kind services as appropriate, and to execute any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the Grant Agreement, subject to review and approval by counsel.

Seconded by Alderman Abbott and adopted. Ayes 4.

**070721.9**

By Alderman Abbott:

Whereas, the City of Lockport (City) supports clean energy actions and improving the environment; and

Whereas, the City applied for a Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Grant administered by the New York State (State) Department of Environmental Conservation (NYSDEC) for the installation of an electric vehicle charging station at the Pine Street Parking Lot (Project); and

Whereas, the City has been awarded \$24,000 from the grant program and executed Contract #DEC01-T01010GG-3350000 with the State for the project; and

Whereas, Nussbaumer & Clarke, Inc. submitted a proposal dated June 21, 2021 to prepare design documents for installation of the Project in accordance with the Grant Application and Contract; now, therefore, be it

Resolved, that the Mayor is hereby authorized to execute an agreement with Nussbaumer & Clarke, Inc. for a fee Not-to-Exceed of \$7,700 for the Scope of Work included in their June 21, 2021, proposal to the City for the Pine Street Parking Lot Electric Vehicle Charge Station project.

Seconded by Alderman Oates and adopted. Ayes 4.

#### **070721.10**

By Alderman Oates:

Whereas, the Barge Canal Optimist Club seeks to offer youth programs that provide children with safe, outdoor activities, while being safely distanced from others; 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' would be held Saturday, July 31, 2021, and would 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 limited with separate, timed starting to prevent too many people at one time; 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 31<sup>st</sup>, 2021, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 4.

#### **070721.11 Budget Amendment-NYS AIM funds - WITHDRAWN**

#### **070721.12**

By Alderman Allport:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Lockport Little Loop Football for use of Exchange Field for their 2021 season.

Seconded by Alderman Kantor and adopted. Ayes: 4.

#### **070721.13**

By Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled quotes for pool equipment and repairs, including a vacuum, new pump/motor, four comfort guard lifeguard chairs and repairs from Streamline Aquatics, Molee, and Modern Surface Solution Inc. for \$6,404.49; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with the above vendors and utilize funds in the H206 capital project.

Seconded by Alderman Allport and adopted. Ayes: 4.

#### **070721.14**

By Alderman Abbott:

Whereas, the City of Lockport, by Resolution 051921.7, has accepted a grant from the New York State Department of Environmental Conservation in the amount of \$50,000 for tree removal and maintenance; now, therefore, be it

Resolved, that the Mayor, with assistance from Corporation Counsel, is authorized and directed to prepare and issue a Request for Proposals (RFP) for the Tree Maintenance Grant for the removal and maintenance of trees in the public right of way; and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Allport and adopted. Ayes: 4.

#### **070721.15 Authorize purchase from the Parks Capital Fund-concrete floor-Outwater pavilion - WITHDRAWN**

#### **070721.16**

By Alderman Abbott:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled quotes for repairs to the Market Street gazebo by Granzow Construction for \$10,280.19; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with the above vendor and utilize funds in the H206 capital project.

Seconded by Alderman Kantor. Ayes: 3. Nos: 1 – Alderman Oates. Motion failed.

#### **070721.16A**

By Alderman Allport:

Whereas, the City of Lockport received Green Innovation Grant Program (GIGP) and Downtown Revitalization Initiation (DRI) Grants from New York State for projects including streetscaping and green infrastructure on South Street; and

Whereas, the planning and design team has requested a temporary closing of South Street to conduct a “Celebrate Green South Street” event to allow the public to help re-imagine South Street between Elm Street and Locust Street by engaging residents and stakeholders to increase understanding and awareness about green infrastructure, and its role in creating an attractive and healthy public realm that encourages walkability; now, therefore, be it



Resolved, that permission is granted to close South Street from Elm Street to Locust Street from 4pm until 8pm on July 20, 2021, for the “Celebrate Green South Street” event; and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades, traffic cones, and street closed signs to said area prior to said event.

Seconded by Alderman Oates and adopted. Ayes 4.

**070721.17**

## **ADJOURNMENT**

At 5:57 P.M., Alderman Oates moved the Common Council be adjourned until 5:30 P.M., Wednesday, July 21, 2021.

Seconded by Alderman Kantor and adopted. Ayes 4.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

July 21, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR’S UPDATE**

## **RECESS**

Recess for public input.

**072121.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Kantor, the minutes of the Regular Meeting of July 7, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Resignations:**

07/19/21 Mark Devine, resigned as Common Council President. Effective July 19, 2021.

#### **Appointments:**

7/19/21 Ellen Schratz, 390 Locust Street, Lockport, NY – appointed Common Council President to fill the unexpired term of Mark Devine. Effective July 19, 2021. Said term expires on December 31, 2021.

### **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)

7/2/21 Niagara Celtic Heritage Society requests permission to display a banner on East Avenue in the city right of way for its event September 18<sup>th</sup> & 19<sup>th</sup>.

#### **Notice of Complaint:**

7/8/21 499 Hawley Street – tree  
7/12/21 102 Corinthia Street – tree  
7/15/21 60 Chapel Street- tree  
7/15/21 30 Massachusetts Avenue – tree

Referred to the Director of Streets and Parks.

#### **Notice of Claim:**

7/8/21 Theano & Kenneth Schaffer, 136 Cherry Bark Loop, Clayton, NC  
7/15/21 Jeffrey Jasinski, 115 John Street, Lockport, NY  
7/19/21 Matthew & Michelle Saunderson, 323 Lincoln Avenue, Lockport, NY  
7/20/21 Patrick Heal, 279 Locust Street, Lockport, NY

Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **072121.2**

By Alderman Oates:

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 22, 2021 as follows:

General Fund	Fund A	\$78,293.83
Water Fund	Fund FX	\$12,653.09
Sewer Fund	Fund G	\$8,266.11
Capital Projects	Fund H	\$195,249.91
Refuse Fund	Fund CL	\$102,863.25

Health Insurance	Fund MS	\$3,373.74
Payroll	Pay Date 7/1/21	\$508,053.59

Seconded by Alderman Allport and adopted. Ayes 6.

### **072121.3**

By Alderman Allport:

Whereas, pursuant to General Municipal Law §120-w, Contracts and Agreements for Solid Waste Management, Collection and Disposal, the City of Lockport advertised for proposals to provide Refuse Collection and Disposal and Recyclable Materials Collection and Processing, and

Whereas, the City received and has reviewed two bid proposals submitted on March 31, 2021. One said proposal was by Modern Disposal Services, Inc.; and one by Waste Management of NY, LLC, both of which are available for review in the City Clerk's Office, and

Whereas, the City's current refuse and recycling contract expires September 30, 2021; now, therefore, be it

Resolved, that the City of Lockport, pursuant to the aforementioned General Municipal Law, recommends that the bid for refuse collection and disposal and recyclable material collection and processing be awarded to the lowest bidder, Modern Disposal Services Inc., and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a 63-month agreement with Modern Disposal Inc. for same, with an additional five-year renewal option.

Seconded by Alderman Oates and adopted. Ayes 6.

### **072121.4**

By Alderman Abbott:

Whereas, August 31<sup>st</sup> has been recognized as International Overdose Awareness Day since 2001, and is the world's largest annual campaign to end overdose; and

Whereas, an Overdose Awareness Rally in Lockport is planned, offering outreach for agencies, programs and/or services that support people with substance use disorder/addiction as well as NARCAN training; and

Whereas, speakers will be attending to share their experiences working with people who have overdosed; now, therefore, be it

Resolved, that pursuant to their request, the organizers of the Overdose Awareness Rally are hereby granted permission to hold said event at Veterans Memorial Park on East Avenue in Lockport on Tuesday, August 31<sup>st</sup>, 2021 from 5pm until 8pm; and be it further

Resolved, that permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and is further subject to organizers and participants following all state COVID-19 regulations.

Seconded by Alderman Devine and adopted. Ayes 6.

### **072121.5**

By Alderman Oates:

Whereas, the organization, 'Clothing Kills Cancer' (CKC of WNY, Inc.) helps cancer patients with medical bills and prescription costs, as well as low income families in the community; and

Whereas, CKC raises funding through direct donations and the sale of apparel from its clothing line, with a \$10 donation built into each clothing sale; and

Whereas, CKC wishes to hold a fundraising event and backpack giveaway to children who attend local schools; and

Whereas, the event would include food trucks and a kickball game between the children and Lockport Police Department officers; now, therefore, be it

Resolved, that pursuant to their request, CKC of WNY, Inc. is hereby granted permission to conduct a fundraiser and backpack giveaway event at Altro Park on Sunday, August 29, 2021 from 2pm until 6pm, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, said permission is subject to organizers and participants following all state COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **072121.6**

By Alderman Oates:

Resolved, that pursuant to their request, Niagara Celtic Heritage Society, 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 Niagara Celtic Heritage Festival & Highland Games event which will be held September 18<sup>th</sup> and 19<sup>th</sup>, 2021. Banner is to be erected for a minimum of two weeks prior to the event dates based on a schedule approved by the City Clerk. 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 a fee of \$50.00 made payable to the City Clerk, 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 Schratz and adopted. Ayes: 6.

#### **072121.7**

By Alderman Schratz:

Whereas, Lockport Peacemakers would like to conduct a free, 'Community for Kids Day' event for children ages 5 through 15, including games and prizes, a talent contest using the city stage, a bounce house, a meet and greet with first responders, and the Niagara County Sheriff's Department canine unit; now, therefore, be it

Resolved, that pursuant to her request, Paula Halladay, Lockport Peacemakers Coordinator, is hereby granted permission to conduct a 'Community for Kids Day' at Outwater Park from 11am until 4pm on Sunday, August 8<sup>th</sup>, 2021; and be it further

Resolved, said permission is subject to organizers and participants following all state COVID-19 regulations, and is further subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **072121.8**

By Alderman Schratz:

Whereas, the City wishes to hold a 3-on-3 basketball tournament for youth in the City of Lockport for children entering 3rd through 8th grade; and

Whereas, the City has sponsors for said basketball tournament to assist in the finances, insurance, and operation of the tournament; now, therefore, be it

Resolved, that the Common Council grants permission for a 3 on 3 basketball tournament in the City of Lockport at Dolan Park (or any other further specified location) on

Saturday, August 14, 2021 at 10am. Games will be officiated by Lockport Police Department officers and members of the community. The organizers, Laura Miskell Benedict, VFW, and co-sponsors, shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. Organizers and participants must follow all state COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **072121.9**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade said street on July 31, 2021, for a block party, and be it further

Resolved, that the Director of Streets and Parks 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 Kantor and adopted. Ayes 6.

#### **072121.10**

By Alderman Allport:

Whereas, the City of Lockport has instituted an action In Rem for the foreclosure of certain tax liens against various parcels of real property within the City of Lockport, pursuant to the City of Lockport Charter and Article 11, title 3 of the Real Property Tax Law of the State New York, and

Whereas, the County of Niagara has a claim for Niagara County tax liens against all or some of the parcels of real property which are the subject of said action, and

Whereas, the provisions of the Real Property Tax Law authorize tax districts having an interest by way of tax lien in real property, such as the City of Lockport and County of Niagara, to enter into an agreement making provision for the sale of real property without public sale and for the sharing of the net proceeds of such sale between the City of Lockport and the County of Niagara, and

Whereas, the City of Lockport has tendered to the County of Niagara such an agreement, which agreement, among other things, provides that the interests of said City and this County in each parcel and in the proceeds of any sale of such parcel shall be apportioned based on the fraction that the unpaid taxes, tax liens and other charges accessible against the parcel owed to or owned by the City and County respectively bear to the total City and County taxes, tax liens and other such charges, but without reference to the penalties or interest accrued on any unpaid tax or tax lien, and

Whereas, the proposed agreement is fair and reasonable and allows the County to avoid the cost and expense of a separate In Rem foreclosure action against the same parcels, now, therefore, be it

Resolved, that the City of Lockport Common Council finds and determines that the proposed agreement, a true copy of which is attached to the Clerk's file copy of this resolution, is fair and reasonable in all respects and advances the interests of the City of Lockport in its collection of taxes and tax liens on real property located within the City of Lockport, and it be further

Resolved, that the Mayor is authorized and directed to execute and deliver said agreement in behalf of the City of Lockport.

Seconded by Alderman Oates and adopted. Ayes 6.

**072121.11**

By Alderman Allport:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Fall Soccer Program on Saturdays at Altro Park beginning September 11, 2021 through November 13, 2021, subject to Soccer Shots Buffalo filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and is further subject to organizers and participants following all state COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 6.

**072121.12**

By Alderman Schratz:

Whereas, the Governor has permitted restaurants in the State of New York, and in the City of Lockport, to utilize outdoor seating for its patrons, subject to the laws of the State of New York and the City of Lockport during the Covid-19 Pandemic; and

Whereas, the Governor is extending said permission by one year, and signed a Bill for same on July 6, 2021; now, therefore, be it

Resolved, that the Common Council grants restaurants in the City of Lockport permission to utilize their own private property: be it green space, parking lots, or patios, for the purposes of outdoor seating for eating and drinking; and said restaurants are hereby permitted to likewise utilize rights of way and property belonging to the City of Lockport for the purposes of outdoor seating for eating and drinking, as long as the owners abide by the following requirements:

- 1) Owners must file a certificate of insurance with the City Clerk;
- 2) Restaurants' outdoor seating areas must be approved by the building inspector;
- 3) Owners must follow State and local liquor authority guidelines for the duration of the Bill signed by the Governor on July 6, 2021;
- 4) If the owner is utilizing city property, residents must still be able to freely traverse the area where the tables are set up.

Seconded by Alderman Allport and adopted. Ayes 6.

**070721.13**

By Alderman Allport:

Whereas, COVID-19 has had significant impact on the financial security of the City of Lockport since early FY 2020; and

Whereas, the City of Lockport's FY 2021 Appropriated Budget was developed in a particularly conservative nature, as typical revenue sources had uncertain futures; and

Whereas, the City has now acquired unbudgeted revenue sources (State AIM funds) that have been received and recommended by the NYS Comptroller' Office to be accounted for in the 2021 fiscal year; and

Whereas, the administration has compiled a recommendation for the use of these funds in the form of a FY 2021 Supplemental Budget #2, which proposes that said funds be appropriated for three distinct purposes - (1) restoration of the general fund contingency budget (2) reduction in the budgeted amount of general fund balance appropriation, and (3) as an interfund transfer to capital for the purchase of a bucket truck for public works; now, therefore, be it

Resolved, that the FY 2021 General Fund and Capital Budget be altered to reflect the changes below:

**Revenue**

**Increase**

A.0000.33001	State Aid Per Capita	662,605
H159.5110.32801.A	Interfund Revenue, From General Fund	188,090

**Decrease**

A.0000.30599	Appropriated Fund Balance	299,410
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**Expenditures****Increase**

A.1900.54775	Contingency	175,105
A.9901.5900.H	Interfund Transfer to Capital	188,090
H159.5110.52420	Machinery and Equipment - Heavy Equipment	188,090

Seconded by Alderman Schratz and adopted. Ayes: 4. Nays: 2. Aldermen Oates and Abbott voted no.

**072121.14**

By Alderman Oates:

Whereas resolution 070721.5 authorized the Mayor to enter into an agreement with Benedict's Contracting Inc. for work done in relation to the Municipal Building water line; and

Whereas, funds are required to be moved in order to fulfill this contract; now, therefore, be it

Resolved, that the FY 2021 Water Fund operating budget is hereby amended as follows:

**Expenditures:****Decrease**

FX.1900.54775	Contingency	\$21,650
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**Increase**

FX.1900.54055	Professional Services	\$21,650
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Seconded by Alderman Abbott and adopted. Ayes: 6.

**072121.15**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted the Shamus Restaurant, 98 West Avenue, to barricade West Avenue from the fork at Ida Fritz Park to Hawley Street on Sunday, September 19, 2021, with a rain date of September 20, for a "Farm to Table Dinner" event in Ida Fritz Park, and be it further

Resolved, that permission is subject to the Shamus Restaurant filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and is further subject to organizers and participants following all state COVID-19 regulations, and be it further

Resolved, that the Director of Streets and Parks 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 Allport and adopted. Ayes 6.

**072121.16**

By Alderman Oates:

Whereas, the City of Lockport (City) is seeking a grant for the Lowertown Loop Phase 1 Project (Project) and intends to submit via the New York Consolidated Funding Application (CFA) to the NYS Canalway Grant Program (Program); and

Whereas, the cost estimate for the Project is \$300,000; and

Whereas, the Program is authorized to fund up to 50% of the total of the Project cost; and

Whereas, the City is in the process of implementing New York State Downtown Revitalization Initiative (DRI) projects and supports the Reimagine the Canals initiative and completed the 'City of Lockport Tourism Focus Area Report' in May 2015; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City via the CFA to the Program for the Lowertown Loop Phase 1 Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the City as well as a Grant Agreement with New York State 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 50% local match as required by the NYS Canalway Grant Program. Under the Program, this local match must be at least 50% of total project of \$300,000. The maximum local share appropriated, subject to any changes agreed to by the Mayor, shall not exceed \$150,000 subject to receipt of a NYS Canalway Grant and available funding. The total estimated maximum grant is \$150,000. 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 NYS Canalway Grants Program for the Lowertown Loop Phase 1 Project and should a grant be awarded to the City, the Mayor is authorized to execute an Agreement with New York State and any and all other contracts, documents and instruments necessary to bring about the Project, and to fulfill the City's obligations under the NYS Canalway Grants Program; and be it further

Resolved, that the City of Lockport reaffirms commitment to the 'City of Lockport Tourism Focus Area Report, May 2015'.

Seconded by Alderman Kantor and adopted. Ayes 6.

**072121.17**

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 Streets and Parks is hereby authorized and directed to arrange for preparation of the field for this softball event at 2pm on Saturday, August 14, 2021, 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, and is further subject to organizers and participants following all state COVID-19 regulations.



Seconded by Alderman Oates and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

**072121.17A**

BOND ORDINANCE DATED JULY 21, 2021.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$675,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE EFFLUENT DISINFECTION UPGRADE PROJECT AT THE WASTEWATER TREATMENT PLANT, FOR SAID CITY.

The following ordinance was offered by Councilmember Devine, who moved its adoption, seconded by Councilmember Allport, to-wit:

Whereas, the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

Whereas, it is now desired to authorize additional bonds for the financing thereof, now, therefore, be it

Ordained, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the effluent disinfection upgrade project at the Wastewater Treatment Plant, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$675,000 bonds pursuant to the provisions of the

Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$3,800,000.

Section 2. The plan for the financing of such \$3,800,000 maximum estimated cost is as follows:

- a) By the issuance of the \$3,125,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated September 4, 2019;
- b) By the issuance of the additional \$675,000 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the first bond anticipation note issued therefor pursuant to the aforesaid bond ordinance dated September 4, 2019.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law,

no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Treasurer shall determine.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott VOTING yes

Alderman Allport VOTING yes

Alderman Devine VOTING yes

Alderman Kantor VOTING yes

Alderman Oates VOTING yes

Alderman Schratz VOTING yes

The ordinance was thereupon declared duly adopted.

**072121.18**

## **ADJOURNMENT**

At 6:23 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 4, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk



**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

August 4, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**080421.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Kantor, the minutes of the Regular Meeting of July 21, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Resignations:**

08/03/21 Gary R. Terwilliger, submitted resignation from the Civil Service Commission effective August 1, 2021.

**Appointments:**

08/04/21 Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY – appointed to the Civil Service Commission to fill the unexpired term of Gary R. Terwilliger. Said term expires on May 31, 2024.

**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)

7/19/21 Patrick Tighe, President, Niagara County Deputy Sheriff's Police Benevolent Association – request permission to conduct their annual 5K road race and walk on October 17, 2021.

7/22/21 Thomas Scirto, 1 Main Street, Lockport, NY – Received from the Mayor's office. Seeking a solution to the flooding and drainage issues at the Clinton Building.

Referred to the Committee of the Whole.

**Notice of Complaint:**

7/22/21 31 Sunnyside Street - tree

7/29/21 30-34 John Street – tree

8/2/21 66 Chapel Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

7/22/21 YWCA, 32 Cottage Street, 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)

7/23/21 Lockport Professional Park, LLC -vs- City of Lockport

7/23/21 Sai Ram Hotel, LLC –vs- City of Lockport

7/23/21 Concord Huth, L.P./City of Lockport –vs- City of Lockport

7/28/21 Rite Aid #1517/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

7/29/21 570 DAB 16, LLC –vs- City of Lockport, Assessor of the City of Lockport, and  
The Board of Assessment Review of the City of Lockport

Referred to the City Assessor.

**MOTIONS & RESOLUTIONS**

**080421.2**

By Alderman Oates:

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 August 5, 2021 as follows:

General Fund	Fund A	\$121,647.63
Water Fund	Fund FX	\$22,397.01
Sewer Fund	Fund G	\$30,312.00
Capital Projects	Fund H	\$51,247.64
Refuse Fund	Fund CL	\$181.99
Self Insurance	Fund MS	\$139,472.10
Payroll	Pay Date 7/15	\$510,870.12



Seconded by Alderman Allport and adopted. Ayes 5.

**080421.3**

By Alderman Allport:

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>
Aric J. Morgan	15	Police Officer
Jeremy M. Antonik	5	Water/Sewer Maintenance Worker
Andrew A. Learn	5	Sr. Water Treatment Plant Operator

Seconded by Alderman Kantor and adopted. Ayes 5.

**080421.4**

By Alderman Oates:

Whereas, the Community Health Center, 38 Heritage Court, is holding its yearly celebration of, "National Health Center Week" with an event August 10, 2021; and

Whereas, the event will promote community health education and awareness, and will feature testing, screenings, and vaccines; and

Whereas, back to school supplies, raffles, activities and prizes will be offered at no cost; now, therefore, be it

Resolved, that pursuant to their request, permission is hereby granted to the Community Health Center of Lockport to barricade Heritage Court, with designated parking in the lot for Heritage Court Plaza businesses, on Tuesday, August 10, 2021 from 12noon to 4pm for a healthcare event, subject to organizers and participants following all state COVID-19 regulations, and be it further

Resolved, that the Director of Streets and Parks 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 Devine and adopted. Ayes 5.

**080421.5**

By Alderman Allport:

Resolved, that pursuant to their request, permission is hereby granted the residents of Cottage Street to barricade Cottage from High Street to LaGrange Street on August 15, 2021, for a block party, and be it further

Resolved, that the Director of Streets and Parks 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 Oates and adopted. Ayes 5.

**080421.6**

By Alderman Oates:

Resolved, that pursuant to their request, the Niagara County Sheriff's Office Domestic Violence and Victim Assistance Units are hereby granted permission to host a 5K run in honor of Domestic Violence Awareness Month, at Nelson C. Goehle Wide Waters Marina, on Sunday, October 17, 2021, from 8am until 12noon. Permission to include the use the restroom facilities and pavilion, and the barricading of Market Street from Mill Street to Cold Springs

Road from 10am until 11:30am. Said permission is subject to Niagara County Deputy Sheriff's PBA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and is further subject to organizers and participants following all state COVID-19 regulations, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange to have the restroom open and electricity available at the park for said event, and to arrange for delivery of barricades, traffic cones, and street closed signs.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **080421.7**

By Alderman Oates:

Whereas, resolution 061621.16 authorized and directed the Director of Highways and Parks to sell via online auction, used vehicles and surplus equipment; and

Whereas, bidding closed with an unacceptable offer of \$72,500 for a 2019 Kenworth Bergkamp SP5 Pothole Killer; and

Whereas, the City of Lockport, following the two-week auction, negotiated an acceptable offer with another buyer for \$150,000 for said pothole vehicle; and

Whereas, Boulder County Public Works in Longmont, Colorado agreed to that offer; now, therefore, be it

Resolved, that said vehicle be sold to Boulder County, Colorado for the price of \$150,000; and be it further

Resolved, that the City of Lockport provide the buyer with a letter stating that it will sell said vehicle to Boulder County at said price.

Seconded by Alderman Schratz and adopted. Ayes 5.

#### **080421.8**

By Alderman Schratz:

Resolved, that pursuant to her request, Flora Hawkins is hereby granted permission to use Altro Park on Sunday, August 8, 2021 for a family picnic, said permission allowing the use of pop up canopies, a bounce house, and both live and prerecorded music, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 5.

#### **080421.9**

By Alderman Kantor:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant Coronavirus (CDBG-CV) application to the New York State Office of Community Renewal to provide grant funds to small businesses to prevent, prepare for, and recover from COVID-19, as well to provide grants to eligible public facilities to make facility alterations to improve air quality in the City of Lockport, and

Whereas, the City of Lockport is required to hold a public hearing pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended, to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG-CV funding, now, therefore, be it

Resolved, that the Common Council hereby calls for a Public Hearing whereas all interested parties shall be heard regarding the CDBG-CV program and the proposed funding

application. Such Public Hearing to be held on August 18, 2021, at 5:30 pm in the Common Council Chambers at One Locks Plaza, Lockport, New York; and be it further

Resolved, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman Devine and adopted. Ayes 5.

**080421.10**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the Moose Club to barricade Monroe Street from Water Street to Jackson Street on August 7, 2021 from 10am until 6pm for a Family Picnic, and be it further

Resolved, that the Director of Streets and Parks 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 Devine and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 5.

**080421.11**

By Alderman Schratz:

Whereas, the City of Lockport, NY (City) owns and operates a Wastewater Treatment Plant (WWTP) which has a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Permit, No. NY0027057, and

Whereas, NYSDEC modified the City SPDES Permit which took effect on August 7, 2017 and now requires seasonal disinfection of the WWTP effluent, and specifically requires that engineering plans for the disinfection upgrades be submitted to NYSDEC by May 2020 and that the required disinfection system be operational by May 2022, and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents for an ultraviolet (UV) disinfection for the WWTP which were subsequently completed and approved by NYSDEC; and

Whereas, the City has been awarded State funding assistance for the project including a Water Quality Improvement Program (WQIP) grant, Water Infrastructure Improvement Act (WIIA) grant, and Clean Water State Revolving Fund (CWSRF) loan; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted sealed bids for the Wastewater Treatment Plant (WWTP) Improvements for Ultraviolet (UV) Light Disinfection Project #2480G - General Construction were opened and read aloud at 2:00 p.m. on July 2, 2021, at the Lockport Municipal Building as follows;

CONTRACTOR	BASE BID	ALTERNATE #1 BID NO. 1	TOTAL
STC Construction, Inc.	\$2,949,700.00	\$132,700.00	\$3,082,400.00
Blue Heron Construction, Inc.	\$2,994,611.00	\$172,000.00	\$3,166,611.00

And

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City award the contract to the low responsive bidder, STC Construction, including Alternate #1, in the total amount of \$3,082,400.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with STC Construction, 63 Zoar Valley Road, PO Box 459, Springville, NY 14141 in the amount of \$3,082,400 contingent upon legal review and availability of funding for City Project #2480.

Seconded by Alderman Allport and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **080421.12**

By Alderman Schratz:

Whereas, the City of Lockport, NY (City) owns and operates a Wastewater Treatment Plant (WWTP) which has a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Permit, No. NY0027057, and

Whereas, NYSDEC modified the City SPDES Permit which took effect on August 7, 2017 and now requires seasonal disinfection of the WWTP effluent, and specifically requires that engineering plans for the disinfection upgrades be submitted to NYSDEC by May 2020 and that the required disinfection system be operational by May 2022, and

Whereas, the City entered into agreement with Nussbaumer & Clarke, Inc. (Nussbaumer) to develop plans and bid documents for an ultraviolet (UV) disinfection for the WWTP which were subsequently completed and approved by NYSDEC; and

Whereas, the City has been awarded State funding assistance for the project including a Water Quality Improvement Program (WQIP) grant, Water Infrastructure Improvement Act (WIIA) grant, and Clean Water State Revolving Fund (CWSRF) loan; and

Whereas, the City publicly advertised a Notice to Bidders and subsequently accepted sealed bids for the Wastewater Treatment Plant (WWTP) Improvements for Ultraviolet (UV) Light Disinfection Project #2480E - Electrical Construction were opened and read aloud at 2:00 p.m. on July 2, 2021, at the Lockport Municipal Building as follows;

CONTRACTOR	BASE BID	ALTERNATE BID NO. 1	TOTAL
Weydman Electric, Inc.	\$252,900.00	\$10,900.00	\$263,800.00
CIR Electric Construction	\$271,600.00	\$8,500.00	\$280,100.00
Frey Electric	\$326,000.00	\$10,000.00	\$336,000.00
The State Group	\$326,000.00	\$24,000.00	\$350,000.00
O'Connell Electric Co., Inc.	\$382,320.00	\$12,520.00	\$394,840.00
Concord Electric Corp.	\$456,000.00	\$8,300.00	\$464,300.00

And

Whereas, Nussbaumer reviewed the contractor bids and references and recommends that the City award the contract to the low responsive bidder, Weydman Electric, Inc., including Alternate #1, in the total amount of \$263,800.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Weydman Electric, Inc., 747 Young Street, Tonawanda, NY 14150 in the amount of \$263,800.00 contingent upon legal review and availability of funding for City Project #2480.

Seconded by Alderman Allport and adopted. Ayes 5.

**080421.13 – Grant permission to hold a cornhole tourney at Outwater Park on August 21<sup>st</sup> - WITHDRAWN**

**080421.14**

By Alderman Oates:

Whereas resolution 072121.14 moved funds from the water fund contingency to pay for professional services in relation to the Municipal Building water line with Benedict's Contracting Inc., and

Whereas, it is deemed that the more appropriate place to utilize funds is from the general fund's building maintenance department; now, therefore, be it

Resolved, that the FY 2021 Water and General Fund operating budgets are hereby amended as follows:

**Expenditures:**

**Increase**

FX.1900.54775	Contingency	\$21,650
A.1620.54055	Professional Services	\$21,650

**Decrease**

FX.1900.54055	Professional Services	\$21,650
A.1900.54775	Contingency	\$21,650

Seconded by Alderman Devine and adopted. Ayes 5.

**080421.15 – Cease City's legal appeal of disciplinary charges against LPD officers - WITHDRAWN**

**080421.16**

By Alderman Schratz:

Resolved, that pursuant to his request, Brian Smith, 13 W. Main Street is hereby granted permission to place two dumpsters in the city right-of-way, from August 4<sup>th</sup> through August 31<sup>st</sup>, 2021, for the duration of their renovation project. Said permission is subject to Brian Smith filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 5.

**080421.16A**

By Alderman Kantor:

Resolved, that pursuant to Corporation Counsel approval, the Chief Operator- Water Filtration Plant is authorized to go out to bid and/or enter into a purchasing contract for the purchase of chemicals.

Seconded by Alderman Schratz and adopted. Ayes 5.

**080421.17**

## **ADJOURNMENT**

At 5:52 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 18, 2021.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

August 18, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**081821.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of August 4, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on the CARES Act application.

The Mayor asked the City Clerk if any petitions or communications relative to the CARES Act application have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Resignations:**

08/17/21 Douglas C. Nicholson, resigned as a member of the Civil Service Commission. Effective August 17, 2021.

8/17/21 Kathleen Sparks DiMillo, resigned as an alternate member of the Board of Ethics. Effective August 17, 2021.

Received and filed.

### **Appointments:**

8/17/21 Kevin W. Norris, 440 South Street, Lockport, NY – appointed to the Civil Service Commission to fill the unexpired term of Doug Nicholson. Said term expires on May 31, 2024.

8/16/21 Marcus D. Wyche, 4 Roosevelt Drive, Lockport, NY – appointed to the Human Relations Commission effective August 16, 2021. Said term expires July 15, 2024.

Received and filed.

8/17/21 Mayor Michele M. Roman – recommendation that Kathleen Sparks DiMillo, 73 Lincolnshire Drive, Lockport, NY be appointed as member of the Lockport Board of Ethics

Referred to the Committee of the Whole.

## **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)

### **Notice of Complaint:**

8/5/21 59 Weld Street – tree  
8/6/21 142 Park Lane Circle – tree  
8/11/21 167 Spalding Street – tree  
8/11/21 181 Waterman Street – tree  
8/12/21 142 Chestnut Street – tree  
8/16/21 48 So New York Street – tree

8/17/21 27 Saxton Street –tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/10/21 New York Central Mutual Fire Insurance Company, FBO Daniel J. Malcomb & Nancy J. Malcomb, 290 Hawley Street, Lockport, NY

8/11/21 Viola, Cummings & Lindsay, LLP, FBO Thomas Townsend, 40 North Street, Lockport, NY

**Notice of Consent Order:**

8/11/21 (In the matter of the application under Article 7 of the Real Property Tax Law) by Lockport Plaza, LLC v. City of Lockport

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**081821.2**

By Alderman Oates:

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 August 19, 2021 as follows:

General Fund	Fund A	\$38,182.98
Water Fund	Fund FX	\$9,625.07
Sewer Fund	Fund G	\$32,101.97
Capital Projects	Fund H	\$207,784.64
Refuse Fund	Fund CL	\$101,438.67
Self Insurance	Fund MS	\$1,487.80
Payroll	Pay Date 7/29/21	\$503,773.67

Seconded by Alderman Abbott and adopted. Ayes 6.

**081821.3**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Grosvenor to barricade Grosvenor Street from Church Street to N. Transit Street on September 11, 2021, for a block party, and be it further

Resolved, that the Director of Streets and Parks 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 Oates and adopted. Ayes 6.

**081821.4**

By Alderman Allport:

Whereas, a plan has been proposed by the Mayor and administration to utilize the Federal ARPA Coronavirus Local Fiscal Recovery Funds (also referred to as Budget Supplement #3); and

Whereas, the FY 2021 portion of the funds has been recommended to be utilized for a sewer vacuum (\$377,527), two street sweepers (totaling \$417,440), a Bandit 18XP Drum



Chipper (\$55,313) minus the trade in value of the City's Morbark M15RX Chipper (\$18,500), and a 12-ton truck (\$175,852); now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the budget transfers for said purchases, contingent on final review by Corporation Counsel:

Revenues:

Increase

A.0000.34089	Other Federal Revenue	\$1,007,632
H209.8197.32801.A	Interfund from General Fund	\$377,527
H210.5110.32801.A	Interfund from General Fund	\$417,440
H211.5110.32801.A	Interfund from General Fund	\$36,813
H212.5110.32801.A	Interfund from General Fund	\$175,852

Expenditures:

Increase

A.9901.59000.H	Interfund to Capital	\$1,007,632
H209.8197. 52420	Machinery and Heavy Equip.	\$377,527
H210.5110. 52420	Machinery and Heavy Equip.	\$417,440
H211.5110. 52420	Machinery and Heavy Equip.	\$36,813
H212.5110. 52420	Machinery and Heavy Equip.	\$175,852

Seconded by Alderman Devine and adopted. Ayes 6.

**081821.5**

By Alderman Schratz:

Whereas, the New York State Department of Environmental Conservation (NYSDEC) has distributed an invoice in relation to remediation of Old Upper Mountain Road totaling \$25,000; and

Whereas, per the related consent order, said payment of \$25,000 represents the City's obligation to the remediation, which is to be incurred by NYSDEC; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the budget transfers for said payment:

Expenditures:

Decrease

A.1900.54775	Contingency	\$25,000
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Increase

A.1900.54765	Judgement and Claims	\$25,000
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Seconded by Alderman Allport and adopted. Ayes 6.

**081821.6**

By Alderman Kantor:

Whereas, the City of Lockport is currently a party to a Master Lease Agreement with Enterprise Fleet Management ("Enterprise") for the leasing of the City's fleet; and

Whereas, at Enterprise's recommendation, the City has the option to replace eight existing 2019 Ford F-150 leases in Wastewater Treatment, Water Distribution, and Street

Maintenance with new 2022 F-150 leases that contain better power and towing capabilities; and

Whereas, in upgrading, costs associated to the new leases would reduce our agreement costs for these vehicles by an annual amount of \$5,557.20 because of our equity in current leases; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into new fleet replacement agreements for the recommended eight vehicles.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **081821.7**

By Alderman Devine:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the City has committed financial support amounting to \$10,000 to be dedicated to the on-going skate park project as matching funds raised by Lockport Community Services, Inc.; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to utilize funds in the H206 capital project, with the \$10,000 to be appropriated for maintenance of the skate park should Lockport Community Services, Inc. reach its fundraising goal.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **081821.8**

By Alderman Allport:

Whereas, the City of Lockport's Collective Bargaining Agreement with Local 832 Unit 76510 of the Civil Service Employees Association, "CSEA", expired on December 31, 2012; and

Whereas, the City of Lockport's negotiating committee and CSEA's negotiating committee reached a tentative agreement; and

Whereas, the CSEA's union membership has approved the tentative agreement; and

Whereas, the Common Council has reviewed that tentative agreement; now, therefore, be it

Resolved, that the City of Lockport hereby adopts and approves the tentative agreement.

Seconded by: Alderman Schratz and adopted. Ayes: 6.

#### **081821.9**

By Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has compiled quotes for a concrete floor for the "Parco" pavilion north of the hardball diamond at Outwater Park, by Palladino Concrete for \$6,300; and

Whereas, the Community Pool needs concrete repairs and other repairs to limit any liabilities for trip hazards or any other hazards, to include masonry repairs to exterior walls, replacement of damaged downspouts, painting of the exterior of the building, as well as metal support posts and wood ceiling, for \$12,500; and

Whereas, Resolution 042121.8 established that pickle ball courts are on the current consensus list of improvements that should be made; and

Whereas, Rogers Park has an ice skating area, approximately 55 X 100 feet, that can be improved by excavating the area, and by adding stone and asphalt. The improved area can be configured for ice skating and winter-related activities, and, in warmer weather, as two pickle ball courts, at a cost of \$50,000. Overall costs could be less if City crews complete asphalt work, and possibly use old street millings for the base instead of stone; and

Whereas, the Director of Highways and Parks has requested placing removable Bollard posts at the entrances of Kibler and Grossi Parks at a cost of \$2,215.75 per quote from Reliance Foundry; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into contracts with above vendors and utilize funds in the H206 capital project.

Seconded by Alderman Kantor. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	Yes
Alderman Allport	VOTING	No
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	No
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	No

Ayes 3. Nays 3. The Mayor voted in the negative. Motion failed.

#### **081821.10 - Direct Corporation Counsel to discontinue appeal in case involving LPD officers - WITHDRAWN**

#### **081821.11**

By Alderman Oates:

Resolved, that the Superintendent of Highways and Parks be directed to submit a plan to address, specifically, removal of tree stumps, street sweeping and sewer receiver clean out, as well as removal of trees that have been identified as requiring removal; and be it further

Resolved, that the targeted budget amount for said work is \$100,000 and can include, if needed, rental of equipment, additional overtime, extending seasonal help, contracting out some of the work, or other expenses necessary to complete the work; and be it further

Resolved, that the plan should be completed and ready for presentation to the Council work session by the Superintendent of Highways and Parks, on September 8, 2021; and be it further

Resolved, the plan should establish time parameters for completion of the work, including street sweeping and sewer clean outs, as well as the number of trees and stumps that would additionally be removed.

Seconded by Alderman Devine and adopted. Ayes 5. Nays 1. Alderman Schratz voted no.

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

**081821.11A**

By Alderman Schratz:

Whereas, the Community Development Block Grant (CDBG) program is administered by the New York State Office of Community Renewal (OCR), and has made available to local governments approximately \$60 million under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help communities throughout the state to safely reopen and restart their local economies in the wake of COVID-19; and

Whereas, the City of Lockport has identified certain economic development and public facility related needs within the community directly relating to the COVID-19 pandemic (the "Project"); and

Whereas, the Greater Lockport Development Corporation (the "GLDC") intends to assist businesses impacted by COVID-19; and

Whereas, the City of Lockport is eligible to apply for up to \$1 million in funding from the New York State Office of Community Renewal CARES Act funds to finance the Project costs; and

Whereas, The GLDC is facilitating of the Project and has requested that the City provide the OCR CARES Act funding to the GLDC as a grant for the purpose of making grants to eligible small businesses and microenterprises; and

Whereas, The Project will result in substantial benefit to the City of Lockport in forms of safer businesses, new investment, new employment positions, and safer public facilities; and

Whereas, The City has held a public hearing to obtain citizens' views regarding the CDBG CARES Act program as administered by OCR and the proposed Project; now, therefore, be it

Resolved, That the Mayor is hereby authorized to submit a grant application of up to \$1 million on behalf of the City of Lockport to the OCR to support the Project; and be it further

Resolved, That the Mayor is hereby authorized to execute a grant agreement between the City and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the GLDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the City Attorney; and be it further

Resolved, That the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Seconded by Alderman Allport and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

**081821.11B**

By Alderman Allport:

Whereas, on City of Lockport is authorized to collect bed tax within the City; and

Whereas, there currently is no ability for the City to collect bed tax on short-term or vacation rentals; and

Whereas, the third party short-term or vacation rental booking company “Airbnb” is the only current entity that will collect bed tax for a municipality; and

Whereas, Airbnb will only collect the bed tax for the entire County and will not itemize the individual source of the bed tax raised; and

Whereas, Airbnb will only agree to collect the bed tax Countywide and will only remit the bed tax to one entity; and

Whereas, the City of Lockport only has six (6) short-term or vacation rentals that are currently being advertised in the City; and

Whereas, these short-term or vacation rentals are not currently remitting bed tax to the City or the County; and

Whereas, the City has an interest in ensuring that all short-term or vacation rentals are collecting and remitting bed tax; and

Whereas, Airbnb requires the County to have a fully executed Memorandum of Understanding with municipalities that collect bed taxes to enable the County to collect the same from Airbnb; now, therefore, be it

Resolved, that the City of Lockport hereby authorizes the Mayor to enter into the attached Memorandum of Understanding with Niagara County for the collection of the bed tax generated at all short-term or vacation rentals operated through Airbnb in the City of Lockport.

Seconded by Alderman Kantor and adopted. Ayes: 6.

**081821.12**

## **ADJOURNMENT**

At 8:43 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 1, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

September 1, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **090121.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of August 18, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **FROM THE MAYOR**

### **Appointments:**

8/25/21 Donald A. Stevens, 230 State Street, Lockport, NY – Appointed to the Planning Board effective August 25, 2021. Said term expires October 14, 2024.

8/27/21 Cassy L. Schurr, 377 Vine Street, Lockport, NY – Appointed to the Audit Committee effective August 27, 2021.

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)

8/23/21 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of September in observance of Labor Day.  
Monday, September 6

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the media.

8/25/21 Heinrich Chevrolet, 5775 South Transit Road, holding a truck parade to benefit veterans, from Outwater Park to the dealership, on Saturday, September 11, 2021.

Referred to the Police Chief and Fire Chief.

### **Notice of Complaint:**

8/23/21 5 Georgia Avenue – tree  
8/24/21 368 West Avenue – tree  
8/26/21 331 Lincoln Avenue – tree  
8/30/21 102 Grand Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

8/24/21 GEICO General Insurance Company – Subrogation for David Roth, 4641 E. Shelby Road, Medina, NY 14103

8/24/21 Michele Davidson, 368 West Avenue, Lockport, NY 14094

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**090121.2**

By Alderman Oates:

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 September 2, 2021 as follows:

General Fund	Fund A	\$145,732.56
Water Fund	Fund FX	\$23,683.11
Sewer Fund	Fund G	\$59,251.69
Capital Projects	Fund H	\$44,862.22
Refuse Fund	Fund CL	\$153.46
Health Insurance	Fund MS	\$82,540.20
Payroll	Pay Date 8/12/21	\$492,861.94

Seconded by Alderman Abbott and adopted. Ayes 6.

**090121.3**

By Alderman Allport:

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>
Kevin S. Lucinski	15	Police Officer

Seconded by Alderman Devine and adopted. Ayes 6.

**090121.4**

By Alderman Devine:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a New York State Affordable Housing Corporation (the “AHC”) Home Improvement application to the New York State Office of Homes and Community Renewal (the “OCR”) for a grant to fund incentives supporting homeowners’ rehabilitation within the City of Lockport, and

Whereas, the City of Lockport is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for AHC funding; now, therefore, be it

Resolved, that the Common Council hereby calls for a Public Hearing whereas all interested parties shall be heard regarding the AHC program, the City’s community development programs, and the proposed funding application. Such Public Hearing to be held

on September 15, 2021, at 5:30 pm in the Common Council Chambers at One Locks Plaza, Lockport, New York; and be it further

Resolved, that at least eight (8) days' notice of such hearing shall be given by publishing such notice at least once in the official newspaper of the City.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **090121.5**

By Alderman Abbott:

Whereas, General City Law 20(3) authorizes the City to accept donations from individuals or organizations, and to use said donations per the restrictions placed on them by the donor, regardless of minimum value; now, therefore, be it

Resolved, that the Mayor and Common Council do hereby extend thanks and appreciation to the Lockport VFW Auxiliary for the gift of \$900 to be used to help fund Youth and Recreation supplies.

Seconded by Alderman Allport and adopted. Ayes 6.

#### **090121.6**

By Alderman Allport:

Resolved, that the City Clerk is hereby authorized and directed to prepare a Request for Proposals for General Liability Insurance broker and Excess Workers Compensation Insurance broker; and be it further

Resolved, the City Clerk is authorized and directed to advertise for proposals for same.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **090121.7**

By Alderman Oates:

Whereas, the deer population within the city limits has increased dramatically, causing significant damage to McCollum Orchards, the only farm located wholly within the city limits, with estimates of annual product loss exceeding \$10,000; and

Whereas, the New York State Department of Environmental Conservation, in recognition of this problem throughout New York State, has developed a deer-damage permit process to reduce the number of deer within specified areas that are otherwise outside approved hunting areas and have experienced financial loss as a result; and

Whereas, the owners of McCollum Orchards have taken all necessary steps to procure the appropriate permit from the DEC for bow hunting, subject to Common Council authorization; and

Whereas, the City Code ordinarily prohibits the use of bow and arrow as a deadly weapon within the city limits, but there are no other methods for thinning the deer population that are acceptable and humane; now, therefore, be it

Resolved, that the owners of McCollum Orchards are authorized, in accordance with its DEC permit, to issue tags to bow hunters in the limits set forth in said permit, and in accordance with all other restrictions incorporated into said permit; and be it further

Resolved, that there will be no discharge of firearms authorized by this resolution in connection with any deer-hunting; and be it further

Resolved, that this authorization is limited to McCollum Orchards, and no other city residents unless and until they obtain their own DEC permits and apply to the Common Council on a case-by-case basis.



Seconded by Alderman Abbott and adopted. Ayes 6.

**090121.8**

By Alderman Schratz:

Whereas, the Lockport City Building Inspector, Planning Board and Zoning Board of Appeals anticipate receipt of several technical submissions relative to a proposed planned unit development within the city limits within the next month; and

Whereas, the nature of these submissions requires specialized legal analysis to ensure proper compliance with local, state, and federal laws that goes beyond the scope of work regularly handled by the Corporation Counsel staff; and

Whereas, the City has traditionally employed special counsel in such circumstances; and

Whereas, the budget allocated for outside counsel for fiscal year 2021 did not anticipate the situation that the Building Inspector and Planning and Zoning Boards now face; now, therefore, be it

Resolved, that the following budget amendment be made to address this situation for fiscal year 2021:

Expenditures:

Decrease

A1900.54775	Contingency	\$10,000
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Increase

A1420.54055	Professional Services	\$10,000
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Seconded by Alderman Allport and adopted. Ayes 6.

**090121.9**

By Alderman Oates:

Resolved, that pursuant to their request, the GLDC is hereby granted permission to place two dumpsters in the city right-of-way at 13 W. Main Street, from September 1<sup>st</sup> through October 5<sup>th</sup>, 2021, for their renovation project. Said permission is subject to the GLDC 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.

**090121.10**

By Alderman Abbott:

Whereas, the City of Lockport has identified the need to remove debris from the section of 18-Mile Creek from Davison Road to Remick Parkway; now, therefore, be it

Resolved, that the Director of Engineering is authorized and directed to prepare and issue a Request for Proposals (RFP) for the cleaning of debris from 18-Mile Creek at a cost not to exceed \$60,000; and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Devine and adopted. Ayes: 6.

**090121.11**

By Alderman Oates:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and  
Whereas, the Director of Highways and Parks has compiled quotes for a concrete floor for the "Parco" pavilion north of the hardball diamond at Outwater Park, by Palladino Concrete for \$6,300; and

Whereas, the Community Pool needs concrete repairs and other repairs to limit any liabilities for trip hazards or any other hazards, to include masonry repairs to exterior walls, replacement of damaged downspouts, painting of the exterior of the building, as well as metal support posts and wood ceiling, for \$12,500; and

Whereas, Resolution 042121.8 established that pickle ball courts are on the current consensus list of improvements that should be made; and

Whereas, Rogers Park has an ice skating area, approximately 55 X 100 feet, that can double as pickle ball courts during warm weather months; and

Whereas, that can be improved by City crews excavating the area, and by adding stone and asphalt, at a cost of \$16,500; and

Whereas, the Director of Highways and Parks has requested placing removable Bollard posts at the entrances of Kibler and Grossi Parks at a cost of \$2,215.75 per quote from Reliance Foundry; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into contracts with above vendors and utilize funds in the H206 capital project.

Seconded by Alderman Kantor and adopted. Ayes: 6.

**090121.12**

## **ADJOURNMENT**

At 5:46 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 15, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

## **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

September 15, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **091521.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Kantor, the minutes of the Regular Meeting of September 1, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on the Homes and Community Renewal Grant application.

The Mayor asked the City Clerk if any petitions or communications relative to the Homes and Community Renewal Grant application have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

Bernadette L. Smith, 51 Lindhurst Drive, Lockport, NY – appointed to the Human Relations Commission effective September 7, 2021. Said term expires on July 15, 2024.

## **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)

8/26/21            Anthony Molinaro, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – Request permission to conduct a Homecoming Parade on September 25, 2021

9/10/21            Robert Pecoraro, Board Chairperson, Niagara Community Action Program, Inc., 1521 Main Street, Niagara Falls, NY – Request NIACAP funding be included in the city's 2022 budget

Referred to the Committee of the Whole

**Notice of Complaint:**

9/10/21        36 Spruce Street - tree

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS****091521.2**

By Alderman Oates:

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 September 16, 2021 as follows:

General Fund	Fund A	\$91,923.10
Water Fund	Fund FX	\$55,650.93
Sewer Fund	Fund G	\$29,135.30
Capital Projects	Fund H	\$4,248.00
Refuse Fund	Fund CL	\$102,587.87
Self Insurance	Fund MS	\$58,935.94
Worker's Comp	Fund S	\$6,250.00
Payroll	Pay Date 8/26/21	\$484,471.74

Seconded by Alderman Allport and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**091521.3**

By Alderman Abbott:

Whereas, the City of Lockport ("City") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations for persons of middle and low income; and

Whereas, Harrison Lofts Housing Development Fund Company, Inc. (the "HLHDFC"), a to-be-formed New York not-for-profit corporation and entity organized pursuant to Article XI of the New York Private Housing Finance Law ("PHFL"), and Harrison Lofts Limited Partnership (the "Partnership"), a to-be-formed New York limited partnership, have identified certain real property located at 160 Washburn Street, Lockport, New York 14094 (SBL # 109.14-4-20.1), being Part of Lot 8, 10 & 12, Section 15, Township 14, Range 6 of the Holland Land Company's Survey in the City of Lockport, County of Niagara and State of New York more particularly described in the Nussbaumer & Clarke, Inc. Survey Project No. 1905-0035, dated December 23, 2019 (the "Land"), for the purpose of the construction on the Land of a housing project for persons of middle and low income, said project to consist of: (i) the acquisition of the Land; (ii) the construction thereon of approximately 82 residential rental units for persons of middle and low income, to be known as Harrison Lofts (the "Improvements"); and (iii) the acquisition and

installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Land and the Improvements, the "Project"); and

Whereas, the HLHDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of middle and low income; and

Whereas, the HLHDFC will acquire fee title to the Land, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; and

Whereas the HLHDFC will also be a co-general partner of the Partnership; and

Whereas, the HLHDFC's and the Partnership's plan for the use of the Land constitutes a "housing project" as that term is defined in the PHFL; and

Whereas, the HLHDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Council Members to exempt the Project from real property taxes; and

Whereas, the Partnership and the HLHDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to the Council Members for approval, a copy of which is attached hereto as Exhibit A; now, therefore, be it

Resolved, that the Council Members hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement by and among the City, the Partnership and the HLHDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and it is further

Resolved, that PILOT Agreement by and among the City, the Partnership and the HLHDFC shall be subject to a modification of the existing Lease, Leaseback and PILOT Agreement between 210 Walnut, LLC (GLDC) and the Niagara County Industrial Development Agency ("IDA") to release 160 Washburn Street, Lockport, New York 14094 (SBL # 109.14-4-20.1) from the existing Lease, Leaseback and PILOT Agreement with the IDA, and be it further

Resolved, that the Mayor of the City is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City; and it is further

Resolved, that this resolution shall take effect immediately.

Seconded by Alderman Schratz and adopted. Ayes 4. Nays 2. Aldermen Oates and Devine voted no.

**091521.4**

By Alderman Schratz:

Whereas, the City of Lockport has been invited by the New York State Homes and Community Renewal to submit an application for the New York State Affordable Housing Corporation Home Improvement Program; and

Whereas, the City of Lockport is desirous of applying for a rehabilitation program to assist low and moderate income homeowners; and

Whereas, a program has been prepared that meets those community needs that have been identified; now, therefore, be it

Resolved, the Mayor is hereby authorized to execute any documents related to the grant should funding be awarded; and be it further

Resolved, that the Mayor be and is hereby authorized to execute and submit a \$500,000 application to the New York State Homes and Community Renewal for the New York State Affordable Housing Corporation Home Improvement Program.

Seconded by Alderman Abbott and adopted. Ayes 6.

**091521.5**

By Alderman Allport:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Homecoming Parade in the City of Lockport on Saturday, September 25, 2021, starting at 12 p.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Oates and adopted. Ayes 6.

**091521.6**

By Alderman Devine:

Whereas, on April 7, 2021, the Mayor created an ad hoc 911 Dispatch Review Committee, effective as of March 26, 2021, to review options related to the City's dispatch system and infrastructure; and

Whereas, on June 29, 2021, the Committee unanimously recommended to maintain dispatch capabilities within City operations by upgrading our Motorola system, which in doing so would comply with upcoming changes to federal regulations, as well as maintain cost savings compared to other options that were presented; and

Whereas, the Administration has anticipated costs related to this project and has proposed (in Budget Supplement #4) to increase the sales tax revenue lines to be more reflective of our actual experienced revenue, which has exceeded our anticipated monthly budgeted amount year-to-date; now, therefore, be it

Resolved, the Common Council hereby authorizes the Mayor to enter into contracts with Motorola and APCO Institute, both single source providers of this project, and that the FY 2021 General and Capital Fund Budgets are amended as follows:

Revenue:

Increase:

A.0000.31110	Sales Tax: Pre-empted	\$ 110,000
A.0000.31120	Sales Tax: County	\$ 207,413
H213.3120.35031.A	Interfund from General	\$ 317,413

Expenditure:

Increase:

A.9901.59000.H	Interfund to Capital	\$ 317,413
H213.3120.52421	Machinery & Equipment	\$ 317,413

Seconded by Alderman Abbott and adopted. Ayes 5. Nays 1. Alderman Oates voted no.

**091521.7**

By Alderman Devine:

Whereas, General Municipal Law Section 53(4) extends purchasing authorizations to be made in event of an emergency in which there is endangerment to the health, welfare, property, or taxpayers of the City of Lockport; and

Whereas, on September 1, 2021, the Engineering Department, in coordination with the Mayor's Office and Department of Finance, were required to utilize said emergency authorizations in light of findings regarding a leak in the gas line of the Wastewater Treatment Plant, a result of the July 20, 2021 State of Emergency; now, therefore, be it

Resolved, that the Common Council hereby acknowledges the use of the emergency authorization to contract with the John W. Danforth Company in the amount of \$118,349, and amends the FY 2021 Sewer Fund as follows:

Expense:

Decrease:

G.1900.54775	Contingency	\$ 118,349
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Increase:

G.8130.54540	Utility System Reform	\$ 118,349
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Seconded by Alderman Oates and adopted. Ayes 6.

#### **091521.8**

By Alderman Schratz:

Resolved, that a public hearing be held at the Common Council Meeting of October 6, 2021 starting at 5:30 P.M. relative to a request for a Special Use Permit made by Robert Craft, for approval of the use of the existing building at 205 Washburn Street for a roofing business, situated in an R-3 Zone, and be it further

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **091521.9**

#### **ADJOURNMENT**

At 6:56 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 6, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

#### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

October 6, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

#### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **100621.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of September 15, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing in a request for a Special Use Permit to utilize the existing building at 205 Washburn Street as a roofing business.

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

9/15/21 Terry Harmon, Lockport Planning and Zoning Board – the Board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Resignations:**

9/29/2021 Robert McCartin, submitted resignation from the Citizen's Advisory Committee effective September 29, 2021.

## **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)



10/1/21 Paul K. Oates, City Clerk - notification that the Lockport Municipal Offices will be closed as follows in the month of October in observance of Columbus Day.

Monday, October 11th

There will be no change in the garbage pickup schedule.

Referred to the Media

**Notice of Complaint:**

9/12/21 44 Howard Avenue - tree  
9/17/21 26 Spalding Street – tree  
9/23/21 70 Maple Street – tree  
9/27/21 36 Spruce Street – tree  
9/30/21 39 Mill Street - tree

Referred to the Director of Streets and Parks.

**Notice of Summons:**

9/20/21 Elizabeth Porzucek v. Glen Yeager, Joan Yeager and the City of Lockport

Referred to Corporation Counsel

**MOTIONS & RESOLUTIONS**

**100621.2**

By Alderman Oates:

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 October 7, 2021 as follows:

General Fund	Fund A	\$304,154.65
Water Fund	Fund FX	\$35,489.66
Sewer Fund	Fund G	\$74,524.08
Capital Projects	Fund H	\$236,509.66
Refuse Fund	Fund CL	\$8,617.61
Health Insurance	Fund MS	\$86,540.20
Worker's Comp	Fund S	\$7,500.00
Payroll	Pay Date 9/9/21	\$513,121.77

Seconded by Alderman Abbott and adopted. Ayes 6.

**100621.3**

By Alderman Abbott:

Resolved, that the request for a special use permit made by Robert Craft to operate a roofing business, located at 205 Washburn Street, situated in an R-3 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.  
No excessive noise or disturbance of neighborhood.  
No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Oates and adopted. Ayes 6.

#### **100621.4**

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Police Department to barricade a portion of Outwater Drive on October 16, 2021 from 8am to 2pm, to conduct a physical agility test for recruits; and be it further

Resolved, that said permission also be granted on October 17, 2021 from 12:30pm to 4:30pm to hold a departmental physical training challenge; and be it further

Resolved, that the Director of Streets and Parks 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 Allport and adopted. Ayes 6.

#### **100621.5**

By Alderman Allport:

Whereas, Section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

Whereas, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

Whereas, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

Whereas, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

Whereas, the City Treasurer will submit to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

Whereas, upon receipt of such delinquent amounts the Council must hold a public hearing, and

Whereas, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

Whereas, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter; now, therefore, be it

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levies and the dollar amount to be added to the tax rolls, and be it further

Resolved, that a public hearing be held at the Common Council meeting on Wednesday, October 20, 2021, starting at approximately 5:30 P.M. relative to said resolution for re-levy, and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

#### **100621.6**

By Alderman Schratz:

Resolved, that Sunday, October 31, 2021 is hereby designated as Halloween Day in the City of Lockport, with the hours for trick or treating scheduled from 4pm to 7pm; and be it further

Resolved, that residents follow all state COVID-19 regulations.

Seconded by Allport and adopted. Ayes 6.

#### **100621.7**

By Alderman Abbott:

Whereas, the City of Lockport (City) has experienced flooding of 18-Mile Creek (Creek) on the reach between Davison Road and Remick Parkway, in part as a result of obstructions in the Creek; and

Whereas, the City issued a Notice to Bid for interested contractors and subsequently received and publicly opened and read bids on September 17, 2021 at 2 pm as follows;

CONTRACTOR	Palladino Excavating & Concrete	Eastwood Industries
TOTAL BID AMOUNT	\$55,000.00	\$84,000.00

And

Whereas, the Engineering Department and its Engineering Consultant have reviewed the contractor quotes and recommends that the City award the contract to the low responsible quote, Palladino Excavating & Concrete, for a total amount of \$55,000.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Palladino Excavating & Concrete, 5653 Wendy Circle, Lockport, NY 14094 in the amount of \$55,000.00 contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **100621.8 Board of Assessment Review Appointment – WITHDRAWN**

By Alderman Devine:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **100621.9**

By Alderman Devine:

Whereas, in Resolution 081821.8, the City of Lockport Common Council reviewed and agreed upon a renewal of a Collective Bargaining Agreement with Local 832 Unit 76510 of the Civil Service Employees Association, "CSEA"; and

Whereas said agreement contained appropriations for the current fiscal year that are not reflected in the budget;

Resolved, that the City of Lockport hereby amends the General, Water, and Sewer Funds as follows:

Revenue

Increase

A.0000.30599	Appropriated Fund Balance	\$114,811
FX.0000.30599	Appropriated Fund Balance	\$15,772
G.0000.30599	Appropriated Fund Balance	\$17,048

Expenditure

Decrease

A.1900.54775	Contingency	\$114,811
FX.1900.54775	Contingency	\$15,772
G.1900.54775	Contingency	\$17,048

Increase

A.1900.54775	Contingency	\$114,811
FX.1900.54775	Contingency	\$15,772
G.1900.54775	Contingency	\$17,048
A.1310.51010	Full Time Wages	\$5,683
A.1310.58010	FICA	\$435
A.1310.58050	Retirement	\$909
A.1310.51170	Other Compensation	\$9,000
A.1325.51010	Full Time Wages	\$4,899
A.1325.58010	FICA	\$375
A.1325.58050	Retirement	\$784
A.1325.51170	Other Compensation	\$9,000
A.1355.51010	Full Time Wages	\$1,789
A.1355.58010	FICA	\$138
A.1355.58050	Retirement	\$288
A.1355.51170	Other Compensation	\$3,000
A.1410.51010	Full Time Wages	\$3,307
A.1410.58010	FICA	\$253
A.1410.58050	Retirement	\$529
A.1410.51170	Other Compensation	\$6,000
A.1440.51010	Full Time Wages	\$1,633
A.1440.58010	FICA	\$125
A.1440.58050	Retirement	\$269
A.1440.51170	Other Compensation	\$3,000
A.1490.51010	Full Time Wages	\$4,256
A.1490.58010	FICA	\$326
A.1490.58050	Retirement	\$681
A.1490.51170	Other Compensation	\$6,000
A.1620.51010	Full Time Wages	\$2,046
A.1620.58010	FICA	\$156
A.1620.58050	Retirement	\$327
A.1620.51170	Other Compensation	\$3,000
A.3127.51010	Full Time Wages	\$3,019
A.3127.58010	FICA	\$231
A.3127.58050	Retirement	\$483
A.3127.51170	Other Compensation	\$6,000
A.3173.51010	Full Time Wages	\$1,551
A.3173.58010	FICA	\$119
A.3173.58050	Retirement	\$248
A.3173.51170	Other Compensation	\$3,000
A.3620.51010	Full Time Wages	\$5,477
A.3620.58010	FICA	\$419
A.3620.58050	Retirement	\$876
A.3620.51170	Other Compensation	\$9,000
A.5110.51010	Full Time Wages	\$2,293

A.5100.58010	FICA	\$175
A.5100.58050	Retirement	\$367
A.5100.51170	Other Compensation	\$3,000
A.8021.51010	Full Time Wages	\$1,592
A.8021.58010	FICA	\$122
A.8021.58050	Retirement	\$255
A.8021.51170	Other Compensation	\$3,000
A.8021.51010	Full Time Wages	\$1,922
A.9000.58010	FICA	\$147
A.9000.58050	Retirement	\$307
A.9000.51170	Other Compensation	\$3,000
FX.8310.51010	Full Time Wages	\$3,432
FX.8310.58010	FICA	\$262
FX.8310.58050	Retirement	\$549
FX.8310.51170	Other Compensation	\$6,000
FX.8340.51010	Full Time Wages	\$2,046
FX.8340.58010	FICA	\$156
FX.8340.58050	Retirement	\$327
FX.8340.51170	Other Compensation	\$3,000
G.8130.51010	Full Time Wages	\$4,298
G.8130.58010	FICA	\$329
G.8130.58050	Retirement	\$688
G.8130.51170	Other Compensation	\$6,000
G.8135.51010	Full Time Wages	\$2,211
G.8135.58010	FICA	\$169
G.8135.58050	Retirement	\$353
G.8135.51170	Other Compensation	\$3,000

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **100621.10**

By Alderman Allport:

Whereas, Resolution 081821.11 directed the Superintendent of Highways and Parks to submit a plan to address removal of tree stumps, street sweeping, sewer receiver clean out, and removal of trees; and

Whereas, said plan was discussed with Council in which existing employees would work overtime for 10 weekends occurring September through November to resolve said deficiencies; now, therefore, be it

Resolved, that the 2021 General and Water Fund Budgets are hereby amended as follows to reflect the increase in overtime:

Expense:

Decrease:

A.1900.54775	Contingency	\$ 36,563
G.1900.54775	Contingency	\$ 13,750

Increase:

A.5110.51100	Overtime	\$ 16,490
A.5110.58010	FICA	\$ 1,261
A.5110.58050	Retirement	\$ 2,638
A.8730.51100	Overtime	\$ 13,080
A.8730.58010	FICA	\$ 1,001
A.8730.58050	Retirement	\$ 2,093
G.8120.51100	Overtime	\$ 11,114
G.8120.58010	FICA	\$ 853

Seconded by Alderman Schratz and adopted. Ayes: 6.

**100621.11**

By Alderman Schratz:

Resolved, that pursuant to their request, the GLDC is hereby granted permission to place two dumpsters in the city right-of-way at 13 W. Main Street, from October 6<sup>th</sup> through December 1<sup>st</sup>, 2021, for their renovation project. Said permission is subject to the GLDC 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.

**100621.12**

By Alderman Schratz:

Whereas, the City of Lockport, New York (hereinafter "City") and the AFSCME Unit 855 (hereinafter "AFSCME" or "Union") are parties to a collective bargaining agreement covering the terms and conditions of employment for AFSCME employees of the City of Lockport, effective January 1, 2013 through December 31, 2026 (together hereinafter "the CBA"); and

Whereas, Appendix A delineates the grades for each individual AFSCME position; and

Whereas, the City acknowledges the need to maintain a strong qualified workforce; and

Whereas, the City acknowledges that many qualified employees have the potential to transfer to higher paying municipalities or in the public sector; and

Whereas, the City and the Union acknowledge the need to reorganize the grade system to reflect the actual level of expertise and qualifications of the specified positions; and

Whereas, the Union and City desire to amend and clarify the CBA through this agreement (hereinafter the "Amendment"); now, therefore, be it

Resolved, the City and the Union agree as follows:

1. There shall be the creation of a Grade 12.
2. The current grade 11 Mechanic position shall become a grade 12 position effective January 1, 2022.
3. The current grade 8 Tree Trimmer position shall become a grade 10 position effective January 1, 2022.
4. The current grade 10 Tree Crew Leader position shall become a grade 12 position effective January 1, 2022.
5. The current grade 10 Streets Crew Leader position shall become a grade 12 position effective January 1, 2022.
6. All other provisions of the CBA, not herein modified, shall remain in full force and effect.

Seconded by Alderman Allport and adopted. Ayes 5. Nays 1. Alderman Oates voted no.

**100621.13**

By Alderman Devine:

Resolved, that resolution #081821.7 adopted by the Common Council at their August 18, 2021 meeting, regarding conditional approval of \$10,000 for the skate park project, be and the same is hereby rescinded.

Seconded by Alderman Allport and adopted. Ayes 6.

**100621.14**

By Alderman Devine:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the City has committed financial support amounting to \$10,000 to be dedicated to the on-going skate park project as matching funds raised by Lockport Community Services, Inc.; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to utilize funds in the H206 capital project.

Seconded by Alderman Kantor and adopted. Ayes 6.

**100621.15**

## **ADJOURNMENT**

At 6:07 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 20, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

### **CITY OF LOCKPORT** **CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

October 20, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Kantor, and Oates.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**102021.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Allport, seconded by Alderman Kantor, the minutes of the Regular Meeting of October 6, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

### **PUBLIC HEARING**

The Mayor announced a public hearing on confirming Refuse & Recycling Re-levy.

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

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Appointments:**

10/19/21 Michael J. McFall, 1 Roosevelt Drive, Lockport, NY – appointed to Chief Wastewater Treatment Operator for the City of Lockport Wastewater Treatment Facility effective October 15, 2021. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

10/20/21 Stacy Stoll, 461 Washburn Street, Lockport, NY – reappointed to the Planning Board effective October 15, 2021. Said term expires on October 14, 2024.

10/20/21 Jeffrey Tracy, 5 Cherry Street, Lockport, NY – reappointed to the Planning Board effective October 15, 2021. Said term expires on October 14, 2024.

10/20/21 Marshall Roth, 110 Locust Street, Lockport, NY – reappointed to the Planning Board effective October 15, 2021. Said term expires on October 14, 2024.

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)

10/8/21 Carol A. Spedding, President, Zonta Club of Lockport – request permission to display signage in the City's parks to raise awareness for their 'Violence Against Women' campaign.

10/13/21 Peggy Belfield, Business Manager, Freedom Church, Lockport, NY – request permission to hold their 'Christmas Marketplace' event on December 11, 2021.

10/14/21 Jackie Schultz, Education Coordinator, Emmanuel United Methodist Church, Lockport, NY – request permission to conduct their annual 'Trunk or Treat' on October 23, 2021 at 75 East Avenue.



10/20/21 Terry Bryant, Pastor, God's Voice Ministries, Lockport, NY – thanking the City for its participation in the “Community In Unity” event held at Altro Park on August 22, 2021.

10/20/21 Paul K. Oates, City Clerk – The following RFP for Tree Maintenance-Removal (contract total \$50,000) were received and opened on October 14, 2021:

A.J.'s Tree Service Ltd. Clarence, NY	Removal of trees 1-21
Great Lakes Tree Services Sinclairville, NY	Removal of trees 1-18

Referred to the Committee of the Whole

10/20/21 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November.

Tuesday, November 2 <sup>nd</sup>	Election Day
Thursday, November 11 <sup>th</sup>	Veteran's Day
Thursday & Friday, November 25 <sup>th</sup> & 26 <sup>th</sup>	Thanksgiving Holiday
The garbage collection schedule will remain the same for November 2 <sup>nd</sup> and 11 <sup>th</sup> .	

For the Thanksgiving Holiday, garbage collection will be as follows:

<u>Normal Pick Up Day</u>	<u>Holiday Pick Up Day</u>
Thursday, November 25 <sup>th</sup>	Friday, November 26 <sup>th</sup>
Friday, November 26 <sup>th</sup>	Saturday, November 27 <sup>th</sup>

Referred to the Media.

#### **Notice of Complaint:**

10/6/21 406 Prospect Street – tree  
10/14/21 246 Garden Street – tree  
10/15/21 201 East Avenue - tree

Referred to the Director of Streets and Parks.

#### **MOTIONS & RESOLUTIONS**

##### **102021.2**

By Alderman Oates:

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 October 21, 2021 as follows:

General Fund	Fund A	\$50,938.67
Water Fund	Fund FX	\$150,567.47
Sewer Fund	Fund G	\$60,074.26
Capital Projects	Fund H	\$204,048.20

Refuse Fund	Fund CL	\$100,615.09
Health Insurance	Fund MS	\$57,073.18
Community Dev.	Fund CD	\$137,433.00
Payroll	Pay Date 9/23/21	\$564,467.57

Seconded by Alderman Kantor and adopted. Ayes 4.

### 102021.3

By Alderman Kantor:

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 3, 2021 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2022 budget, and be it further

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

Seconded by Alderman Abbott and adopted. Ayes 4.

### 102021.4

By Alderman Allport:

Whereas, the City Treasurer submitted to the Common Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes; and

Whereas, the Common Council conducted a public hearing on October 20, 2021 at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy; now, therefore, be it

Resolved, that the following delinquent accounts totaling \$182,724.91 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter.

<u>Account</u>	<u>Amount</u>
Refuse	\$168,324.91
Re-levy Fee	\$ 14,400.00

Seconded by Alderman Oates and adopted. Ayes 4.

### 102021.5

By Alderman Kantor:

Whereas, the Salvation Army provides warm shelter for the homeless or persons without heat when the temperature falls below 15 degrees Fahrenheit calling for a "Code Blue"; and

Whereas, in order to provide the "Code Blue" Warming Center to City residents, the Salvation Army is dependent upon financing from multiple sources, including municipalities whose residents it services; and

Whereas, the Common Council of the City of Lockport desires to provide funding to the Salvation Army in the amount of \$2,500.00 to provide "Code Blue" Warming Shelter services from October 1, 2021 through March 31, 2022; now, therefore, be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Salvation Army to operate the Code Blue Warming Shelter for City residents from October 1, 2021 through March 31, 2022, and be it further

Resolved, payment to the Salvation Army shall not exceed \$2,500.00 for the operation of the Code Blue Warming Shelter from October 1, 2021 through March 31, 2022 and said funds shall be expended from the A.8510.54075 Service Contracts, and be it further

Resolved, that the Mayor is hereby authorized to declare a "Code Blue" when the weather conditions indicate the temperature will fall below 15 degrees Fahrenheit overnight and shall notify the Salvation Army to open the Code Blue Warming Shelter, and this resolution shall take effect immediately.

Seconded by Alderman Abbott and adopted. Ayes 4.

#### **102021.6**

By Alderman Oates:

Resolved, that pursuant to their request, 'Light Up Lockport' be and the same is hereby granted permission to use the City's right-of-way to conduct the following events on Saturday, November 27, 2021:

**Tacky Sweater 5K run** beginning at the Palace Theater from approximately 7:00-10:00 A.M

**Light Up Lockport Parade** commencing at 6:00 PM at Ida Fritz Park, east on Main Street to Charles Street

And be it further

Resolved, that said permissions are subject to approval of the routes by the Police Chief, and 'Light Up Lockport' 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 Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and temporary 'no parking' signs for the entire length of the south side of Main Street prior to said events.

Seconded by Alderman Kantor and adopted. Ayes 4.

#### **102021.7**

By Alderman Allport:

Whereas, General City Law 20(3) authorizes the City to accept donations from individuals or organizations, and to use said donations per the restrictions placed on them by the donor, regardless of minimum value; now, therefore, be it

Resolved, that the Mayor and Common Council do hereby extend thanks and appreciation to the Lockport Professional Firefighters Society for the gift and installation of windows for the Lockport Fire Department, valued at \$14,925.

Seconded by Alderman Oates and adopted. Ayes 4.

#### **102021.8**

By Alderman Oates:

Whereas, the NYS Department of Transportation has awarded the City of Lockport \$817,483.66 in CHIPS funding, \$221,409.07 in PAVE NY funding, \$150,044.55 in EWR funding, and \$837,869.70 in Touring funding for a total of \$2,026,806.98; and

Whereas, of this total, the Street Maintenance Department, with an extended additional seasonal employee budget, has been able to utilize around \$800,000 as of September 29, 2021; and

Whereas, the Superintendent of Highway and Parks, as well as the City Electrician, has recommended utilizing CHIPs funding to purchase a bucket truck which will be used for maintaining City-owned street lights, as well as for regular operations of the street maintenance crew; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to enter into a purchasing agreement under State bid with Altec to purchase said piece of equipment for a total of \$132,320.

Seconded by Alderman Abbott and adopted. Ayes 4.

#### **102021.9**

By Alderman Abbott:

Whereas, the City's Department of Information Technology has experienced a number of unforeseen costs in maintenance contracts as well as cost increases in internet services that have exceeded this year's budgeted allocations; and

Whereas, continued operations and maintenance of our programs and operations will require additional funding in this year's budget, estimated at around \$15,000 in additional funds; now, therefore, be it

Resolved, that the Common Council hereby amend the General Fund budget to reflect this need:

Expenditures:

Decrease

A.1900.54775	Contingency	\$15,000
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Increase:

A.1680.54610	Internet Services	\$6,185
A.1680.54075	Maintenance Contracts	\$8,815

Seconded by Alderman Oates and adopted. Ayes 4.

#### **102021.10**

By Alderman Oates:

Whereas, the Zonta Club of Lockport has requested permission to install temporary lawn signs in various City rights of way, from November 25, 2021 through December 10, 2021, to raise awareness for Violence Against Women, and

Whereas, the 'Zonta Says NO' campaign is an international effort to raise awareness of, and increase actions to, end violence against women and girls around the world through service and advocacy, now, therefore, be it

Resolved, that permission is hereby granted to place the signs at Veteran's Memorial Park on East Avenue, Ida Fritz Park on West Avenue, Children's Memorial Park on S. Transit Street and at the Washburn and Locust Streets garden, which is maintained by the Zonta Club of Lockport.

Seconded by Alderman Allport and adopted. Ayes 4.

By Alderman Kantor:

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

Seconded by Alderman Oates and adopted. Ayes 4.

**102021.11**

By Alderman Oates:

Whereas, on July 20, 2021, the City of Lockport experienced a State of Emergency because of excessive rain and flooding, which resulted in significant losses to both the property and building of the Wastewater Treatment Plant, and

Whereas, in preparation of potential insurance recoveries, the City has maintained budgetary deficits, which, in light of recent information from our insurance carrier, fall within our deductible costs and now need to be corrected; now, therefore, be it

Resolved, that the Common Council authorizes purchase orders from the Danforth Group for underground gas main repairs (\$118,439) and from Koester Associates Inc. for pump replacement work (\$30,745) to be authorized from H205, the City's Sewer Infrastructure Reserve Fund, established in Resolution 112420.6, and be it further

Resolved, that the Common Council hereby reduces the indirect cost allocation that the Sewer Fund is to expense to the General Fund by \$52,038, and be it further

Resolved, that the Common Council hereby amends the General and Sewer Fund budgets as follows:

Revenues:

Decrease		
A.0000.32801G	Interfund from Sewer	\$52,038
Increase		
A.0000.31120	Sales Tax: County	\$52,038

Expenditures:

Decrease		
G.8120.52200	Utility Reform	\$20,000
G.8120.54050	Equip Repair	\$3,000
G.8120.54065	Equipment Rental	\$5,000
G.8120.54077	Construction Supplies	\$2,000
G.8130.52015	Technical Equipment	\$9,000
G.8130.52035	Public Works Equipment	\$10,000
G.8130.54007	Janitorial Supplies	\$500
G.8130.54020	Postage Expenses	\$100
G.8130.54030	Small Tools	\$500
G.8130.54057A	Admin Expense - General	\$52,038
G.8130.54075	Maintenance Contracts	\$10,000
G.8130.54300	Vehicle Repair	\$1,000
G.8130.54540	Utility System Reform	\$116,391
G.8130.54620	Utilities – Natural Gas	\$5,000
G.8130.54623	Utilities – Electricity	\$5,000
G.8130.54635	Refuse Disposal	\$5,000
G.8135.54050	Equipment Repair	\$5,000
G.8135.54076	Property Repairs	\$1,000
G.8135.54078	Gas and Fuel	\$500
G.8135.54077	Construction Supplies	\$500

G.8135.54300	Vehicle Repair	\$5,500
Increase		
G.1900.54775	Contingency	\$75,479
G.8130.54050	Equipment Repair	\$63,605
G.8130.54055	Professional Services	\$21,619
G.8130.54076	Property Repairs	\$78,475
G.8130.54077	Construction Supplies	\$3,257
G.8130.54200	Lab Supplies	\$11,036
G.8130.54515	Special Supplies	\$3,558

Seconded by Alderman Kantor and adopted. Ayes 4.

### 102021.12

By Alderman Allport:

Whereas, pursuant to Section 452 of the General Municipal Law and Sections 185-8 (Water) and 155-4 (Refuse) of the City of Lockport Code, the Common Council is authorized to adjust a schedule of water rents and refuse fees and other charges after a hearing upon five days' notice; now, therefore, be it

Resolved, that a Public Hearing be held at the Common Council Meeting of Wednesday, November 3, 2021 starting at 5:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to adjusting water rents and refuse fees and other charges, and be it further,

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

Seconded by Alderman Abbott and adopted. Ayes 4.

### 102021.13

By Alderman Kantor:

Whereas, the City of Lockport's Police Department desires to purchase additional pepper ball training materials, and

Whereas, these expenses will be paid from the City of Lockport Police Department's Asset Forfeiture Account at a total of \$3,723; now, therefore, be it

Resolved, that the Chief of Police is authorized and directed to make said purchase to be paid from the Asset Forfeiture Account – Lockport Police Department in the amount of \$3,723 and the FY 2021 General Fund Budget is hereby amended as follows:

Revenues:  
Increase

A.3120.31589.FFT	DA Asset Forfeiture	\$3,723
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Expenditures:  
Increase

A.3120.54515	Special Supplies	\$3,723
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Seconded by Alderman Oates and adopted. Ayes 4.

### 102021.14

By Alderman Abbott:

Whereas, Resolution 112420.7 established the Water Infrastructure Reserve Fund (H204) to be used for the upkeep of systems, utility improvements, structures, and equipment, upon Council approval, and

Whereas, it is recommended that the City utilize said funds for the following purposes: \$1,500 for boiler pipe repairs, \$5,200 for boiler pipe repair parts, \$2,800 for pump number 4 maintenance, and \$2,300 for gas line repairs/maintenance; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the authorization of spending for a total of \$11,800 from H204.

Seconded by Alderman Kantor and adopted. Ayes 4.

#### **102021.15**

By Alderman Allport:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Mayor has recommended utilizing \$5,000 for three flagpoles at the 'Heroes Way' monument at Outwater Park, a perennial flower bed with benches and six flag poles honoring both the military and public safety workers, and commemorating those killed or injured while on the job or defending our country, and

Whereas, additional support allies include VFW Post 2535, Lockport Navy-Marine Club, American Legion Post 410, the Lockport Police Benevolent Association, the Lockport Professional Firefighters Association Local 963, the Niagara County Sheriff's Benevolent Association, the United Steelworkers, and American Concrete; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes \$5,000 in funding from the H206 capital project to paid for said flagpoles.

Seconded by Alderman Abbott and adopted. Ayes 4.

#### **102021.15A**

By Alderman Allport:

Whereas, the City's annual maintenance agreement for the Water Fund's Department of Filtration with the Hatch Company has experienced an unforeseen increase in cost, and

Whereas, said costs do not fit within the current appropriations for the department's spending; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby amends the FY 2021 Water Fund as follows:

Expenditures:

Decrease

FX.1900.54775	Contingency	\$7,400
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Increase

FX.8330.54075	Maintenance Contracts	\$7,400
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Seconded by Alderman Oates and adopted. Ayes 4.

#### **102021.15B**

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday, October 23, 2021, for a "Trunk or Treat" party, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades and traffic cones to said area prior to said event.

Seconded by Alderman Kantor and adopted. Ayes 4.

**102021.15C**

By Alderman Allport:

Resolved, that the Corporation Counsel is hereby authorized to prepare a Local Law relative to amending the sewer rate schedule, and be it further

Resolved, that a public hearing be held at the Common Council meeting of November 3, 2021 starting at 5:30 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 Oates and adopted. Ayes 4.

**102021.16**

**ADJOURNMENT**

At 6:00 P.M. Alderman Allport moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 3, 2021.

Seconded by Alderman Kantor and adopted. Ayes 4.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

November 3, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.



## INVOCATION

## MAYOR'S UPDATE

## RECESS

Recess for public input.

### Minutes Correction – October 20, 2021:

#### 102021.7

By Alderman Allport:

Whereas, General City Law 20(3) authorizes the City to accept donations from individuals or organizations, and to use said donations per the restrictions placed on them by the donor, regardless of minimum value; now, therefore, be it

Resolved, that the Mayor and Common Council do hereby extend thanks and appreciation to the ~~Lockport Professional Firefighters Society~~ **Lock City Firefighters Association** for the gift and installation of windows for the Lockport Fire Department, valued at \$14,925.

Seconded by Alderman Oates and adopted. Ayes 4.

#### 110321.1

### APPROVAL OF MINUTES

On motion of Alderman Schratz, seconded by Alderman Oates, the minutes of the Regular Meeting of October 20, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6.

## PUBLIC HEARING

The Mayor announced a public hearing relative to the 2022 tax budget.

The Mayor asked the City Clerk if any petitions or communications relative to said to the proposed 2022 tax budget have been received.

Recess for public input.

The Mayor closed the public hearing.

## PUBLIC HEARING

The Mayor announced a public hearing relative to adjusting water rents and refuse fees.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed rent and fee adjustments have been received.

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed local law to amend the City of Lockport, "Schedule of Sewer Rents and Other Charges."

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

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

10/26/21 Alexander J. Callara, 80 Grant Street, Lockport, NY – appointed to Municipal Worker for the City of Lockport Building Maintenance Department effective October 15, 2021. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

10/26/21 Gregory W. Qualiana, 104 Carolina Avenue, Lockport, NY – appointed to Building Maintenance Mechanic for the City of Lockport Building Maintenance Department effective October 15, 2021. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

10/26/21 Mark J. Haenle Jr., 6538 Heather Drive, Lockport, NY – appointed to Tree Trimmer for the City of Lockport Highways & Parks effective October 29, 2021. Said appointment is permanent 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)

10/21/21 Paul K. Oates, City Clerk – notification of bids received on October 21, 2021 for Chemicals for Municipal Water Treatment Facility are as follows:

#### **Chlorine:**

JCI Jones Chemicals, Inc.	Caledonia, NY	\$3,000 per ton
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#### **Polyaluminum chloride:**

Usalco	Baltimore, MD	\$1.6017 per gal.
Kemira Water Solutions	Lawrence, KS	\$1.98 per gal.
Holland Company, Inc.	Adams, MA	\$2.51 per gal.
Allied Specialties, Inc.	Avon Lake, OH	\$3.13 per gal.

#### **Hydrofluorosilicic Acid:**

Univar Solutions USA, Inc.	Morrisville, PA	\$2.48 per gal.
PVS Nolwood Chemicals, Inc.	Detroit, MI	\$2.975 per gal.
Slack Chemical Co., Inc.	Carthage, NY	\$7.984 per gal.

**Notice of Complaint:**

10/11/21 246 Garden Street – tree  
 10/27/21 446 Prospect Street – tree  
 10/29/20 289 Locust Street - tree

Referred to the Director of Streets and Parks.

**Notice of Claim:**

10/22/21 James McCann, 54 Waterman Street, Lockport NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**110321.2**

By Alderman Oates:

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 4, 2021 as follows:

General Fund	Fund A	\$81,242.81
Water Fund	Fund FX	\$13,763.59
Sewer Fund	Fund G	\$34,318.09
Capital Projects	Fund H	\$31,944.15
Refuse Fund	Fund CL	\$276.03
Health Insurance	Fund MS	\$140,265.51
Payroll	Pay Date 10/7/21	\$485,314.78

Seconded by Alderman Allport and adopted. Ayes 6.

**110321.3**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted New Freedom Church North Campus to barricade a portion of West Ontario Street directly in front of church property, 339 West Ontario, on December 11, 2021 from 3pm until 6pm, for a Christmas Marketplace, and be it further

Resolved, that the Director of Streets and Parks 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 Abbott and adopted. Ayes 6.

**110321.4**

By Alderman Abbott:

Whereas, the City of Lockport (City) was awarded funding from the New York State Department of Environmental Conservation Urban and Community Forestry Management

Grant Program for the purposes of removing identified, prioritized, dead and high-risk trees in the Right of Way; and

Whereas, the City issued a Request for Proposals (RFP) for interested contractors and subsequently received proposals by October 14, 2021 at 4 pm as follows;

CONTRACTOR	A.J.'s Tree Service	Great Lakes Tree Service
<b>TOTAL CONTRACT AMOUNT (Proposed No. of Trees Removed)</b>	\$50,000.00 (21 Trees)	\$50,000.00 (18 Trees)

And

Whereas, the City evaluated and scored the proposals in accordance with the RFP; and

Whereas, upon completion of the evaluation, A.J.'s Tree Service scored highest and the recommendation is to award the contract to A.J.'s Tree Service, for a total amount of \$50,000.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, be authorized and directed to execute an agreement with A.J.'s Tree Service LTD., P.O. Box 650, East Amherst, New York 14051.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **110321.5**

By Alderman Oates:

Whereas, the City, by prior Council Resolution, transferred the premises at 48 Prentice Street to the Niagara Orleans Land Improvement Corporation, commonly known as the Land Bank; and

Whereas, the transfer of the parcel to the Land Bank was meant to be following a waiver of all prior property taxes, but the 2019-20 school tax bill had not yet been issued; and

Whereas, there remains due and owing on the parcel a total of \$1,433.31, with interest and related expenses; and

Whereas, the Land Bank has requested the City waive the final school tax bill for the subsequent purchaser of the parcel; now be it

Resolved, that the school tax bill and all associated fees totaling \$1,433.31 shall be waived by the City in furtherance of its commitment to the goals of the Land Bank.

Seconded by Alderman Schratz and adopted. Ayes 6.

#### **110321.6**

By Alderman Schratz:

Whereas, the City of Lockport advertised an RFP for a Comprehensive Plan and Zoning Code Update in resolution 021921.11 and authorized the Mayor to enter into contract with Barton and Loguidice in resolution 121621.15; and

Whereas, two key representatives critical to the status of the project switched employment to a different company, Bergmann, whom the City would like to have continue working on the project due to their history with this project and to maintain a continuity of service through the project deliverables; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to terminate the agreement with Barton and Loguidice (who will remain a subcontractor) and to enter into an agreement with Bergmann for the remaining cost and work of the contract from 121621.15.

Seconded by Alderman Allport and adopted. Ayes 4. Nays 2. Aldermen Abbott and Oates voted no.

**110321.7**

By Alderman Abbott:

Whereas, the Niagara County Soil and Water Conservation District (NCSWCD) has been awarded and secured a native tree planting grant in response to Emerald Ash Borer damage that has been experienced throughout the county; and

Whereas, said award contains 100 total trees to be planted in the City of Lockport with cooperation of the City Department of Forestry and Division of Public Works to be done from April 2022 through November 2023; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to enter into a grant agreement (as one of three communities) with the NCSWCD.

Seconded by Alderman Devine and adopted. Ayes 6.

**110321.8**

By Alderman Kantor:

Whereas, General Municipal Law Section 53(4) extends purchasing authorizations to be made in event of an emergency in which there is endangerment to the health, welfare, property, or taxpayers of the City of Lockport; and

Whereas, the Engineering Department, in coordination with the Mayor's Office and Department of Finance, were required to utilize said emergency authorizations for the roof of the West Pump House at Summit Street Water Treatment Plant, as excess rain has caused falling debris and structural deficiencies; now, therefore, be it

Resolved, that the Common Council hereby acknowledges the use of the emergency authorization to contract with Granzow Construction in the amount of \$44,316.19, and amends the FY 2021 Water Fund as follows:

Expenditures:

Decrease

FX.1900.54076	Contingency	\$42,000
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Increase

FX.8330.54076	Property Repair	\$42,000
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Seconded by Alderman Schratz and adopted. Ayes 6.

**110321.9**

By Alderman Allport:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, the Director of Highways and Parks has recommended utilizing funds for (1) expanded repairs for the Ida Fritz Gazebo for \$3,480.74, and (2) for handicap access to Dolan Park for \$5,700; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes said purchases to be made from the H206 capital project.

Seconded by Alderman Kantor and adopted. Ayes 6.

**110321.10 – Award contract re: rehabilitation of Spalding Mill building and site –  
WITHDRAWN**

**110321.11**

By Alderman Oates:

Whereas, the City of Lockport advertised for bid proposals for chemicals for municipal water treatment for the 2022 calendar year, and

Whereas, the following bids were received and publicly opened by the City of Lockport on Thursday, October 21, 2021 at 11:00 am: JCI Jones Chemicals, Inc., \$3,000 per ton for chlorine; Usalco, \$1.6017 per gallon, Kemira Water Solutions, \$1.98 per gallon, Holland Company, Inc., \$2.51 per gallon, and Allied Specialties, Inc., \$3.13 per gallon for polyaluminum chloride; and, Univar Solutions USA, Inc., \$2.48 per gallon, PVS Nolwood Chemicals, Inc., \$2.975 per gallon, and Slack Chemical Co., Inc., \$7.984 per gallon for hydrofluorosilicic acid, 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, 2022 through December 31, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

**110321.12**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Donald C. Hofert, a retired City of Lockport Firefighter who worked from 1957 until 1995, who recently passed away.

Seconded by Alderman Allport and adopted. Ayes 6.

**110321.13**

**ADJOURNMENT**

At 5:59 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, November 17, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

### **INVOCATION**

### **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

### **111721.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of November 3, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

### **Appointments:**

### **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)

### **Notice of Complaint:**

11/8/21        104 Garden Street - tree  
11/9/21        223 Genesee Street – tree  
11/12/21      12 Sargent Drive - Tree

Referred to the Director of Streets and Parks.

### **Notice of Claim:**

11/3/21        Anthony Stashak, 205 Lock Street, Lockport NY  
Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

### **111721.2**

By Alderman Oates:

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 18, 2021 as follows:

General Fund	Fund A	\$53,032.39
Water Fund	Fund FX	\$52,560.03
Sewer Fund	Fund G	\$60,409.12
Capital Projects	Fund H	\$281,380.90
Refuse Fund	Fund CL	\$95,625.30
Community Dev.	Fund CD	\$20,000.00
Payroll	Pay Date 10/21	\$490,488.50

Seconded by Alderman Allport and adopted. Ayes 6.

### **111721.3**

By Alderman Oates:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2021 General, Water, Sewer, and Refuse Fund budgets and to appropriate fund balance to the extent necessary to balance the budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman Devine and adopted. Ayes 6.

### **111721.4**

By Alderman Allport:

Whereas, the City of Lockport (City) was awarded a Downtown Revitalization Initiative (DRI) Grant from the New York State Department of State (NYSDOS); and

Whereas, Rehabilitation of the Spalding Mill Building and Site Project (Project) is an identified priority to be funded by the DRI Grant; and

Whereas, the City issued a Request for Qualifications (RFQ) for interested Professional Architectural/Engineering (A/E) firms to provide design, bidding, construction administration and inspection services and subsequently received Qualifications Statements on October 1, 2021; and

Whereas, Qualification Statements were received from Bergmann, CJS Architects, El Team and Hunt Engineers/Architects and furnished to the City review committee to score in accordance with the RFQ; and

Whereas, based upon the RFQ scoring, the review committee recommends that a professional services agreement for A/E Services for Rehabilitation of the Spalding Mill Building and Site be awarded to Bergmann for a fee of \$275,180; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Bergmann, 40 LaRiviere Drive, Suite 200, Buffalo, New York 14202 for \$275,180, to be funded by the DRI, contingent upon legal review.

Seconded by Alderman Kantor and adopted. Ayes 6.

### **111721.5**

By Alderman Oates:

Whereas, the City of Lockport FY 2022 Mayor's Recommended Budget was presented to the Common Council on October 6<sup>th</sup>, 2021; and



Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City tax budget for fiscal year 2022, containing appropriations for operating City departments, be and the same is hereby amended and adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2022 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services	\$11,663,436
Equipment	\$209,284
Contractual	\$3,427,033
Fringe Benefits	\$10,106,591
Interfund Transfers	\$113,750
Debt Service	\$779,702

Total Appropriations: \$26,299,796

LESS: Estimated Revenues: \$12,606,433  
Estimated Fund Balance: \$581,014

Amount to be raised through property taxation: \$13,112,349  
Assessed Valuation: \$695,217,910

**REAL PROPERTY TAX RATE: \$18.86078 per \$1,000 ASSESSED VALUATION**

Seconded by Alderman Allport and adopted. Ayes 5. Nays 1. Abbott voted no.

**111721.6**

By Alderman Schratz:

Whereas, the City of Lockport FY 2022 Mayor's Recommended Budget was presented to the Common Council on October 6<sup>th</sup>, 2021;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2022 Water Fund Budget containing appropriations for operating the City's Water Department, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2022 WATER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$1,249,672
Equipment	\$0
Contractual	\$1,133,804
Fringe Benefit	\$1,203,425
Debt Services	\$685,098
Interfund Transfers	\$78,470

Total Appropriations:	\$4,350,469
Estimated Revenues:	\$4,350,469

Seconded by Alderman Devine and adopted. Ayes 5. Nays 1. Abbott voted no.

# **111721.7**

By Alderman Devine:

Whereas, the City of Lockport FY 2022 Mayor's Recommended Budget was presented to the Common Council on October 6<sup>th</sup>, 2021;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2022 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

## **CITY OF LOCKPORT, NEW YORK** **2022 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$1,108,653
Equipment	\$21,000
Contractual	\$1,245,137
Fringe Benefits	\$1,045,244
Debt Service	\$683,308
Interfund Transfers	\$38,000

Total Appropriations:	\$4,141,342
Estimated Revenues:	\$4,141,342

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Abbott voted no.

# **111721.8**

By Alderman Allport:

Resolved, that the City of Lockport 2022 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

## **CITY OF LOCKPORT, NEW YORK** **2022 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services	\$0
Equipment	\$25,000
Contractual	\$1,367,405
Fringe Benefits	\$0
Debt Service	\$36,431
Interfund Transfers	\$0

Total Appropriations:	\$1,428,836
Estimated Revenues:	\$1,428,836

Seconded by Alderman Kantor and adopted. Ayes 5. Nays 1. Abbott voted no.

By Alderman Devine:

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

Seconded by Alderman Allport and adopted. Ayes 6.

## **111721.9**

By Alderman Devine:

Resolved, that the following local law be and the same is hereby adopted:

City of Lockport

Local Law No. 2 of the year 2021

A local law to amend the City of Lockport "Schedule of Sewer Rents and Other Charges."

Be it enacted by the Common Council of the City of Lockport as follows:

### **SEWER RATES**

The following sewer rental charges shall be effective on all residential, commercial, and industrial water consumption billed as follows:

after January 1, 2022

\$16.63 per month service charge for both domestic and industrial users plus a commodity charge of \$2.55 per 100 cu. ft. of water billed, plus a standard surcharge for industrial users for excess strength of sewage as stated in all existing Industrial sewer contracts.

INDUSTRIAL	\$16.63
COMMERCIAL & RESIDENTIAL	\$41.57 (billed quarterly)

The standard surcharge for all industrial users for excess strength of sewage as stated in all existing industrial service contracts be as follows:

Type	Fee
Discharging wastewater, per 100 cubic feet:	
Effective 01 January 2022.....	\$1.16
Discharging excess total suspended solids in excess of 350 mg per liter per one hundred pounds per day:	
Effective 01 January 2022.....	\$3.48
Discharging excess BOD in excess of 250 mg liter per, per one hundred pounds per day:	

Effective 01 January 2022.....\$3.11

Discharging wastewater through the use  
of a waste hauler per one thousand  
gallons:

Effective 01 January 2022.....\$18.26

Annual waste hauler disposal permit  
authorizing the use of City of  
Lockport wastewater treatment plant  
to a specific waste hauler:

Effective 01 January 2022 .....\$386.25

Annual amount charged for an effective  
City of Lockport wastewater discharge  
permit issued to City of Lockport  
industries identified as POTW  
significant industrial users (SIU's):

Effective 01 January 2022.....\$417.15

Effective January 1, 2022, laboratory  
analysis at City of Lockport wastewater  
treatment plant laboratory are as follows:

<u>Analyte</u>	<u>Rate</u>
pH.....	\$11.07
Residual C12.....	\$11.07
Settleable solids .....	\$11.07
Total suspended solids.....	\$33.27
Total solids .....	\$16.63
BOD 5.....	\$44.34
COD .....	\$44.34
Dissolved oxygen .....	\$22.20
Total coliform .....	\$33.27
Fecal coliform .....	\$38.83
NH3-N .....	\$38.83
TKN .....	\$38.83
Oil and grease, total .....	\$44.34
Total phosphorus.....	\$33.27
Zn, Cd, Cr, Cu, Pb each .....	\$27.71

This Local Law shall take effect January 1, 2022.

Seconded by Alderman Kantor. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	NO
Alderman Allport	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Kantor	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Schratz	VOTING	YES

The local law was thereupon declared duly adopted.

By Alderman Devine:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **111721.10**

By Alderman Schratz:

Resolved, that the following water rates for the City of Lockport shall be effective on all residential and commercial water consumption billed after January 1, 2022 and on all industrial water billed after January 1, 2022:

### **CITY OF LOCKPORT - WATER RATES EFFECTIVE JANUARY 1, 2022**

Each and every meter located in any building shall be classified as a separate meter account.

#### **MONTHLY BILLS**

##### **Rates for all industrial users of water:**

In addition to the currently billed rate for each meter in building per month, the following:

Minimum rate - \$15.45 per each one-month period or fraction thereof:

First 50,000 cu. ft.	\$3.86 per 100 cu. ft.
Next 100,000 cu. ft.	\$3.61 per 100 cu. ft.
Over 150,000 cu. ft.	\$3.30 per 100 cu. ft.

#### **QUARTERLY BILLS**

##### **Rates for commercial users of water are:**

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2022, and, a usage commodity charge of \$3.66 per 100 cu. ft.

**Rates for residential users of water are:**

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2022, and, a usage commodity charge of \$3.50 per 100 cu. ft.

**RURAL BILLS**

Rates for all non-resident users of water - quarterly rate plus 50%

**BULK WATER**

\$5.67 per 1,000 gallons.

Seconded by Alderman Oates and adopted. Ayes 5. Nays 1. Abbott voted no.

By Alderman Devine:

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

Seconded by Alderman Allport and adopted. Ayes 6.

**111721.11**

By Alderman Allport:

Whereas, pursuant to Section 452 of the General Municipal Law and Section 155-4 (Refuse and Recycling) of the City of Lockport Code, the Common Council is authorized to adjust a schedule of refuse and recycling fees and other charges; now, therefore, be it

Resolved, that the following refuse and recycling rates for the City of Lockport shall be effective on all residential and commercial collection billed after January 1, 2022:

<b><u>FY 2022 RESIDENTIAL REFUSE RATES</u></b>	
<b>Rate</b>	<b>Type</b>
\$ 149.05	per year for a 35-gallon refuse cart
\$ 178.20	per year for a 64-gallon refuse cart
\$ 204.05	per year for a single 96-gallon refuse cart
\$ 183.70	per year for two 35-gallon refuse carts (double family only)
\$ 228.80	per year for two 64-gallon refuse carts (double family only)
\$ 269.50	per year for two 96-gallon refuse carts
\$ 324.50	per year for three 96-gallon refuse carts
\$ 379.50	per year for four 96-gallon refuse carts

		FY 2022 COMMERCIAL REFUSE																				
Cart Quantity		1 CART						2 CARTS					3 CARTS					4 CARTS				
	weekly frequency	1X	2X	3X	4X	5X	1X	2X	3X	4X	5X	1X	2X	3X	4X	5X	1X	2X	3X	4X	5X	
R E C Y C L I N G	1 CART	1X	\$217	\$312	\$409	\$521	\$635	\$276	\$435	\$596	\$797	\$1,022	\$335	\$509	\$690	\$889	\$1,126	\$392	\$732	\$977	\$1,208	\$1,490
		2X	\$234	\$329	\$427	\$539	\$652	\$294	\$452	\$614	\$814	\$1,040	\$353	\$527	\$707	\$908	\$1,144	\$409	\$749	\$994	\$1,227	\$1,507
		3X			\$449																	
	2 CARTS	1X	\$236	\$331	\$429	\$541	\$654	\$296	\$454	\$615	\$816	\$1,041	\$355	\$528	\$709	\$909	\$1,146	\$411	\$751	\$995	\$1,227	\$1,508
		2X	\$248	\$343	\$440	\$552	\$666	\$307	\$466	\$627	\$828	\$1,053	\$367	\$540	\$721	\$921	\$1,157	\$423	\$763	\$1,007	\$1,238	\$1,520
		3X	\$270	\$365	\$463	\$575	\$689	\$330	\$488	\$649	\$850	\$1,076	\$389	\$562	\$743	\$943	\$1,180	\$445	\$785	\$1,029	\$1,261	\$1,542
	3 CARTS	1X	\$250	\$345	\$442	\$554	\$668	\$309	\$468	\$629	\$830	\$1,055	\$368	\$542	\$723	\$922	\$1,159	\$424	\$765	\$1,010	\$1,241	\$1,523
		2X	\$271	\$366	\$464	\$576	\$689	\$331	\$489	\$650	\$851	\$1,077	\$390	\$563	\$744	\$944	\$1,181	\$446	\$786	\$1,031	\$1,263	\$1,544
		3X	\$298	\$393	\$491	\$603	\$716	\$358	\$516	\$677	\$878	\$1,103	\$417	\$590	\$771	\$971	\$1,208	\$473	\$813	\$1,058	\$1,290	\$1,571
	4 CARTS	1X	\$283	\$362	\$459	\$571	\$685	\$326	\$485	\$646	\$847	\$1,072	\$386	\$559	\$740	\$940	\$1,176	\$442	\$781	\$1,025	\$1,257	\$1,539
		2X	\$299	\$380	\$477	\$589	\$703	\$344	\$503	\$664	\$865	\$1,090	\$403	\$577	\$758	\$957	\$1,194	\$459	\$799	\$1,044	\$1,275	\$1,556
		3X	\$321	\$407	\$504	\$616	\$730	\$371	\$530	\$691	\$892	\$1,117	\$430	\$604	\$785	\$984	\$1,221	\$486	\$826	\$1,071	\$1,302	\$1,582

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Abbott voted no.

### 111721.12

By Alderman Oates:

Whereas, the City of Lockport believes in the right of all of its employees to receive a living wage; and

Whereas, State of New York has enacted the Minimum Wage Act (Article 19 of the New York State Labor Law); and

Whereas, the FY 2022 effective minimum wage under such law is \$13.20 per hour, with future scheduled increases; now, therefore, be it

Resolved, the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees as of 1/1/2022, the rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

Seconded by Alderman Kantor and adopted. Ayes 6.

### 111721.13

By Alderman Devine:

Whereas, the City of Lockport has adopted a salary schedule for the position of Confidential Assistant to the Mayor; and

Whereas, New York State Retirement System imposes a salary cap on employees returning to municipal service; and

Whereas, the City of Lockport desires to facilitate the appointment and employment of the current Confidential Assistant to the Mayor; now, therefore, be it

Resolved, that the salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2022; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$35,000.00 for the year 2022.

Seconded by Alderman Allport and adopted. Ayes 6.

### 111721.14

By Alderman Schratz:

Resolved, that resolution 040120.9C adopted by the Common Council at their April 1, 2020 meeting, regarding the salary schedule for the Director of Finance, be and the same is hereby rescinded.

Seconded by Alderman Allport and adopted. Ayes 4. Nays 2. Oates & Abbott voted no.

**111721.15**

By Alderman Schratz:

Whereas, the City of Lockport desires to amend the salary schedule for the position of Director Finance in the Unrepresented Employee; now therefore be it

Resolved, that the salary schedule for the position of Director of Finance is hereby abolished and replaced with the following:

Step 1 Hire	Step 2 Complete 2	Step 3 Complete 4	Step 4 Complete 6	Step 5 Complete 8	Step 6 Complete 10
\$91,107	\$95,662	\$100,445	\$105,468	\$110,741	\$116,278

Seconded by Alderman Allport and adopted. Ayes 4. Nays 2. Oates & Abbott voted no.

**111721.16**

By Alderman Oates:

Whereas, the City of Lockport (City), is seeking a grant for the Gulf Interceptor Sewer Upgrade Project and intends to submit via the Environmental Facilities Corporation (EFC) for funding to the New York Water Infrastructure Improvement Act (WIIA); and

Whereas, the City cost estimate for the Gulf Interceptor Sewer Upgrade Project is \$7,738,000; and

Whereas, the WIIA grant through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 25% total project cost in the amount of \$1,934,500; and

Whereas, the City is eligible and applying for 0% hardship financing from the Environmental Facilities Corporation Clean Water State Revolving Funds, for the project balance of \$5,803,500; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 75% local match as required by the Water Infrastructure Improvement Act (WIIA). Under the WIIA, this local match must be at least 75% of balance of the total project cost of \$7,738,000 for a total share of \$5,803,500. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$5,803,500 subject to receipt of a WIIA grant and available 0% hardship loan funding. The total estimated maximum WIIA Grant is \$1,934,500. The Mayor may increase this local match through the use of in-kind services without further approval from the City.

Seconded by Alderman Abbott and adopted. Ayes 6.

**111721.17**

By Alderman Kantor:

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA) for the Gulf Interceptor Sewer Upgrade Project (the Project); and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a Clean Water State Revolving Fund (CWSRF) application on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA); and

Whereas, the Mayor is required to sign the WIIA grant and CWSRF applications on behalf of the City of Lockport as well as a Grant Agreement with the NYSEFC 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 on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA) for the Project; and be it further

Resolved, that the Mayor is authorized to sign a Clean Water State Revolving Fund application on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA) for the Project; and be it further

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

Seconded by Alderman Oates and adopted. Ayes 6.

#### **111721.18**

By Alderman Schratz:

Whereas, the City of Lockport has reviewed the proposed Gulf Interceptor Sewer Upgrade Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review, or "SEQR," for a determination as to the level of required environmental review for the proposed project; now, therefore, be it

Resolved, that the Board does hereby determine that the Gulf Interceptor Sewer Upgrade Project is a Type II action pursuant to 6 NYCRR 617.5 (c)(2) as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Allport and adopted. Ayes 6.

#### **111721.19**

By Alderman Devine:

BOND ORDINANCE DATED NOVEMBER 17, 2021.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$7,738,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE GULF INTERCEPTOR SEWER PROJECT, FOR SAID CITY.

The following ordinance was offered by Councilmember Devine, who moved its adoption, seconded by Councilmember Abbott, to-wit:

Whereas, the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of the regulations of the New York State

Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

Whereas, it is now desired to authorize bonds for the financing thereof, now, therefore, be it

Ordained, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the Gulf Sewer Interceptor Sewer Project, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued \$7,738,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$7,738,000

Section 2. The plan for the financing of such \$7,738,000 maximum estimated cost is as follows:

- a) By the issuance of the \$7,738,000 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the first bond anticipation note issued.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall

be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures

shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Treasurer shall determine.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form

and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott VOTING YES

Alderman Allport VOTING YES

Alderman Devine VOTING YES

Alderman Kantor VOTING YES

Alderman Oates VOTING YES

Alderman Schratz VOTING YES

The ordinance was thereupon declared duly adopted.

**111721.20**

By Alderman Allport:

Whereas, the City of Lockport owns and operates a combined sewer system in which sanitary waste water and storm water are collected and directed to the City Wastewater Treatment Plant (WWTP) for treatment; and

Whereas, the City has systematically been evaluating the condition of the wastewater collection system and sources of Inflow and Infiltration (I/I) into the collection; and

Whereas, the City has performed an engineering evaluation of the Gulf interceptor sewer between Niagara Street and the Wastewater Treatment Plant (WWTP) and determined that the sewer is in deteriorated condition and a source of I/I; and

Whereas, the City desires to replace the Gulf Interceptor Sewer between Niagara Street and the WWTP (the Project) and is seeking grant funding to support the project which will require the preparation of detailed engineering plans and specifications; and

Whereas, Nussbaumer & Clarke, Inc. is on the City's list of pre-qualified engineering design firms and has worked closely with New York State Department of Conservation (NYSDEC) and their consultant on their project to replace the Gulf interceptor sewer between Old Upper Mountain Road and Niagara Street; and

Whereas, Nussbaumer & Clarke, Inc. furnished a proposal dated November 12, 2021 to provide engineering design, bidding support, construction administration, inspection and grant administration support as needed for the Project; now, therefore, be it

Resolved, that the Mayor is authorized to execute a professional services agreement with Nussbaumer & Clarke, Inc., 80 Main St., Unit A, Lockport, New York 14094 for a fee not to exceed \$645,000 for engineering design, bidding support, construction administration, inspection and grant administration related to the Gulf Interceptor Sewer Upgrade Project, contingent upon receipt of grant funding.

Seconded by Alderman Schratz and adopted. Ayes 6.

**111721.21**

By Alderman Abbott:

Whereas, the City of Lockport (City), is seeking a grant for the Raw Water Pumping Station Emergency Generator project and intends to submit via the Environmental Facilities Corporation (EFC) for funding to the New York Water Infrastructure Improvement Act (WIIA); and

Whereas, the City project cost estimate for the Raw Water Pumping Station Emergency Generator Project is \$800,000; and

Whereas, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 60% of the project cost of \$800,000 in the amount of \$480,000; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 40% local match as required by the WIIA. Under the WIIA, this local match must be at least 40% of total project of \$800,000 for a total share of \$320,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$320,000 subject to receipt of a WIIA grant and available funding. The total estimated maximum grant is \$480,000. The Mayor may increase this local match through the use of in-kind services without further approval from the City.

Seconded by Alderman Kantor and adopted. Ayes 6.

**111721.22**

By Alderman Oates:

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA) for the Raw Water Pumping Station Emergency Generator project; and

Whereas, the Mayor is required to sign the grant application on behalf of the City of Lockport as well as a Grant Agreement with the NYSEFC 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 on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA); and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**111721.23**

By Alderman Kantor:

Whereas, the City of Lockport (City) has reviewed the Raw Water Pumping Station Emergency Generator project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review, or "SEQR," for a determination as to the level of required environmental review for the proposed project; now, therefore, be it

Resolved, that the City does hereby determine that the proposed action is a Type II action pursuant to 6 NYCRR 617.5 (c)(2) as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman Schratz and adopted. Ayes 6.

**111721.24**

By Alderman Schratz:

Whereas, the City of Lockport (City) owns and operates a Raw Water Pump Station (RWPS) located on River Road in North Tonawanda which is required to pump water from the Niagara River to the City Water Treatment on Summit Street for treatment; and

Whereas, the City desires to install a backup power generator (the Project) at the RWPS to improve resiliency of the RWPS in the event of a power failure; and

Whereas, the City has performed an engineering evaluation of the requirements to install a generator at the RWPS and is seeking grant funding to support the project which will require the preparation of detailed engineering plans and specifications; and

Whereas, Nussbaumer & Clarke, Inc. is on the City's list of pre-qualified engineering design firms and furnished a proposal dated November 12, 2021 to provide engineering design, bidding support, construction administration, inspection and grant administration support as needed; now, therefore, be it

Resolved, that the Mayor is authorized to execute a professional service-s agreement with Nussbaumer & Clarke, Inc., 80 Main St., Unit A, Lockport, New York 14094 for a fee not to exceed \$128,000 for engineering design, bidding support, construction administration, inspection and grant administration related to the RWPS Project, contingent upon receipt of grant funding.

Seconded by Alderman Allport and adopted. Ayes 6.

**111721.25**

By Alderman Schratz:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (the “OCR”) for a grant to support the development of a brewpub and restaurant and entertainment complex at 13 W. Main Street in the City, and

Whereas, the Lockport Common Council is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to submitting an application for CDBG funding, now, therefore, be it

Resolved, that a public hearing be held on December 1, 2021 at 5:30 p.m. at City Hall, One Locks Plaza, Lockport, New York, before the Lockport Common Council, whereat all interested parties shall be heard regarding the CDBG program, the City’s community development and economic development programs, and the proposed funding application, and be if further

Resolved, that the City Clerk is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing to be published in the City’s official paper, and to post a copy of said notice on the City website, with both publication and posting to be made at least eight (8) days before the public hearing.

Seconded by Alderman Abbott and adopted. Ayes 6.

**111721.26 – Hire a Grant Writer for LFD’s Pursuit of an AFG Grant – WITHDRAWN**

**111721.26A**

By Alderman Allport:

Whereas, the City’s Street Maintenance Department has recently sold a Bergkamp SP5 pot hole vehicle for \$150,000, with the intent to utilize said funds to purchase a vehicle that is more appropriate for the department’s needs; and

Whereas, the Director of Streets and Parks has identified a vehicle to purchase, a hot box truck (International HV607 4X2), under New York State bid (Onondaga) for a total of \$201,249, and has recommended that excess funds in the department, as well as contingency, be utilized to pay for the remaining portion of the vehicle that is in excess of the revenues from the sale; now, therefore, be it

Resolved, that the Common Council hereby authorizes the department to purchase the new vehicle via the State bid with Cyncon Equipment, and also amends the General Fund budget as follows:

Revenues:

Increase

A.5110.32665	Sale of Equipment	\$150,000
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Expenditures:

Decrease

A.1900.54775	Contingency	\$33,700
A.5110.54560	Salt	\$10,000

Increase:

A.5110.52035	Public Works Equipment	\$193,700
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Seconded by Alderman Devine and adopted. Ayes 6.



**111721.27**

**ADJOURNMENT**

At 6:10 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 1, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

December 1, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Abbott, Allport, Devine, Kantor, Oates, and Schratz.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**120121.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Allport, the minutes of the Regular Meeting of November 17, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing relative to the application for CDBG funding for a brewpub, restaurant, and entertainment complex at 13 W. Main Street.

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

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE MAYOR**

#### **Appointments:**

11/16/21 Lashonda McKenzie, 30 High Street, Lockport, NY – reappointed as a member of the Youth Board. Said term expires December 31, 2024.

11/16/21 Samuel Marotta, 4 Remick Parkway, Lockport, NY – appointed to the Zoning Board. Said term expires on November 15, 2024.

11/16/21 William Kevin Foltz, 94 North Transit Street, Lockport, NY – reappointed to the Zoning Board. Said term expires on November 15, 2024.

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)

11/17/21 Mayor Michelle M. Roman – recommendation that Deanna Dorward, 76 Crosby Avenue, Lockport, NY, be appointed to the Lockport Board of Assessment Review.

Referred to the Committee of the Whole.

#### **Notice of Complaint:**

11/22/21 187 Olcott St - tree

Referred to the Director of Streets and Parks.

### **MOTIONS & RESOLUTIONS**

#### **120121.2**

By Alderman Oates:

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 December 2, 2021 as follows:

General Fund	Fund A	\$113,311.86
Water Fund	Fund FX	\$17,049.38
Sewer Fund	Fund G	\$31,657.88

Capital Projects	Fund H	\$2,800.00
Self Insurance	Fund MS	\$84,696.20
Community Dev.	Fund cd	\$18,800.00
Payroll	Pay Date 11/4	\$477,974.82

Seconded by Alderman Abbott and adopted. Ayes 6.

### 120121.3

By Alderman Allport:

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>
Raymond P. Aldrich	20	Heavy Equipment Operator-DPW
Robert C. Holmes	5	Police Officer

Seconded by Alderman Schratz and adopted. Ayes 6.

### 120121.4

By Alderman Abbott:

Whereas, the New York State Community Development Block Grant Program provides funding to communities under the Economic Development Program to undertake activities that focus on economic development needs such as creating or expanding job opportunities, and

Whereas, a business to be formed and to operate under the name, 'The Lockport Brewpub Shuffle' (hereinafter, the "Company") proposes to renovate a vacant building located at 13 W. Main Street in the City of Lockport and acquire furnishings, fixtures and equipment to develop a brewpub and restaurant and entertainment complex (the "Project"); and

Whereas, the Project will have an estimated cost of \$1,930,000 and will create an estimated 51 new employment opportunities within the City of Lockport; and

Whereas, the City of Lockport (the "City") desires to partner with The Greater Lockport Development Corporation ("GLDC") as a subgrantee to apply to the New York State Office of Community Renewal ("OCR") for \$750,000 in grant funding which would be used by GLDC to make a term loan and deferred loan to the Company to fund a portion of the Project costs; and

Whereas, the City has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and regarding the proposed grant application; now, therefore, be it

Resolved, that the Mayor is hereby authorized to submit a grant application in the amount of \$750,000, such amount to be used to provide funding to support the Project, and be it further

Resolved, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

Resolved, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with GLDC relating to the use and administration of the grant funds, subject to review and approval by the City Attorney.

Seconded by Alderman Devine and adopted. Ayes 6.

**120121.5**

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a one (1) year renewal contract with the Niagara County SPCA for City dog control holding center services at an annual rate of \$16,200 for 2022.

Seconded by Alderman Allport and adopted. Ayes 6.

**120121.6**

By Alderman Devine:

Whereas, the Lockport Police Department has received a donation from the estate of John P. Sokay for a total of \$10,000; and

Whereas, the Department has exceeded their budgeted amount of revenue in, "Gifts and Donations" and would like to utilize said donation to directly purchase upgrades for the radio room and special office equipment; now, therefore, be it

Resolved, that the Common Council hereby amend the General Fund budget to reflect this need:

Revenue:

Increase

A.3120.32705	Gifts and Donations	\$10,000
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Expenditure:

Increase

A.3120.54515	Special Supplies	\$10,000
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Seconded by Alderman Schratz and adopted. Ayes 6.

**120121.7**

By Alderman Oates:

Whereas, the City of Lockport Police Department has a DA Asset Forfeiture funds bank account that has accumulated funds; and

Whereas, the City of Lockport Police Chief has ensured that funds can be used appropriately for Police Department upgrades and maintenance; and

Whereas, the Police Department has identified the need to purchase new docking stations and brackets for vehicle laptops; now, therefore, be it

Resolved, that the 2021 General Fund Budget is hereby amended as follows:

Revenue:

Increase

A3120.31589	Other Public Safety Income	\$3,305
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Expenditure:

Increase

A.3120.54117	Computer Supplies	\$3,305
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Seconded by Alderman Allport and adopted. Ayes 6.

**120121.8**

By Alderman Schratz:

Whereas, Resolution 110321.5 waived a school tax bill and all associated fees for the premises at 48 Prentice Street for a total of \$1,422.31; and

Whereas, this figure incorrectly omitted an additional \$150 in legal fees that are current on the account; now, therefore, be it

Resolved, that Resolution 110321.5 is amended to reflect the corrected total of \$1,583.31.

Seconded by Alderman Oates and adopted. Ayes 6.

**120121.9**

By Alderman Oates:

Whereas, pursuant to Resolution 090121.6, the City of Lockport advertised for proposals to provide a General Liability Insurance broker and Excess Workers Compensation Insurance broker, and

Whereas, the City received and has reviewed one fulfilled bid proposal submitted by Evans Insurance Agency, which is available for review in the City Clerk's Office, and

Whereas, the City's current insurance services contract expires December 31, 2021; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a 12-month agreement with Evans Insurance Agency for said services.

Seconded by Alderman Allport and adopted. Ayes 6.

**120121.10**

By Alderman Schratz:

Whereas, on October 7<sup>th</sup>, 2021, a City-owned motor vehicle collided with the overhead door at the City Garage, causing damage to both the door and the surround, and

Whereas, the Director of Highways and Parks has coordinated quotes with vendors and worked with our City insurance broker to determine that the incident is to be covered by our commercial property insurance; now, therefore, be it

Resolved, that the Mayor is authorized to enter into a purchasing contract with Granzow Construction and Sunrise Door and Woodworks Inc. to repair the door and surround, and that the FY 2021 General Fund budget is hereby amended as follows:

Revenue		
Increase		
A.0000.32680	Insurance Recoveries	\$15,948.12
Expenditures		
Increase		
A.1900.54765	Judgements and Claims	\$20,948.12
Decrease		
A.1640.54300	Vehicle Maintenance and Repair	\$5,000

Seconded by Alderman Oates and adopted. Ayes 6.

**120121.11**

By Alderman Devine:

Resolved, that the Chief Water Treatment Plant Operator is hereby authorized and directed to prepare bid specifications for water meters, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Kantor and adopted. Ayes 6.

**120121.12**

By Alderman Kantor:

Resolved, that a public hearing be held at the Common Council Meeting of December 15, 2021 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request made by Audley Walters to amend the existing Special Use Permit for approval for a food truck to be located at 266 South Transit Street, situated in a B-3 Zone, and be it further

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

Seconded by Alderman Allport and adopted. Ayes 6.

**120121.13**

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of December 15, 2021 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Adam Linderman, for approval to harbor pigeons at 25 Orchard Street, situated in an R-3 Zone, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**120121.13A**

By Alderman Allport:

Resolved, that pursuant to the recommendation of Mayor Roman, Deanna Dorward, 76 Crosby Avenue, Lockport, NY is hereby appointed as a member of the City of Lockport Board of Assessment Review. Said term expires on September 30, 2026.

Seconded by Alderman Schratz and adopted. Ayes 6.

**120121.14**

**ADJOURNMENT**

At 5:46 P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 15, 2021.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

December 15, 2021  
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Allport, Devine, Kantor, Oates, and Schratz.  
Alderman Abbott absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**121521.1**

**APPROVAL OF MINUTES**

On motion of Alderman Schratz, seconded by Alderman Oates, the minutes of the Regular Meeting of December 1, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing in a request for a Special Use Permit to harbor pigeons on the property at 25 Orchard Street.

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

11/7/21        Jeff Tracy, Lockport Planning and Zoning Board – the Board recommends the request be denied.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

11/16/21 Ronald Cheatham, 5534 Victoria Lane, Lockport, NY – reappointed to the Youth Board effective November 16, 2021. Said term expires December 31, 2024.

11/30/21 Michael E. Kagels, 3692 Ewings Road, Lockport, NY – appointed to WWTP Operator Trainee for the City of Lockport Wastewater Treatment Department effective November 23, 2021. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

12/2/21 Thomas E. Hull, 313 Willow Street, Lockport, NY – removed from the Zoning Board of Appeals effective December 2, 2021. Said term expires November 15, 2022.

12/6/21 Joseph M. McCarthy, 6732 Akron Road, Lockport, NY – appointed to WWTP Operator Trainee for the City of Lockport effective December 3, 2021. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

12/6/21 Debra Allport, 161 Lincoln Avenue, Lockport, NY – appointed to the Planning Board effective January 1, 2022. Said term expires December 31, 2024.

12/7/21 Jennifer L. Previte, 54 Regent Street, Lockport, NY – appointed to Payroll & Benefits Coordinator for the City of Lockport Accounting Department effective November 23, 2021. Said appointment is Permanent 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)

12/1/21 Tracy A. Farrell, City Assessor – notification that the General City Tax rolls have been completed, corrected and filed.

Referred to the Committee of the Whole

12/15/21 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December for Christmas and New Year's.

Thursday, December 23<sup>rd</sup>, 2021

Friday, December 24<sup>th</sup>, 2021

Friday, December 31<sup>st</sup>, 2021



There will be no change in the garbage collection schedule.

Bulk items will be collected the week of January 3<sup>rd</sup>

Referred to the Media

12/15/21 Paul K. Oates, City Clerk – notification that bid proposals for Water Meters were received on December 14, 2021 as follows:

Lock City Supply  
650 West Avenue, Lockport, NY

Bronze Water Meters  
Automated Meter Reading System  
Meter and Remote Module

5/8" Water Meter	308.67	per meter
3/4"	351.21	
1"	460.82	
1 1/2"	719.72	
2"	1018.38	

Transmitter (less meter)

5/8" Water Meter	238.10	per transmitter
3/4"	238.10	
1"	238.10	
1 1/2"	238.10	
2"	238.10	

Referred to the Committee of the Whole

**Notice of Complaint:**

12/9/21 57 Summit St – tree  
12/12/21 342 Green St – tree

Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**121521.2**

By Alderman Oates:

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 December 16, 2021 as follows:

General Fund	Fund A	\$131,979.56
Water Fund	Fund FX	\$22,967.77
Sewer Fund	Fund G	\$76,338.33
Capital Projects	Fund H	\$158,880.87
Refuse Fund	Fund CL	\$86,910.46
Self-Insurance	Fund MS	\$57,229.55

Community Dev.	Fund CD	\$20,174.00
Payroll	Pay Date 11/18	\$471,869.35

Seconded by Alderman Allport and adopted. Ayes 5.

### **121521.3**

By Alderman Oates:

Resolved, that the City tax roll for the year 2022 be and the same is hereby confirmed and the City Clerk is hereby authorized and directed to certify thereto and deliver said tax rolls to the City Treasurer for collection.

Seconded by Alderman Schratz and adopted. Ayes 5.

### **121521.4 Grant Permission for a Special Use Permit at 25 Orchard St - WITHDRAWN**

### **121521.5**

By Alderman Oates:

Resolved, that the bid proposal of Lock City Supply Inc., Lockport, NY, received on December 14, 2021 for water meters, being the only bid received, be accepted in the amount as reported in a communication from the City Clerk – report of bid proposals. Cost of same to be charged to account H127.8397.52015 Water Meters.

Seconded by Alderman Allport and adopted. Ayes 5.

### **121521.6**

By Alderman Schratz:

Whereas, Niagara Community Action Program (“Niagara CAP”) provides emergency services to the needy and disadvantaged persons within Niagara County through use of funding grants and subsidies from federal, state, and municipal governments and agencies; and

Whereas, the City of Lockport FY 2022 budget includes \$2,500.00 for Niagara CAP for such purposes in return for Niagara CAP’s promise of emergency services to the residents of the City; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to execute the 2022 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00.

Seconded by Alderman Oates and adopted. Ayes 5.

### **121521.7**

By Alderman Allport:

Whereas, the Lockport Fire Department has received a donation from the estate of John P. Sokay for a total of \$10,000; and

Whereas, the Department has exceeded its budgeted amount of revenue in “Gifts and Donations” and would like to utilize said donation to directly purchase upgrades for special office equipment; now, therefore, be it

Resolved, that the Common Council hereby amend the General Fund budget to reflect this need:

Revenue:  
Increase

A.3410.32705	Gifts and Donations	\$10,000
Expenditure:		
Increase		
A.3410.54515	Special Supplies	\$10,000

Seconded by Alderman Schratz and adopted. Ayes 5.

### **121521.8**

By Alderman Kantor:

Whereas, replacement hardware for the pump computer connections has been requested for the City of Lockport's Water Pump Station because of deficiencies in current equipment; and

Whereas, the Chief Water Treatment Plant Operator has compiled quotes for said drive replacement and has recommended to move forward with the lowest bidder; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to enter into a contract with Moley Magnetics Incorporated for said equipment, for a total of \$13,800, utilizing H204 capital project funds (FX infrastructure improvements).

Seconded by Alderman Devine and adopted. Ayes 5.

### **121521.9**

By Alderman Allport:

Whereas, the City Engineering Department has identified upcoming replacement of City CSO equipment that must be done by February, 2022 in order to comply with State and Federal standards; and

Whereas, a vendor, ADS LLC has been identified as a single source provider of these goods for our current configuration and has provided a quote for a net total of \$29,906; now, therefore, be it

Resolved, that the Common Council hereby reduces the indirect cost allocation that the Sewer Fund is to expense to the General Fund by \$29,906; and be it further

Resolved, that the Common Council hereby amends the General and Sewer Fund budgets as follows:

#### Revenues:

Decrease		
A.0000.32801G	Interfund from Sewer	\$29,906
Increase		
A.0000.31120	Sales Tax: County	\$29,906

#### Expenditures:

Decrease		
G.8130.54057A	Admin Expense - General	\$29,906
Increase		
G.8120.54050	Equipment Repair	\$29,906

Seconded by Alderman Kantor and adopted. Ayes 5.

**121521.10**

By Alderman Kantor:

Whereas, the Public Works' salt spreader has rusted and is beyond repair; and

Whereas, the Director of Highways and Parks has recommended the purchase of a stainless steel model, which will be more resilient to the salt materials and harsh weather; and

Whereas, three quotes were collected and the Director of Highways and Parks has recommended to proceed with the vendor with the lowest bid, Viking Cives (USA) for \$10,730; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement, attached hereto, with Viking Cives (USA) and utilize budgeted funds in A.1640.54300.

Seconded by Alderman Allport and adopted. Ayes: 5.

**121521.11**

By Alderman Schratz:

Whereas, General City Law 20(3) authorizes the City to accept donations from individuals or organizations, and to use said donations per the restrictions placed on them by the donor, regardless of minimum value; now, therefore, be it

Resolved, that the Mayor and Common Council do hereby extend thanks and appreciation to Walmart for the \$4,000 donation to the Lockport Police Department for the "Shop with a Cop" program.

Seconded by Alderman Allport and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 5.

**121521.12**

By Alderman Devine:

Whereas, the City of Lockport's Collective Bargaining Agreement with Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, City of Lockport Unit 7651 and Niagara County Local 832 ("CSEA") expires on December 31, 2026; and

Whereas, the City of Lockport desires to improve the recruitment and retention of supervisors; and

Whereas, the City of Lockport and CSEA desire to enter into a Memorandum of Understanding modifying and amending the pay grades of certain CSEA supervisory positions; and

Whereas, the Common Council has reviewed that attached Memorandum of Understanding; now, therefore, be it

Resolved, that the City of Lockport hereby adopts and approves the Memorandum of Understanding and authorizes the Mayor to execute the same; and be it further

Resolved, that the FY 2022 General, Water, and Sewer Funds are hereby amended as follows:

Expenditures

Increase		
A.1900.54775	Contingency	\$2,579
A.1620.51010	Full Time Wages	\$2,206
A.1620.58010	FICA	\$169
A.1620.58050	Retirement	\$256
FX.8340.51010	Full Time Wages	\$2,184
FX.8340.58010	FICA	\$167
FX.8340.58050	Retirement	\$253
G.8135.51010	Full Time Wages	\$4,369
G.8135.58010	FICA	\$334
G.8135.58050	Retirement	\$507

Decrease		
A.5110.51010	Full Time Wages	\$4,369
A.5110.58010	FICA	\$334
A.5110.58050	Retirement	\$507
FX.1900.54775	Contingency	\$2,604
G.1900.54775	Contingency	\$5,210

Seconded by Alderman Allport and adopted. Ayes 4. Alderman Oates voted no.

### **121521.13**

By Alderman Oates:

Whereas, Resolution 111721.26A authorized the purchase of a hot box truck (International HV607 4X2) totaling \$201,249;

Whereas, due to production and delivery restraints, the purchase of this vehicle will not be made until mid-FY2022, after the closure of the FY 2022 operating budget; now, therefore, be it

Resolved, that the Common Council hereby transfer this purchase to a capital project (which will roll over year-to-year) and amend the FY 2021 General and Capital Fund budgets as follows:

Revenue:

Increase

H214.5110.32801.A	Interfund Revenue (General)	\$201,249
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Expenditure:

Increase:

A.9901.59000.H	Interfund to Capital	\$201,249
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H214.5110.52420	Machinery and Equipment	\$201,249
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Decrease:

A.5110.52035	Public Works Equipment	\$201,249
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Seconded by Alderman Kantor and adopted. Ayes 5.

### **121521.13A**

By Alderman Schratz:

Resolved, that pursuant to their request, the GLDC is hereby granted permission to place a dumpster in the city right-of-way at 13 W. Main Street, from December 15<sup>th</sup>, 2021 through January 5<sup>th</sup>, 2022, for their renovation project. Said permission is subject to the GLDC filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Allport and adopted. Ayes 5.

**121521.14**

**ADJOURNMENT**

At 5:56 P.M. Alderman Schratz moved the Common Council be adjourned until 11:00 A.M., Saturday, January 1, 2022.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk