

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 2, 2020
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, Devine, Kantor, Oates, Schratz and Van De Mark.

MAYOR'S UPDATE

RECESS

Recess for public input.

Minutes Correction – August 19, 2020:

081920.7

By Alderman Oates:

Whereas, Resolution ~~421920.16~~ **021920.16** moved \$17,000 in funding from the Treasurer to the Finance Department to be used for professional services, and

Whereas, the Finance Department has required only \$11,910 of the funding for year-end services relating to FY 2019, and

Whereas, the Common Council's FY 2020 budget for professional services does not have enough funding to pay an outstanding Lumsden and McCormick invoice for the FY 2019 audit; now, therefore, be it

Resolved, that the 2020 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1310.54055	Professional Services	\$ 5,000
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Increase:

A.1010.54055	Professional Services	\$ 5,000
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090220.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman _____, the minutes of the Regular Meeting of August 19, 2020 are hereby approved as printed in the Journal of Proceedings.

Ayes _____. Carried.

FROM THE MAYOR

Resignation:

8/29/20 Tim Walsh resigned from the City of Lockport Police Board of Commissioners effective immediately.
Received and filed.

Appointments:

9/2/20 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 create The Ad-Hoc Police Policy Review Committee, effective today September 2, 2020 and make the following appointments:

Steven Abbott	192 Grand Street
Cheryl Brown	422 W. Caledonia Street
Jason Cafarella	754 Park Place, Niagara Falls, NY
Mary Pat Filbert	323 Church Street
Felicia Grooms	104 S. Bristol Avenue
Flora Hawkins	199 West Avenue
Kevin Lucinski	3454 Murphy Road, Newfane, NY
Michelle Roman	30 Cherry Street
Mark Sanders	22 Kelley Avenue, Middleport, NY
Ellen Schratz	390 Locust Street
Kelly Van De Mark	587 Pine Street
Tricia Vosburgh	7154 Ellicott Road
Laura Lee Zaggarigo	514 High Street

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)

8/31/20 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 7

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

Bulk collection is scheduled to be the week of September 14th.
Referred to the media.

Notice of Complaint:

8/19/20 21 Church Street – sidewalk
8/26/20 292 Hawley Street – tree
8/31/20 36 N. Adam Street – tree

9/2/19

8/31/20 94 & 96 Massachusetts Avenue – trees
8/31/20 104 & 106 Gooding Street – trees
8/31/20 156 John Street - tree
Referred to the Director of Streets and Parks.

Notice of Claim:

8/24/20 Joe Ferchen, 125 Garden Street, Lockport, NY
8/27/20 Kristy L. Schaefer, 2546 Maple Road, Wilson, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

090220.2

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 3, 2020 as follows:

General Fund	Fund A	\$ 98,179.72
Water Fund	Fund FX	\$ 17,920.85
Sewer Fund	Fund G	\$ 29,088.52
Capital Projects	Fund H	\$204,232.27
Self Insurance	Fund MS	\$145,216.99
Payroll	Pay Date 8/27	\$452,972.12

Seconded by Alderman _____ and adopted. Ayes _____.

090220.3

By Alderman Vandemark:

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>
Roger F. LaRoach	30	Heavy Equipment Operator
Kevin M. Watier	25	Firefighter

Seconded by Alderman _____ and adopted. Ayes _____.

090220.4

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to the Order of the Eastern Star to conduct a Chicken BBQ in the City parking lot next to the Masonic Hall on September 16, 2020 from 4 p.m. to 6 p.m., and be it further

Resolved, that permission is hereby granted to barricade the 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, that said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines.

Seconded by Alderman _____ and adopted. Ayes _____.

090220.5

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 19, 2020, for a block party, and be it further

Resolved, that said permission is granted provided that COVID-19 protocols and the practice of social distancing 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.

Seconded by Alderman _____ and adopted. Ayes _____.

090220.6

By Alderman Abbott:

Whereas, the City of Lockport currently uses KVS Enterprise for a number of operational systems, including general ledger and receipts, billing, collections, and reporting; and

Whereas, Springbrook has provided their annual renewal agreement for KVS support and service at a cost of \$17,786; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into a renewal contract with Springbrook, attached hereto, and be it further

Resolved, that \$17,786 for the KVS agreement be utilized from line A.1680.54075 of the 2020 General Fund budget.

Seconded by Alderman _____ and approved. Ayes _____.

090220.7

By Alderman Oates:

Whereas, the City of Lockport has experienced higher than anticipated retirements in the current fiscal year, and

Whereas, the general fund budget designated for retirement buyouts does not contain enough funding for current outstanding requests, and

Whereas, the City is facing financial difficulty because of the complications from COVID-19, including a loss of revenue and unforeseen expenditures; now, therefore, be it

Resolved, that to pay for current retirement buyout obligations, the 2020 General Fund Budget is hereby amended as detailed below;

Expenditures:	
Increase:	
A.9000.58010 FICA	\$ 22,098
A.9000.58052 Retirement Leave Payout	\$ 221,172
Total	\$ 243,270
Decrease:	
A.1210.54035 Training and Education	\$ 500
A.1210.54045 Travel Related Costs	\$ 400
A.1355.54035 Training and Education	\$ 500
A.1355.54055 Professional Services	\$ 3,000
A.1355.54115 Computer Software	\$ 1,500
A.1410.54003 Furniture	\$ 250
A.1410.54035 Training and Education	\$ 500
A.1430.54041 Publications	\$ 100
A.1430.54510 Program Expenses	\$ 1,800
A.1440.54040 Membership Dues	\$ 700
A.1440.54041 Publications	\$ 200
A.1440.54041 Maintenance Contract	\$ 10,300
A.1490.54005 Supplies	\$ 200
A.1490.54605 Phone	\$ 420
A.1620.54003 Office Furniture	\$ 1,868
A.1620.54076 Property Repairs	\$ 1,119
A.1620.54075 Maintenance Contract	\$ 1,500
A.1620.54076 Property Repairs	\$ 3,000
A.1620.54520 Chemicals	\$ 500
A.1640.54065 Equipment Lease	\$ 1,550
A.1640.54300 Vehicle Repair	\$ 10,000
A.1640.54500 Medical Fees	\$ 100
A.1640.54515 Special Supplies	\$ 1,327
A.1670.54610 Internet Services	\$ 15,000
A.1900.54620 Utilities - Gas	\$ 10,000
A.1900.54623 Utilities - Electric	\$ 20,000
A.3120.51170 Additional Compensation	\$ 26,496
A.3120.52070 Safety Equipment	\$ 25,000
A.3120.54065 Equipment Lease	\$ 59,250
A.3128.54085 Clothing	\$ 1,000
A.3410.54065 Equipment Lease	\$ 10,940
A.3620.54055 Professional Services	\$ 1,500
A.3620.54065 Equipment Lease	\$ 8,500
A.3620.54077 Maintenance Supplies	\$ 250
A.3620.54083 Support Services	\$ 1,000
A.5110.54500 Medical Services	\$ 1,000
A.8021.54055 Professional Services	\$ 10,000
A.8510.54510 Program Expenses	\$ 2,500
A.8730.52015 Technical Equipment	\$ 1,000
A.8730.54110 Landscape Materials	\$ 3,000
A.8510.54510.HH Hometown Hero	\$ 5,000
A.8510.54510.VB Veteran Bricks	\$ 500
Total:	\$ 243,270

Seconded by Alderman _____ and adopted. Ayes _____.

090220.8

The following ordinance was offered by Councilmember Devine, who moved its adoption, seconded by Councilmember _____, to-wit:

SUPPLEMENTAL BOND ORDINANCE DATED SEPTEMBER 2, 2020.

AN ORDINANCE SUPPLEMENTING A BOND ORDINANCE DATED AND DULY ADOPTED ON SEPTEMBER 4, 2019 OF SAID CITY.

WHEREAS, on September 4, 2019, the Common Council of the City of Lockport, Niagara County, New York (the "City") duly adopted a bond ordinance to finance the cost of 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 said City (the "Project"), a specific object or purpose, at a maximum estimated cost of \$3,125,000, with \$3,125,000 bonds authorized to be issued therefor (the "Bond Ordinance"); and

WHEREAS, on May 15, 2019 the Common Council had adopted a resolution determining said capital project to be an Unlisted Action and thereby superseding a 2017 resolution of the Common Council determining said project to be a Type II Action; and

WHEREAS, the bond ordinance duly adopted on September 4, 2019 inadvertently referred to the earlier SEQRA determination; and

WHEREAS, it is desirable to supplement and amend the bond resolution accordingly,
NOW, THEREFORE

BE IT RESOLVED 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. The first Whereas clause of the Bond Ordinance dated and duly adopted on September 4, 2019 is hereby amended to read as follows:

"WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the NYS Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant adverse environmental impact."

Section 2. The summary legal notice of estoppel attached hereto shall be published in the official newspaper of the City by the City Clerk.

Section 3. This ordinance shall take effect immediately.

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	_____
Alderman Devine	VOTING	_____
Alderman Kantor	VOTING	_____
Alderman Oates	VOTING	_____
Alderman Schratz	VOTING	_____
Alderman Vandemark	VOTING	_____

The ordinance was thereupon declared duly adopted.

090220.9

By Alderman Oates:

Resolved, that pursuant to her request, Erin Gugliuzza, a certified and registered yoga instructor, is hereby granted permission to conduct outdoor yoga Hathaway vinyasa classes to the public at Dolan Park on Monday evenings, and Outwater Park on Wednesday evenings, beginning September 9, 2020 until November 4, 2020, and be it further

Resolved, said permission is granted provided that COVID-19 protocols and the practice of social distancing is followed in accordance with New York State guidelines, and is further subject to Erin Gugliuzza filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman _____ and adopted. Ayes _____.

090220.10

By Alderman Oates:

Whereas, the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program, awarded a grant and loan to the City of Lockport (City) for the replacement of the approximately two-mile section of steel lock bar pipe; and

Whereas, per Resolution 121918.5 Kandey Company, Inc. (Kandey) was awarded a contract for \$6,712,145.00 for the construction of the project, with two subsequently approved Change Orders increasing Kandey's contract to \$7,149,545.00; and

Whereas, construction of the project is complete and Kandey has submitted a request for Change Order No. 3 (Final), inclusive of paving the Water Treatment Plant parking lot and final adjustment of Contract Unit Items for a credit of \$315,988.90 resulting in a final Contract amount of \$6,833,556.10 as reviewed and recommend by the City's consulting engineer GHD on August 10, 2020, now, therefore, be it

Resolved, that the Mayor is authorized to execute Change Order No. 3 (Final) with Kandey Company, Inc. for a credit of \$315,988.90, resulting in a final Contract amount of \$6,833,556.10 per recommend of the City's consulting engineer GHD dated August 10, 2020.

Seconded by Alderman _____ and adopted. Ayes _____.

090220.11 AUTHORIZE CONTRACTOR REPAIRS TO WTP – BEING PREPARED**090220.12**

By Alderman Kantor:

Whereas, the City of Lockport (City), applied for and has received a Streetscape Green Infrastructure Enhancement Project Grant for the following streets: Pine St., South St. and Washburn St. (EFC Project No. C9-6659-17-00) via the New York Consolidated Funding Application (CFA) to the Green Innovation Grant Program (GIGP); and

Whereas, the City was has received an Executed Agreement from the New York State Environmental Facilities Corporation (NYSEFC) for \$1,500,000 of the project cost including Professional Engineering Services; and

Whereas, Nussbaumer & Clarke, Inc. (Nussbaumer), prepared the Project Feasibility Study which was approved by NYSEFC and the New York State Department of Environmental Conservation (NYSDEC) in May 2020, said firm is on the City's pre-qualified list of engineering service providers, and said firm submitted a proposal dated August 27, 2020 in accordance with the City's agreement with EFC for a fee not-to-exceed \$288,079; 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 fee not-to-exceed \$288,079 per their proposal dated August 27, 2020, contingent upon review and approval by NYSEFC.

Seconded by Alderman _____ and adopted. Ayes _____.

090220.13

By Alderman Abbott:

WHEREAS, Ruhlmann Farm Acres LLC, and the Applicant/Sponsor, OYA Ruhlmann A LLC, applied for site plan and special use permit approval, for a proposed solar energy system operation of a 5 MWAC/7.5 MWDC solar project on its property located at 251 Summit Street, Lockport, that will occupy approximately 32.81 acres of the 43 acres total area of the parcel; and

WHEREAS, Ruhlmann Farm Acres LLC, and the Applicant/Sponsor, OYA Ruhlmann B LLC, applied for site plan and special use permit approval, for a proposed solar energy system operation of a 2.125 MW/2.964 MWDC solar project on its property located at 219 Summit Street, Lockport, that will occupy approximately 13.46 acres of the 16.46 acres total area of the parcel; and

WHEREAS, the City has classified this project as Type 1 action, and is coordinating the review of same pursuant to the State Environmental Quality Review Act; and

WHEREAS, pursuant to 6 NYCRR Part 617, pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review), the City Council would like to establish itself as Lead Agency for said projects, and therefore mailed a request to act as Lead Agency to the appropriate and involved agencies along with copies of the special use permit application and site plan; and

WHEREAS, no appropriate or involved agency responded within the requisite 30 days to said request; and

NOW, THEREFORE, BE IT RESOLVED, that that the City of Lockport hereby declares itself as Lead Agency for the OYA Ruhlmann A LLC and OYA Ruhlmann B LLC solar projects located at 219 and 251 Summit Street, Lockport, New York 14094.

Seconded by Alderman _____ and adopted. Ayes _____.

090220.14

ADJOURNMENT

At _____ P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 16, 2020.

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk