

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 _____, the minutes of the Regular Meeting of March 3, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes _____. 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

3/17/21

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 10th

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	\$104,975.69
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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

031721.12A

By Alderman _____:

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 _____ and adopted. Ayes _____.

031721.13

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk