

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 13, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**041322.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman \_\_\_\_\_, the minutes of the Regular Meeting of March 23, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes \_\_\_\_\_. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending section C-370a of the City Charter, Relative to the Opening of Streets.

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**

**Appointments:**

3/23/22 Kyle Lambalzer, 623 Locust Street, Lockport, NY 14094 – recommendation to Public Health Director Daniel J. Stapleton that Lambalzer be appointed to the Niagara County Board of Health to fill the unexpired term of Marietta Schrader.

3/28/22 Clayton C. Dimmick, 12 Grosvenor Street, Lockport, NY 14094 – appointed to Director of Streets, Parks, & Water Distribution for the City of Lockport effective March 28, 2022. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

3/29/22 Gerald DeFlippo, 4815E Cambridge Drive, Lockport, NY 14094 – appointed to the City of Lockport Housing Authority effective April 26, 2022. Said term expires on April 26, 2027.

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:**

3/25/22 Larry McKenzie, WNY Hydrocephalus Association – request permission to hold a drive-thru chicken barbeque fundraiser at Outwater Park on May 28, 2022

3/29/22 Nick Kalbfliesh, Lockport Professional Firefighters – request permission to use the Outwater Park softball diamond on Tuesdays during the summer to participate in the Niagara County Firefighters Softball League

3/30/22 Katie Constantino, Catholic Charities – request permission to conduct a “Healthy Baby Festival” at Altro Park on August 1, 2022

4/4/22 Jason Dool, Inferno Baseball, Inc. – request permission to use the Outwater Park softball diamond during the 2022 season

Referred to the Committee of the Whole.

4/6/22 Paul K. Oates, City Clerk – notification of bids received on April 6, 2022 for the East Avenue Pavement Rehabilitation Project.

The following bid proposals for the above referenced were received and opened on April 6, 2022:

4 <sup>th</sup> Generation Construction Niagara Falls, NY	\$318,100
Mark Cerrone, Inc. Niagara Falls, NY	\$376,560
Edbauer Construction West Seneca, NY	\$365,717
Milherst Construction, Inc. Clarence Center, NY	\$332,580
Occhino Corporation West Seneca, NY	\$365,985
Scott Lawn Yard, Inc. Niagara Falls, NY	\$398,540

Referred to Committee of the Whole

**Notice of Complaint:**

3/23/22	187 Olcott Street – trees
3/23/22	197 Olcott Street – tree
3/28/22	170 Monroe Street – trees
3/28/22	62 Hyde Park – tree
3/30/22	110 Garden Street – tree
4/1/22	270 Niagara Street – tree
4/5/22	251 Caledonia Street – tree
4/6/22	109 John Street - tree

Referred to the Director of Streets and Parks

**Notice of Claim:**

3/31/22 Judie Tedesco, 395 S. Transit Street, Lockport, NY

Referred to Corporation Counsel

**Notice of Summons and Complaint:**

3/22/22 Zhane Y. Strong v. the City of Lockport

Referred to Corporation Counsel

**MOTIONS & RESOLUTIONS**

**041322.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 14, 2022 as follows:

General Fund	Fund A	\$
Water Fund	Fund FX	\$
Sewer Fund	Fund G	\$
Capital Projects	Fund H	\$
Self-Insurance	Fund MS	\$
Community Dev.	Fund CD	\$
Refuse & Recycle	Fund CL	\$

Payroll                      Pay Date 3/24              \$496,880.62

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.3**

By Alderman \_\_\_\_\_:

Whereas, the United States Department of Agriculture currently has projects surveying the presence of invasive pests, the European Cherry Fruit Fly and the Box Tree Moth, in host trees and plants in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate these invasive pests in the City of Lockport, the USDA Invasive Insect Survey Project is hereby granted blanket permission to place traps in host plants on City of Lockport properties and roadside rights of way, in parks, and in cemeteries. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.4**

By Alderman Devine:

Resolved, that pursuant to the request of Amanda Cline, 232 Ohio Street, permission is hereby granted to the residents of Ohio Street to barricade Ohio from Rene Place to Park Avenue on July 23<sup>rd</sup>, 2022, from 5-11pm 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.5**

By Alderman \_\_\_\_\_:

Whereas, the City of Lockport (City) owns and operates a Wastewater Treatment Plant producing biosolids which are currently managed at the City's compost facility; and

Whereas, due to the capacity and age of the facility, the City desires to consider alternative offsite methods to manage a portion or all of the biosolids; now, therefore, be it

Resolved, that the City's Consulting Engineer, Nussbaumer & Clarke, Inc. is authorized and directed to prepare and issue a Request for Bids for hauling and disposal of Biosolids from the City's Wastewater Treatment Plant, and be it further

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

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes: \_\_\_\_\_.

**041322.6**

By Alderman \_\_\_\_\_:

Resolved, that pursuant to their request, Thunderwolves Baseball, LLC is hereby granted permission to use the baseball field at Outwater Park for their 2022 Youth Baseball Tournaments, subject to approval of the schedule by the Highways & Parks Department, for games to be played between May 27<sup>th</sup> and July 31<sup>st</sup>, 2022, and be it further

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

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes: \_\_\_\_\_.

**041322.7**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted to the WNY Shelby and Mustang Club to conduct the Nickel City Mustang Roundup Car Cruise and Parade on Saturday, July 30<sup>th</sup>, 2022, and be it further

Resolved, permission includes the barricading of Market Street from Union Street to Exchange Street, from 6 p.m. until 10 p.m., and be it further

Resolved, that the Director of Streets, Parks and Water Distribution is hereby authorized and directed to arrange for delivery of barricades, cones and 'street closed' signs as required, and be it further

Resolved, that the WNY Shelby and Mustang Club file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes: \_\_\_\_\_.

**041322.8**

By Alderman \_\_\_\_\_:

Whereas, Resolution 121521.8 authorized the use of \$13,800 from the H204 capital water infrastructure improvement fund to be used for replacement hardware for the pump computer connections; and

Whereas, it has come to the attention of the Chief Water Treatment Plant Operator that two more drives have broken, and are beyond repair and must be replaced; now, therefore, be it

Resolved, that the City is authorized to utilize an additional \$4,020 from Moley Magnetics Incorporated for said additional equipment to be funded from the H204 capital project funds (FX infrastructure improvements).

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.9**

By Alderman \_\_\_\_\_:

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 2022 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.10**

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 2022 Niagara County Fire Fighters Softball League season, subject to approval of the schedule by the Highways & Parks Department, for seven games to be played between May 3<sup>rd</sup> and July 26<sup>th</sup>, 2022, 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.11**

By Alderman Fogle:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Peacemakers to conduct an Easter egg hunt, rain or shine, on Saturday, April 16th, 2022 beginning at 11am, at Outwater Park, and be it further

Resolved, that permission is subject to Lockport Peacemakers 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.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.12**

By Alderman \_\_\_\_\_:

Resolved, that pursuant their request, Catholic Charities of Buffalo, NY is hereby granted permission to hold a free 'Healthy Baby Festival' to celebrate World Breastfeeding Week at Altro Park on August 1, 2022 from 11 a.m. – 1 p.m. Permission is subject to Catholic Charities filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.13**

By Alderman \_\_\_\_\_:

Resolved, that pursuant to their request, permission is hereby granted to WNY Hydrocephalus Association to conduct a drive-thru chicken barbeque fundraiser, on Saturday, May 28th, 2022 from 9am until 4pm, in the Outwater Park parking lot, and be it further

Resolved, that permission is subject to WNY Hydrocephalus Association 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 traffic cones to the area prior to the event.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.14**

By Alderman Pasceri:

Resolved, that the bid proposal of Belmont Housing, received on March 25, 2022 for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation, be accepted in the amount of up to \$4,100 per residence.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.15**

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Belmont Housing for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation at a cost of up to \$4,100 per residence.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.16**

By Alderman \_\_\_\_\_:

Whereas, East Avenue (NY 31) in the City of Lockport (City) is designated by the New York State Department of Transportation (NYSDOT) as a Touring Route; and

Whereas, the City has determined that East Avenue is in need of pavement restoration between Washburn Street and Cleveland Place; and

Whereas, the City has received funding from NYSDOT to make improvements to designated Touring Routes; and

Whereas, the City issued a Notice to Bid for interested contractors for the East Avenue Pavement Restoration Project and subsequently received and publicly opened and read bids at the Municipal Building on April 6, 2022 at 2 pm as follows;

CONTRACTOR	4 <sup>th</sup> Generation Constructi on	Milherst Constructio n, Inc.	Edbauer Constructio n	Occhino Corp.	Mark Cerrone, Inc.	Scott Lawn Yard, Inc.
TOTAL BID AMOUNT	\$318,100.00*	\$332,580.00	\$365,717.00	\$365,985.00	\$376,560.00	\$398,540.00

And

Whereas, the City Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) reviewed the contractor bids and determined that the bid submitted by 4<sup>th</sup> Generation Construction is incomplete and recommends that their bid be rejected; and

Whereas, Nussbaumer has determined that Milherst Construction, Inc. has submitted the lowest complete and responsible bid and recommends that the City award the contract to Milherst Construction, Inc., for a total amount of \$332,580.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Milherst Construction, Inc., 10025 County Rd, Clarence Center, NY 14032, in the amount of \$332,580.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

#### **041322.17**

By Alderman Beakman:

Whereas, §183-23 of the Lockport Municipal Code bans overnight parking on city streets between the hours of 2 a.m. and 6 a.m. unless the vehicle owner has received a special parking permit from the City; and

Whereas, the restriction on parking has caused many residents hardship while being of minimal benefit during the warmer months when snow plows do not present a specific need for the good of the City; and

Whereas, the Traffic Advisory Committee has studied the issue and recommends that the Common Council consider a modification to the ban on overnight parking on a trial basis; now, therefore, be it

Resolved, that a moratorium shall be placed on enforcement of City Ordinance §183-23 for a period commencing immediately and ending on November 1, 2022, subject to the following restrictions:

- I. Only 2-axle passenger vehicles and motorcycles, properly registered and insured, may remain on a city street overnight during the period in question.
- II. The Highways and Parks Department shall have the ability to designate certain streets for no parking during periods of street cleaning and/or paving, by notices posted in advance.



- III. The ban on overnight parking within the city limits will remain in effect for the following streets and thoroughfares:
- A. Main Street/East Avenue from Transit to Washburn Street
  - B. Walnut Street from Transit to Washburn Street.
  - C. West Genesee Street and West Avenue from the city line to Transit
- IV. The restrictions on parking for buses and delivery vehicles set forth in §183-23(D) shall remain in full force and effect during the period covered by the moratorium.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.18**

By Alderman Devine:

Resolved, that pursuant to their request, Inferno Baseball Inc. is hereby granted permission to use the softball field at Outwater Park for both practice and games during the 2022 season, subject to approval of the schedule by the Highways & Parks Department, and be it further

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

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.19**

By Alderman \_\_\_\_\_:

Whereas, by resolution 082119.10 the City of Lockport entered into an agreement with Davey Resource Group, Inc. of Kent, Ohio to conduct a tree inventory and prepare a community forestry management plan; and

Whereas, the city appropriated \$18,000 in the 2022 General Fund Budget to conduct a GIS-based inventory update; and

Whereas, the city desires to complete said update in late spring or early summer when the trees are budding or getting leaves; and

Whereas, Davey Resource Group, Inc. are proprietary to the city's Tree Inventory software; now, therefore, be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Davey Resource Group, Inc. to conduct a Tree Inventory Update project of the maintained trees and stumps found along public rights-of-way and in public parks and properties, and utilize budgeted funds in A.8730.54055.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.20**

**ADJOURNMENT**

At \_\_\_\_\_ P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 27, 2022.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

PAUL K. OATES  
City Clerk



*Michelle M. Roman*  
**MAYOR**

# Office of the Mayor

LOCKPORT MUNICIPAL BUILDING  
One Locks Plaza  
Lockport, New York 14094  
Phone (716) 439-6665  
Fax (716) 439-6668

March 28, 2022

TO: Common Council

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 appoint Clayton C. Dimmick, 12 Grosvenor Street, Lockport, NY 14094 to Director of Streets, Parks & Water Distribution for the City of Lockport, effective March 28, 2022.

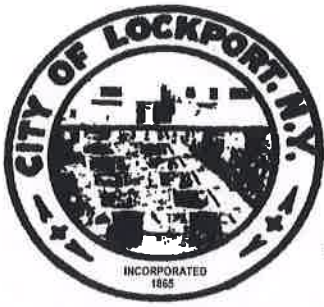
Said appointment is Provisional and subject to the City of Lockport Municipal Civil Services Rules and Regulations.

Witness by hand and the Seal of the City of Lockport this 28th day of March 2022.

Michelle M. Roman  
Mayor

MMR/mal

cc: C. Dimmick  
Civil Service



*Office of the*  
*Mayor*

LOCKPORT MUNICIPAL BUILDING  
One Locks Plaza  
Lockport, New York 14094  
Phone (716) 439-6665  
Fax (716) 439-6668

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***Michelle M. Roman***  
**MAYOR**

March 29, 2022

To: Common Council

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 appoint Gerald Deflippo, 4815E Cambridge Drive, Lockport, NY, 14094, to the City of Lockport Housing Authority, effective April 26 2022.

Said term expires on April 26, 2027.

Witness my hand and the seal of the City of Lockport, New York this 29<sup>th</sup> day of March, 2022.

Sincerely,

Michelle M. Roman  
Mayor

MMR/mal

Cc: J. Deflippo  
K. Bancroft

March 21<sup>st</sup>, 2022

Dear City Clerk,

We are concerned about another tree on our property at 187 Olcott & we live on the corner of Olcott and Vine Street. This tree is located on the Vine Street side of our property in the city right of way. We had a wind storm on March 6<sup>th</sup>, 2022 that took down a large limb and it damaged our fence. We are requesting that it be assessed for removal. We would like the tree cut down before it causes anymore damage or galls on someone.

Thank You,

JoAnne Ciraza  
GIUSEP CIRAZA

RECEIVED

MAR 23 2022

CITY CLERK OFFICE

\* This tree is located on the Vine Street side on city right of way. at 187 Olcott St. We live on a corner lot - Olcott & Vine Streets.

no prior found

March 21<sup>st</sup> 2022

Dear City Clerk,

\* 2021

We are concerned about a tree on our property that is in the city right of way. We wrote a letter on Nov. 22<sup>nd</sup>, 2022\* asking for someone to assess it but have not seen any action taken. Since then we have had many large limbs fall from that tree. We are worried that this tree is a threat to our family and neighbors as it is located directly next to our walkway that we use to get to the street (curb). We are asking again that someone take the time to look at this tree and that it be removed.

Thank you,

Joanne Ciraza

GIUSEPPE CIRAZA

RECEIVED

MAR 23 2022

CITY CLERK OFFICE

\* This tree is located on the Olcott Street side of our property. We live on the corner of Olcott & Vine Street at 187 Olcott St.

~~max~~

March 21<sup>st</sup>, 2022

Dear City Clerk,

I am concerned about a tree on our property at 197 Olcott Street that is on the city right of way. This tree has lost several limbs during the the last windstorm on March 6<sup>th</sup>, 2022. It looks like it has a large crack going down the trunk. If this tree falls it will do some major damage as it is extremely large. Please have someone from the city assess the tree for removal.

Thank You,

Judy Rehm  
& Cameron Rehm

197 Olcott Street  
LOCKPORT, NY 14094

RECEIVED

MAR 23 2022

CITY CLERK OFFICE

no prior found



3-25-2022

To: Lockport City Clerk

RECEIVED

MAR 28 2022

I am putting in writing the concern for  
Two dead trees at the  
property of 170 Monroe St  
Lockport NY 14094. (Lower town)  
I contacted the city  
multiple times in regard  
to this matter of the  
trees being unsafe.  
The trees are on the  
city property by the  
side walks. I was  
hoping the city could  
cut them down. Any  
help in this matter  
would be greatly  
appreciated

(PS) Branches  
are leaning on  
electrical wires

Robert Brown  
Shirley Sirefeton POA  
(716) 990 2799

no prior found

*Handwritten signature/initials*

I am writing to inquire whether the tree in front of my house at 62 Hyde Park can either be cut back or removed completely. Several years ago the city came by and trimmed and or removed if necessary all the trees on my street, however the only tree they failed to work on was the one in front of my house. My concern stems from the fact that the tree that stood in front of my neighbors house was knocked over by heavy winds 2 years ago pulling my electrical service off my house. Due to heavy winds in the past and recently, I am concerned about it happening again or worse it falling on my house. I would appreciate any help in this

(over)



matter you may provide

Sincerely

Robert A. Smist

62 Hyde Park

Phone 716-433-0174

RECEIVED

MAR 28 2022

CITY CLERK OFFICE

basement flooded due to blockage

3/31/2009 sewer complaint

# City Of Lockport

1 Locks Plaza

Lockport, NY 14094

March 29, 2022

716-314-4770

RECEIVED

MAR 30 2022

CITY CLERK OFFICE

To whom it may concern;

I Luz & Carlos Borrero Landlords from 110 Garden Street Lockport, NY 14094 Would like to remove the tree that is in front of address above. The tree is doing damage & costing a lot of money to landlord. It is causing the pipes to get clugged and Damage to the roof. I would like to get it removed as soon as possible so I won't have to keep spending money regarding the plumbing issue, thank you & I hope this letter is good enough.

*Carlos Borrero*  
*Luz Soto*

RECEIVED

APR 01 2022

CITY CLERK OFFICE

270 Niagara St.  
Lockport, NY 14094  
716-434-7602

To whom it may concern;

I have a dead tree in front of my house. I been down to the city building twice. I have been told, I have to write this letter to you, just. I would truly appreciate it, if you could send a crew over to cut it down. I'm afraid this tree would fall on my neighbor house, or mine. It is dead, hollow, and has grubs.

Sincerely yours  
Lance W Hoffmar

Dear Sir or Madam,

RECEIVED

APR 05 2022

CITY CLERK OFFICE

I've been trying to bring  
These trees to The Attention  
of The City of Lockport for  
the last Five years since  
I purchased my home. I would  
like them removed immediately.  
Due to the fact that they are  
infested with Sq Rodents and  
ants. The one particular large  
limb is over the House. That  
limb alone could weigh or 2000lb.  
I can only Guesstimate as to  
What the whole tree would weigh  
Over  $\nabla$

but the weight of that tree  
leaning on my house or the tele-  
phone pole with transistors on it  
presents a Gravidly dangerous  
situation. If city doesn't have  
the capability or the funds to  
expedite the removal of the tree  
a trimming in the very least is  
Required. The evidence of the  
other tree that Rotted snapped  
off and fell down is still standing  
there. I've been to City Hall, Messing  
on Facebook, to no Avail. I'm  
requesting these be removed or  
Trimmed before any more damage  
occurs

Daniel Schaw  
251 Caledonia St.  
Brookport NY 14094

Sincerely

Daniel Schaw  
Tues. April 5, 2022

4/6/2022

To Whom it may concern  
I Live at 109 John St Lockport.  
I have in front of my house a  
Problem Tree, One of my Neighbors  
brought This to my attention that  
a dead branch had fallen down  
hitting her daughter, on the way  
to School.

The Tree has brought The sidewalk  
up so much you trip over it when  
you walk past.

Please something must be done.  
I believe you will agree it must be  
Taken down, for everyones Safety.  
before a bad accident occurs.

Yours respectfully, Richard Mauro  
Richard Mauro 109 John St  
76 367-9430

Notice of Claim 3/30

On Thursday, February 24th, my son went through a pothole on Summit Street while driving my vehicle. The pothole is in the west-bound lane, several yards after making a right turn off Transit St.

The vehicle immediately had issues. The car started pulling to the right. My son texted me once he got to school and initially thought the front end was out of alignment. We took the vehicle to Dunn Tire for an alignment, they could not do the alignment due to the damage (because it needed more than an alignment). From that point, we brought the vehicle to 2480 Auto on Military Road. The techs got it on the lift and discovered severe damage to the subframe, control arms & ball joint, and other things listed on the invoice. The subframe was split, resulting in dangerous driving conditions.

I would like to file a claim for reimbursement. The total amount due was \$2688.36

  
Judie Ann Tedesco

395 S Transit St

716-534-3107

jatedesco76@gmail.com

RECEIVED

MAR 31 2022

CITY CLERK OFFICE

111 MILITARY ROAD  
KENMORE, NY 14217  
716-464-3472  
VISIT OUR WEB SITE AT WWW.2480S.COM  
HOURS OF OPERATIONS M-F 8-5 SAT 8-1  
NEW YORK FACILITY #7107376

3/19/2022 1:09:27 PM EDT

**Repair Order #8944**

Page:1

**TEDESCO, MIKE**

**Phone: 716-534-4574**

**Vehicle : 2012 Ford Escape 3.0 L 2967 CC V6 DOHC 24 Valve**

**VIN : 1FMCU9EG8CKB76455**

**Fleet #/Driver:**

**Created : 2/28/2022 10:14:39 AM EST**

**Odometer In : 132717**

**Odometer Out : 132717**

**Labor/Notes**

Qty	Technician	Reference	Description	Unit Price	Price
9		Guide	SUBFRAME Remove & Replace	\$100.00	\$900.00
			DOES NOT include wheel alignment.		
1		ALIGN4W	FOUR WHEEL ALIGNMENT	\$89.99	\$89.99
			4 WHEEL ALIGNMENT, INCLUDES COMPLETE INSPECTION OF ALL FRONT AND REAR SUSPENSION AND STEERING COMPONENTS. ADJUST CASTER, CAMBER AND TOE IN OF FRONT AND REAR END TO FACTORY SPECIFICATIONS, STRAIGHTEN STEERING WHEEL IF NEEDED. DOES NOT INCLUDE REPLACEMENT OF ANY WORN OR DAMAGED PARTS.		

**Parts**

Qty	Code	Reference	Description	Condition	Unit Price	Price
1	NCP	2605490	Control Arm with Ball Joint - Front Left Lower		\$103.78	\$103.78
			Note: Premium Grade			
1	NCP	2605489	Control Arm with Ball Joint - Front Right Lower		\$103.78	\$103.78
			Note: Premium Grade			
2	Ford	W7144025439	Bolt		\$10.50	\$21.00
1	Ford	5L8Z5B112AB	Rod		\$77.72	\$77.72
1	Ford	9L8Z5C145A	Cross Member Assy		\$507.09	\$507.09
1	PCC	18750033	Sway Bar Link - Front		\$34.08	\$34.08
1	NOE	6005644	Exhaust Manifold Mounting Kit		\$24.63	\$24.63
1	---	driveshaft	driveshaft		\$600.00	\$600.00

Labor	\$989.99
Parts	\$1,472.08
Other Charges	\$9.99
Sales Tax	Default Rule @ 8.75% \$216.30

**Repair Total \$2,688.36**

**Approvals**

Date & Time      Total Amount      Authorized By      Method      Employee

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express garagekeeper's lien is hereby acknowledged on above vehicle to secure the amount or repairs thereto. All Vehicles left over 48 hrs. after repairs are completed WILL INCUR A \$5.00 PER DAY STORAGE FEE. 12 Month or 12,000 Mile Warranty On Repairs.

Customer Signature \_\_\_\_\_

RECEIVED

MAR 31 2022

CITY CLERK OFFICE



RC

MAR 22 2022

UNITED STATES DISTRICT COURT CITY CLERK OFFICE  
for the

RECEIVED

MAR 29 2022

Zhane Y. Strong

\_\_\_\_\_  
*Plaintiff(s)*

v.

Civil Action No.

Municipal City of Lockport, Municipal County of Niagara; J. Hayes, Social Service Worker; A. Irons-Rindfleisch, Niagara County Sheriff Investigator; Brandy Denote, Social Service Worker; Susan B. Bjornholm, Assistant District Attorney; William Watson, Lockport City Court Judge; Brian D. Seaman, Niagara County District Attorney

\_\_\_\_\_  
*Defendant(s)*CITY CLERK OFFICE  
22 CV 238

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*Municipal City of Lockport, NY  
1 Locks Plaza  
Lockport, NY 14094

A lawsuit has been filed against you.

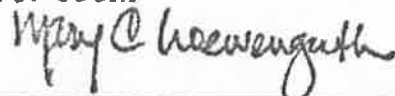
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: \_\_\_\_\_

MAR 22 2022

CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

# City of Lockport

I HEREBY CERTIFY that the persons named in this payroll are employed solely in and have actually performed the duties of positions and employments indicated for the period ending 3/17/22, PAID on date 3/24/22 is approved at dollars, \$ 496,880.62.  
*Civil Service Mary Pat Silbert*

## Pay Day Register

Pay Date Range 03/04/22 - 03/17/22

Pay Batch 220226

Pay Batch 220226 Total

Employees in Pay Batch 215

Female Employees in Pay Batch 53

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
207A Disability - 207A Disability	240.0000	3,066.00	Gross	496,880.62	Health Ins 298 Class 2 Family	26,228.80 .00
CLAL - Clothing Allowance	.0000	5,850.00	Imputed Income		Health Ins 298 Class 2 Single	6,458.23 .00
CMPE 1.0 - Comp Earned @ 1.0	240.0000	.00	Federal	55,051.23	Health Ins 298 Class 3 Family	87,938.60 .00
CMPE 1.5 - Comp Earned @ 1.5	5.0000	.00	FICA	30,244.09	Health Ins 298 Class 3 Single	8,450.26 .00
CMPU - Comp Time Used	142.2500	4,339.21	Medicare	7,073.19	Health Ins 298 Class 4 Family	2,710.72 .00
EDAY - Extra Day	224.0000	7,196.15	New York State	23,222.83	Health Ins 298 Class 4 Single	930.29 .00
FHDU - Floating Holiday Used	128.0000	4,123.65	457 % Deduction	4,979.05	Total	\$132,716.90
FLSA - FLSA	.0000	1,069.88	457 Flat Dollar Deduction	10,556.47		
LWOP - Leave Without Pay	24.0000	.00	AFLAC POSTTAX	161.33	Workers' Comp	Gross Base
MILI - Military Time	64.0000	1,918.34	AFLAC PRETAX	351.70	Workers Compensation - General	25,998.40 399,498.72
OOT - Out of Title	450.0000	17,294.29	ALLSTATE POSTTAX	790.94	Workers Compensation - Sewer	2,258.45 33,923.13
OT 1.0 - Overtime at Straight 1.0	27.0000	963.93	ALLSTATE PRETAX	689.48	Workers Compensation - Water	2,430.67 38,688.09
OT 1.5 - Overtime @ 1.5	823.1250	35,828.72	Child Support	375.00	Workers Compensation 50%	1,218.75 8,603.79
PRSE - Personal Earned	53.0000	.00	Child Support - Maine	370.00	Total	\$31,906.27
PRSU - Personal Used	226.5000	6,907.55	COLONIAL LIFE POSTTAX	55.40		
REG - Regular	12,905.7500	366,328.19	Firefighter Life Ins	108.30	Direct Deposits	Amount
REG PT - Regular Part Time	276.0000	7,382.34	FSA PRETAX	305.23	Alden State Bank	1,306.81
RETRO - Retroactive Pay	.0000	1,061.38	Health Ins 298 Class 2 Family	1,990.40	Amherst Federal Credit Union	50.00
RGS - Regular - Salary	70.0000	.00	Health Ins 298 Class 2 Single	619.28	Bancorp Bank	1,180.34
SAL - Salary	.0000	3,806.51	Health Ins 298 Class 3 Family	1,309.59	Bank of Akron	2,246.25
SAL PT - Salary Part Time	.0000	1,865.37	Health Ins 298 Class 3 Single	517.40	Bank of America	7,235.87
SCKU - Sick Used	389.7500	11,868.68	Health Ins 298 Class 4 Family	142.67	BANK OF AMERICA (2)	1,696.32
STIP - Stipend	.0000	384.62	Health Ins 298 Class 4 Single	84.57	BANK OF AMERICA (3)	1,337.00
VACU - Vacation Used	494.5000	15,625.81	L&M LIFE	24.68	BANK OF AMERICA (4)	1,107.09
Total	16,782.8750	\$496,880.62	NEW YORK LIFE	325.46	Bank on Buffalo	1,617.86
			RET ERS LOANS	1,674.00	Chase Bank	1,190.41
			Retire ERS Tier 6 <= \$100,000	432.58	Citizens Bank	10,395.80
			Retire ERS Tier 6 <= \$45,000	2,011.62	Cornerstone Comm FCU	117,345.49
			Retire ERS Tier 6 <= \$45,000 OT	134.19	Evans Bank	2,755.18
			Retire ERS Tier 6 <= \$55,000	340.91	Financial Trust FCU	1,414.17
			Retire ERS Tier 6 <= \$55,000 OT	19.87	Five Star Bank	945.07
			Retire ERS Tier 6 <= \$75,000	315.21	HSBC	1,344.43
			Retire PFRS <= \$55,000	1,233.53	Key Bank	26,748.54
			Retire PFRS Tier 6 <= \$100,000	374.66	KEY BANK (2)	1,598.08
			Retire PFRS Tier 6 <= \$75,000	1,550.43	Key Bank (Formerly FNB)	15,609.69
			Retire PFRS Tier 6 <=	109.38	Lockport School's FCU	992.55
			Retire PFRS Tier 6 <= \$45,000	1,281.27	M&T (MD, VA, WV, and DC)	284.07
			Retire PFRS Tier 6 <= \$55,000	117.74	M&T Bank	53,299.72
			Retire PFRS Tier 6 <= \$75,000OT	234.24	Navy FCU	5,605.72

**Paul Oates**

**From:** Lefort, Nathan A - APHIS <nathan.a.lefort@usda.gov>  
**Sent:** Monday, March 7, 2022 8:32 AM  
**To:** poates@lockportny.gov  
**Subject:** [EXTERNAL] USDA Invasive Insect Survey  
**Attachments:** 2022\_Q\_A.pdf; Ammonium Acetate Bait Enhancer Lures.pdf; BTM Property Access Request 2022.pdf; ECFF Pest Alert.pdf; ECFF Property Access Request 2022.pdf; Self Insurance 2022.pdf

My name is Nathan Lefort- I am a Technician with the U.S. Department of Agriculture's European Cherry Fruit Fly (ECFF) Program. I'm reaching out to you today to request permission to survey/trap for ECFF in select locations within the city of Lockport, some of which may be on city-owned property. We are required to request your permission annually.

We are hoping to be able to place traps on roadside right-of-ways, in parks, and in cemeteries. For private property we will be approaching landowners directly. This request only pertains to municipal property rights. Attached you will find the full digital information package for 2022 for your information. Within this package is a document titled "ECFF Property Access Request 2022." If you are willing to allow us access, please complete and sign this document. For the "Property Location" line, please write "all properties" if we may have full access. If there are specific restrictions, please note specific city properties and right of ways we can or cannot access. Please scan and send back to me or if you prefer, I can come pick it up. Thank you for your involvement. We can't do this without you!

**\*\*New for 2022\*\*** In addition to ECFF, the USDA will also be conducting surveys for the box tree moth (BTM). BTM was detected in Niagara County in 2021 and our staff is working diligently to ensure we stay on top of this new pest. This invasive pest can significantly damage and potentially kill boxwood (*Buxus* species) plants if left unchecked. We are updating our outreach materials for the 2022 season, and I will share those as soon as they are available. I have included an access request for our BTM survey activities as well. If you are comfortable with us surveying/trapping for both ECFF and BTM on your properties, please sign and return both request forms. Early involvement with this new pest is critical for our success!

To learn more about the BTM detections in Niagara County, please read this press release from the New York State Department of Agriculture and Markets: [NYS Department of Agriculture Confirms Box Tree Moth Found in Western New York | Agriculture and Markets](#)

If you need any more information or would like to contact me, I can be reached at this email or my work cell phone (716-727-4599). I would also be more than happy to meet in person at any time.

Thank you!

**Nathan A Lefort**

Plant Protection and Quarantine Technician

USDA-APHIS-PPQ

European Cherry Fruit Fly Program

801 Richfield St.

Building A

Lockport, New York 14094

Cell: 716-727-4599

## **Paul Oates**

---

**From:** Lefort, Nathan A - APHIS <nathan.a.lefort@usda.gov>  
**Sent:** Monday, March 7, 2022 9:55 AM  
**To:** Paul Oates  
**Cc:** apolichette@lockportny.gov; Weldon, Mafalda - APHIS; Lewis, Theodore W - APHIS  
**Subject:** [EXTERNAL] RE: USDA Invasive Insect Survey

Hello,

I see no need for any additions or changes. Thank you very much!

I look forward to hearing from you later next month.

## **Nathan A Lefort**

Plant Protection and Quarantine Technician  
USDA-APHIS-PPQ  
European Cherry Fruit Fly Program  
801 Richfield St.  
Building A  
Lockport, New York 14094  
Cell: 716-727-4599

---

**From:** Paul Oates <poates@lockportny.gov>  
**Sent:** Monday, March 7, 2022 9:44 AM  
**To:** Lefort, Nathan A - APHIS <nathan.a.lefort@usda.gov>  
**Cc:** Abbey Polichette <apolichette@lockportny.gov>  
**Subject:** RE: [EXTERNAL] USDA Invasive Insect Survey

Hi Nathan,

Good speaking with you earlier today.

Attached is a proposed resolution for the Lockport Common Council to consider at its April 13<sup>th</sup> meeting.

Unless you think any additions or changes are necessary to this resolution, I will contact you after the Council gives its approval and will forward the Property Access Request forms at that time.

Thanks.

**Paul K. Oates**  
City Clerk  
Phone: (716) 439-6674  
Fax: (716) 439-6702

**041322.X**

By Alderman \_\_\_\_\_;

Whereas, the United States Department of Agriculture currently has projects surveying the presence of invasive pests, the European Cherry Fruit Fly and the Box Tree Moth, in host trees and plants in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate these invasive pests in the City of Lockport, the USDA Invasive Insect Survey Project is hereby granted blanket permission to place traps in host plants on City of Lockport properties and roadside rights of way, in parks, and in cemeteries. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.



Animal Plant Health  
Inspection Service

Emergency & Regulatory  
Compliance Services

Investigative & Enforcement Service  
Animal Health Enforcement & Tort Claim Branch  
250 Marquette Ave Suite 410  
Minneapolis, MN 55401

Fiscal Year 2022  
October 1, 2021 thru September 30, 2022

To Whom It May Concern:

The United States Department of Agriculture (USDA) as an agency of the Federal government is a self-insured entity.

The Federal Tort Claims Act (28 U.S. C. 1346(b), 2671 et seq) is the legal mechanism for compensating persons injured or property damaged by a negligent or wrongful act of a Federal employee, when committed within the scope of their employment.

Employees of the USDA are Federal employees and would be covered by Federal workers' compensation insurance if injured while in the performance of their duties.

I hope this information is satisfactory and meets your requirements for proof of insurance. If you have any questions or concerns, you may contact me at Area Code (612) 336-3269.

Sincerely,

ELIZABETH  
JOHNSON GROTH

Digitally signed by ELIZABETH  
JOHNSON GROTH  
Date: 2021.09.13 07:39:43 -05'00'

Elizabeth Groth  
Legal Administrative Specialist



United States Department of Agriculture

Animal and Plant Health Inspection Service  
Plant Protection and Quarantine

## Questions and Answers: 2022 European Cherry Fruit Fly Survey in New York



### **What is the European Cherry Fruit Fly (ECFF) survey?**

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) and New York's State Department of Agriculture and Markets (NYS AGM) are placing approximately 2,000 traps across the Western and Central New York Regions. APHIS and NYS AGM are also placing traps in New York counties outside the ECFF quarantine area that are most at risk for ECFF's spread to determine if there are other locations where the invasive fruit fly is present.

### **What do the traps look like?**

The yellow panel trap is a rectangular cardboard trap coated on both sides with a mixture of a sticky material and a food bait. The traps are about 9 inches long and hang vertically in trees.

### **Do the traps really catch the fruit flies?**

The trap helps detect new infestations and monitor the insect's spread. It is not meant to catch fruit flies as a way to reduce populations.

### **What is the bait?**

The attractant is a food additive called ammonium acetate that lures fruit flies to the coated yellow trap.

### **How do the traps work?**

Adult fruit flies are attracted to the baited trap. If the flies land on the trap, they will get stuck in the non-toxic glue. APHIS services the traps at least every 2 weeks to replace the bait and collect insects.

### **If a trap is in my area, does that mean ECFF is there?**

No. If you see a trap in your community, it does not mean ECFF is present. It just means we are looking for ECFF in your area. The goal of the survey is to determine where the insect is and monitor for potential spread.

### **What were the results of the 2021 survey in New York?**

The 2021 survey found 790 ECFF in 101 trap locations. These results helped guide decisions on trap placement for the 2022 survey.

### **Where will traps be set this year?**

For the 2022 season, surveyors will place traps along the edge of the quarantined areas in North Western New York.

### **How can I help?**

Please allow APHIS and NYS AGM surveyors access to your property to place and check traps. Residents with questions can contact the ECFF program office by calling 1-800-249-2363 or emailing [ppq.ecff@usda.gov](mailto:ppq.ecff@usda.gov). Learn more at [www.aphis.usda.gov/hungrypests/ecff](http://www.aphis.usda.gov/hungrypests/ecff).

Issued January 2022

USDA is an equal opportunity provider, employer, and lender.



United States Department of Agriculture

# Pest Alert

Animal and Plant Health Inspection Service  
Plant Protection and Quarantine

## European Cherry Fruit Fly (*Rhagoletis cerasi*)



Adult European cherry fruit fly (Biopix, S.D. Lund, [www.biopix.com](http://www.biopix.com))

European cherry fruit fly is the most serious pest of cherries in Europe. The fly attacks ripening fruit, causing it to rot and fall off the tree. In heavily infested areas, the fly can destroy up to 100 percent of cherry and other host plants if left uncontrolled.

### Distribution

European cherry fruit fly is found throughout Europe and in parts of West and Central Asia. In 2016, Canada confirmed this pest on wild honeysuckle at several sites in Ontario. In 2017, the United States found European cherry fruit fly on traps hung in wild honeysuckle plants and sweet cherry trees along the Niagara River in New York. This was the first U.S. detection of European cherry fruit fly.

### Damage

European cherry fruit fly attacks only the fruit of its host plants. Larvae-infested fruit may have dark soft spots or appear wilted or shriveled. As mature larvae emerge from the fruit, they may leave behind visible exit holes.

If European cherry fruit fly becomes established in the United States, it could affect U.S. access to foreign cherry markets and cause lower prices and economic losses for U.S. cherry growers.

### Host Range and At-Risk Areas of the United States

European cherry fruit fly prefers sweet cherries and honeysuckle, but may also attack tart cherries. If this pest establishes itself in New York and spreads to other parts of the country, it could threaten commercial cherry production along the Pacific Coast (California, Oregon, and Washington), in the Northeast (Maryland, New York, and Pennsylvania), and in several Western and Central States (Colorado, Michigan, New Mexico, and Utah).

### Appearance and Life Cycle

Adult flies range in length from 1/8 to 3/16 of an inch (3.5–4.0 millimeters). Both males and females are mostly black with yellow to orange heads. A

large yellow dot is visible on their backs. The wings are transparent with dark bands.

Adults typically emerge from May to July and have an average lifespan of 2 to 4 weeks. Females usually lay one egg beneath the skin of each piece of fruit. Once they hatch from the eggs, the larvae develop inside the fruit and feed for up to 6 weeks. As the larvae develop, they damage the fruit pulp. Mature larvae exit the fruit through emergence holes, drop to the ground, and burrow into the soil. Once in the soil, they pupate within a few days and overwinter in the soil underneath or near the host plant.

### Preventing Fruit Fly Spread

When U.S. Department of Agriculture (USDA) or State agriculture officials find an infestation of invasive fruit flies that could damage crops in this country, State regulatory officials first establish an intrastate quarantine to prevent the pest's spread within that State. USDA then establishes a parallel interstate quarantine to keep the



pest from spreading to other States. Together, these quarantines allow State and Federal officials to control and suppress the outbreak locally and regulate the movement of host fruits, nursery plants, and other items that could harbor the pest. These efforts help protect growers in other vulnerable parts of the country.

### **What You Can Do**

Please cooperate with agricultural workers who may be in your area surveying for the pest. In areas where the pest has been found, agricultural workers may request approval from the property owner to apply treatment to prevent the spread.

When traveling, declare all food, live animals, and plant or animal products to a U.S. Customs and Border Protection officer or agriculture specialist at the first port of entry. If your items are generally allowed, the inspector will check them to make sure they are free from pests and disease.

If you travel to Canada, be advised that you may not bring cherries from Ontario into the United States. Cherries from other Canadian provinces are allowed if they are accompanied by a receipt or other document that confirms the fruit's origin. For more information, view the Federal Order: [www.aphis.usda.gov/import\\_export/plants/plant\\_imports/federal\\_order/downloads/2017/DA-2017-15.pdf](http://www.aphis.usda.gov/import_export/plants/plant_imports/federal_order/downloads/2017/DA-2017-15.pdf).

### **Learn More**

To learn more, visit USDA's exotic fruit fly Web site ([www.aphis.usda.gov/plant-health/ff](http://www.aphis.usda.gov/plant-health/ff)) or contact:

- **The New York State Integrated Pest Management Program**  
[nysipm.cornell.edu/agriculture/fruits](http://nysipm.cornell.edu/agriculture/fruits)
- **Your local Extension office**  
[www.nifa.usda.gov/Extension](http://www.nifa.usda.gov/Extension)
- **Your State department of agriculture**  
[www.nationalplantboard.org/member](http://www.nationalplantboard.org/member)
- **The nearest USDA Animal and Plant Health Inspection Service office**  
[www.aphis.usda.gov/planthealth/sphd](http://www.aphis.usda.gov/planthealth/sphd)



United States Department of Agriculture

Year: 2022

Grid #: \_\_\_\_\_

New York European Cherry Fruit Fly Program

**Property Access Request**

United States Department of Agriculture is requesting permission to trap for an invasive pest, the European Cherry Fruit Fly (ECFF) on your property.

- ☐ USDA has my permission to place an ECFF trap(s) on my property. I understand that the trap(s) will be serviced at least every two weeks and will be removed on or before September 30<sup>th</sup>
- ☐ I would like to be notified each time trap service is performed. A door hanger will be left to notify you of our visit
- ☐ Trap service notification is not necessary
- ☐ USDA does not have permission to place an ECFF trap(s) on my property

Property Location(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authority Granted By: \_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

Phone Number: \_\_\_\_\_

United States Department of Agriculture  
Animal and Plant Health Inspection Service  
European Cherry Fruit Fly Program  
801 Richfield St  
Lockport, NY 14094  
Office: 800-249-2363  
[www.aphis.usda.gov](http://www.aphis.usda.gov)  
An Equal Opportunity Provider and Employer



United States Department of Agriculture

Year: 2022

Grid #: \_\_\_\_\_

FIELD USE ONLY

# of <i>Prunus</i> spp.	# of <i>Lonicera</i> spp.	# of <i>Berberis</i> spp.	# of <i>Cornus</i> spp.	# of <i>Symphoricarpos</i> spp.

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United States Department of Agriculture  
Animal and Plant Health Inspection Service  
European Cherry Fruit Fly Program  
801 Richfield St  
Lockport, NY 14094  
Office: 800-249-2363  
[www.aphis.usda.gov](http://www.aphis.usda.gov)  
An Equal Opportunity Provider and Employer



# Pest Alert

## Box Tree Moth (*Cydalima perspectalis*)

The box tree moth is an invasive pest that primarily feeds on boxwood species (*Buxus* spp). In its native range, it also feeds on burning bush (*Euonymus alatus*), Japanese spindletree (*E. japonicus*), purple holly (*Ilex chinensis*), and orange jessamine (*Murraya paniculate*) once boxwood in the vicinity are completely defoliated:

### Distribution and Spread

The box tree moth is native to temperate and subtropical regions in Asia. It was first reported in Europe in 2007, after which it spread rapidly across European countries and into Western Asia and Northern Africa. In 2018, it was documented in Canada. The rate of spread for the box tree moth has varied since its introduction in Europe, with some cases peaking at 96 miles per year. Long distance movement of the box tree moth across Europe occurred primarily through the movement of infested boxwood plantings.

Box tree moths are highly mobile and are good fliers. Natural spread of this moth in Europe is about 3 to 6 miles per year. One analysis from Europe concluded that natural dispersal from continental Europe to the United Kingdom was possible, suggesting sustained adult flights of over 20 miles.

### Damage

In 2014, boxwood made up 15 percent of broadleaf evergreen sales in the United States, and the estimated value was \$126 million (USDA-NASS, 2015). Boxwoods are typically planted as ornamentals



Adult moths (top and bottom left), damage (bottom)

and used for edging, as hedges, and/or clipped into different shapes to make topiaries. The box tree moth can cause heavy defoliation of boxwood plants if populations are left unchecked. Defoliation of existing and new growth can kill the plant. If no foliage is available, larvae have been observed feeding on the bark, which can cause branches or the entire plant to die.

### Description

Adult box tree moths generally have white bodies with a brown head and abdomen. Their wings are white and slightly iridescent, with an irregular

thick brown border spanning 1.6 to 1.8 inches. Some adults have completely brown wings with a small white streak on each forewing. Males and females show both colorations.

The eggs are pale yellow and average 0.04 inches in size. They are laid in flat clusters of about 5 to 20 on the underside of boxwood leaves. As they mature, a black spot appears marking the larval head.

Newly hatched larvae have black heads and are green to yellow in color. As they age, dark brown stripes develop on the body. The most mature larvae are about 1.6 inches

long and have thin white and thick black stripes and black dots outlined in white along the length of the body.

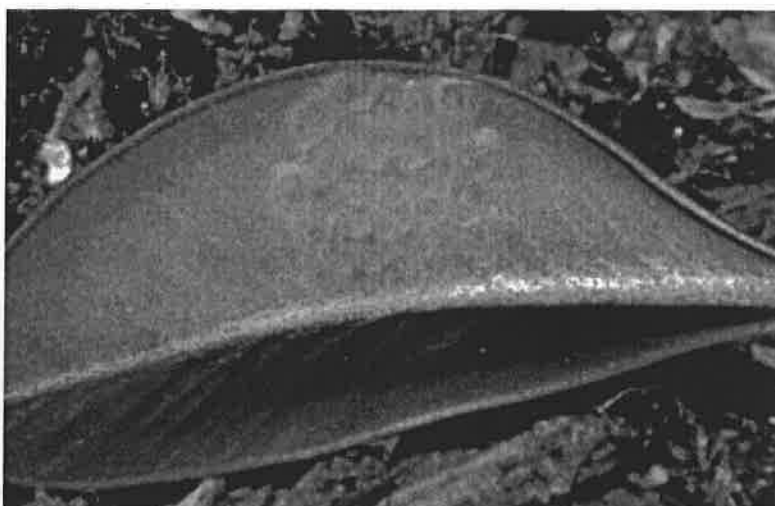
Pupae develop inside a silk cocoon and are 0.6 to 0.8 inches long. They are initially green, with black stripes on the back, and turn brown as they mature.

## Life Cycle

Adult female box tree moths lay their eggs singly or in clusters of about 5 to 20 in a gelatinous mass on the underside of boxwood leaves. Box tree moths overwinter as larvae. Once temperatures rise, overwintering larvae emerge and typically begin feeding in March, continuing until they pupate in late April to early May. As they develop, they spin silken webs to hold leaves together and create protected areas to feed. They tend to feed on leaves in the lower portion of host plants but reside in the upper portion and remain active until September or October.

Pupation occurs on the host leaves in silk cocoons. If the boxwood host is defoliated, pupation may occur away from the host plant using leaves from the surrounding area. Pupae will typically first appear in April or May and will be present continuously through the summer and into the fall, depending on the local climate and timing of generations.

Adults first emerge from the overwintering generation between April and July, depending on climate and temperature. Subsequent generations are active between June and October. Adults typically live for 2 weeks after emergence.



Egg mass (top), pupa (bottom left), caterpillars (bottom right)

## Where To Look

Signs of damage may not appear at the beginning of an infestation because young larvae hide among twigs and leaves. Larvae skeletonize the leaves and feed on the bark, causing defoliation and dryness, leading to the plant's death. Signs of feeding include green-black frass (excrement) and webbing.

The female moths lay their eggs on the underside of the leaves of boxwoods.

## Report Your Findings

If you find an insect that you suspect is the box tree moth in New York, please submit an online report to have the specimen identified properly:  
[www.arccg.is/1Df8Se](http://www.arccg.is/1Df8Se).

For questions, please call USDA at 1-800-249-2363. You may also contact your local Extension office or State Plant Regulatory Official.

To locate an Extension specialist near you, go to the U.S. Department of Agriculture (USDA) website at [www.nifa.usda.gov/Extension](http://www.nifa.usda.gov/Extension). A directory of State Plant Regulatory Officials is available on the National Plant Board website at [www.nationalplantboard.org/membership](http://www.nationalplantboard.org/membership).



United States Department of Agriculture

Year: 2022

Circle One

Transect Core #:

1: NE

2: SE

3: SW

4: NW

### Box Tree Moth Response

### Property Access Request

United States Department of Agriculture is requesting permission to trap for an invasive pest, the box tree moth (BTM) on your property.

- ☐ USDA has my permission to place a BTM trap or traps on my property. I understand that the trap(s) will be serviced at least every 2 weeks and will be removed on or before October 31.
- ☐ I would like to be notified each time trap service is performed.
- ☐ Trap service notification is not necessary.
- ☐ USDA does not have permission to place a BTM trap or traps on my property.

Property Location(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Authority Granted By: \_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

Phone Number: \_\_\_\_\_

United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Box Tree Moth Response  
801 Richfield St. Building A  
Lockport, NY 14094  
1-800-249-2363  
[www.aphis.usda.gov](http://www.aphis.usda.gov)  
An Equal Opportunity Provider and Employer



United States Department of Agriculture

Year: 2022

Circle One

Transect Core #:

1: NE    2: SE    3: SW    4: NW

FIELD USE ONLY

# of Aquifoliaceae	# of Asparagaceae	# of Buxaceae	# of Celastraceae	# of Oleaceae
# of Rosaceae	# of Rutaceae	# of Sapindaceae	# of Smilacaceae	

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An Equal Opportunity Provider and Employer

## **Safety Data Sheet**

Revised May 30, 2018

### **Section 1 Product and Supplier Information**



ChemTica USA.  
2912 Enterprise Blvd Module 1&2, Durant Oklahoma  
74701-1993 USA

Emergency Phone Numbers:  
1-800-424-9300  
Chemtrec (North America) emergency number  
1-703-527-3887  
Chemtrec(International) emergency number  
580-861-4800  
ChemTica USA

**Product Name: Ammonium Acetate Bait Enhancer Lures**  
**Rhagoletis cerasi**  
**Product code: P307-Attractant**

**Ammonium Acetate Bait Enhancer Lure. This product consists of a sachet with Ammonium acetate formulated in natural fiber absorbent and plastic membrane. The product is for use in crops as an attractant for fruit flies.**

### **Section 2 Hazards Identification**

In large or continuous exposures can be irritating to mucous membranes eyes, respiratory system and skin.

**Pictogram** None

**Signal Word** Warning

HMIS Rating	NFPA Rating
Health: 1	Health: 1
Flammability: 1	Flammability: 1
Reactivity: 0	Reactivity: 0

For additional information on toxicity refer to Section 11.

### **Section 3: Composition / Information on Ingredient**



Contains as active material ammonium acetate, as inert materials contains natural fiber and plastic membrane.

Active Ingredient: Ammonium acetate.  
CAS # 631-61-8  
EC-No. 211-162-9  
RTECS# AF3675000  
Formula  $C_2H_7O_2N$

## Section 4 First Aid Measures

Eyes: Immediately flush with copious amounts of water for at least 15 minutes.  
Skin: Immediately wash with soap and copious amounts of water. Consult with a physician if observe any reactions to the component.

## Section 5 Fire and Explosion Hazards

Flash Point: (CC, F) : In formulation: N/A  
Flammable Limits: In formulation: N/A  
Extinguishing Media: N/A  
Special Fire Fighting Procedures: N/A  
Unusual fire and explosion Hazards: N/A

## Section 6 Accidental Release Measures

Procedure to be followed in case of leak or spill: Pick up plastic bag devices and dispose of in approved manner.

Procedure(s) of personal precaution(s): No protective apparatus necessary for clean-up.

Methods for cleaning up: Pick up material and dispose of in approve manner.

## Section 7 Handling and Storage

Handling: Keep the dispenser lures inside the package until use. Remove adhesive strips to activate lure. Display the lure inside the trap.

RESPIRATORY PROTECTION: None required with product under normal use.

PROTECTIVE GLOVES: None required with product under normal use.

EYE PROTECTION: None required with product under normal use.

OTHER PROTECTIVE EQUIPMENT: None required with product under normal use.

VENTILATION: None required with product under normal use.

NOTE: Personal protection information provided in this Section is based upon general information as to normal uses and conditions. Where special or unusual uses or conditions exist, it is suggested that the expert assistance of an industrial hygienist or other qualified professional be sought.

## Section 8 Exposure Controls / PPE

No special requirements for sachet formulated product

**General Hygiene Measures:**

Wash contaminated clothing before reuse. Wash thoroughly after handling.

## Section 9 Physical / Chemical Properties

Ammonium acetate	
Appearance:	White plastic sachet
Physical State	Solid
Odor	Fishy
Molecular weight	77.08 g/mol
pH	6.5 - 7.5 at 77.1 g/l at 25 °C (77 °F)
Melting point/range:	110 - 112 °C (230 - 234 °F)
Initial boiling point and boiling range	Decomposes below the boiling point.
Flash point	No data available
Vapour pressure	< 0.001 hPa (< 0.001 mmHg)
Relative density	1.07 g/cc
Water solubility	1,480 g/l at 4 °C (39 °F)
Partition coefficient: n-octanol/water	log Pow: -2.799

## Section 10 Stability and Reactivity

**Stability:** Stable.

**Materials to avoid:** Strong oxidizing agents, acid chlorides, anhydride chlorides

**Hazardous Decomposition Products:** Carbon dioxide, Carbon monoxide, ammonia, nitrogen oxides.

**Hazardous polymerization:** Will not occur.

## Section 11 Toxicological Information

The following applies to the pure compounds and not to the formulated product

**Toxicity Data**

**Ammonium Acetate:**

Oral toxicity in rats: LD<sub>50</sub> 463 Mg/Kg

## Section 12 Ecological Information

No data available.

## Section 13 Disposal Considerations

Waste disposal method: Send to sanitary landfill in accordance with local, state and federal regulations.

## Section 14 Transport Information

**DOT**

Not Regulated

**IATA**  
Not Regulated

## **Section 15 Regulatory Information**

### **United States Regulatory Information**

SARA Listed: No. (active ingredients)  
TSCA Inventory Item: Yes (active ingredients)  
Listed as carcinogen by NTP, IARC or OSHA?: No

### **Canada Regulatory Information**

WHMIS Classification: This product has been classified in accordance with the hazard criteria of the CPR, and the SDS contains information required by the CPR.

## **Section 16 Other Information**

### **HMIS® Hazardous Materials Identification System**

HMIS® ratings are based on a 0-4 rating scale, with 0 representing minimal hazards or risks, and 4 representing significant hazards or risks. Although HMIS® ratings are not required on SDSs under 29 CFR 1910.1200, the preparer may choose to provide them. HMIS® ratings are to be used only in conjunction with a fully implemented HMIS® program by workers who have received appropriate HMIS® training. HMIS® is a registered trade and service mark of the NPCA.

**Acronyms:** NTP (National Toxicology Program); IARC (International Agency for Research on Cancer); OSHA (Occupational Health and Safety Administration); DOT (U.S. Dept. of Transportation)

### **Disclaimer:**

For use inside traps to attract fruit flies in open field crops.

### **Warranty:**

The above information was obtained from sources we believe to be reliable, however the information in this SDS is provided without any warranty, express or implied regarding its correctness. ChemTica makes no representations or warranties either express or implied, of merchantability, fitness for a particular purpose or of any other nature with respect to the information or the product to which the information refers. ChemTica's sole and exclusive liability with respect to products that are proven to ChemTica's satisfaction to be defective or nonconforming shall be the replacement of such products in accordance with ChemTica's instructions. This remedy, in the manner provided herein, shall constitute fulfillment of all liabilities of ChemTica whether based on contract, tort or otherwise with respect to, or arising out of the products. ChemTica shall not be liable for any incidental, consequential or contingent or special damages.

**041322.X**

By Alderman Devine:

Resolved, that pursuant to the request of Amanda Cline, 232 Ohio Street, permission is hereby granted to the residents of Ohio Street to barricade Ohio from West Avenue to Park Avenue on July 23<sup>rd</sup>, 2022, from 5-11pm 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**041322.X**

By Alderman \_\_\_\_\_:

Whereas, the City of Lockport (City) owns and operates a Wastewater Treatment Plant producing biosolids which are currently managed at the City's compost facility; and

Whereas, due to the capacity and age of the facility, the City desires to consider alternative offsite methods to manage a portion or all of the biosolids; now, therefore, be it

Resolved, that the City's Consulting Engineer, Nussbaumer & Clarke, Inc. is authorized and directed to prepare and issue a Request for Bids for hauling and disposal of Biosolids from the City's Wastewater Treatment Plant; and be it further

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

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes: \_\_\_\_\_.

**Paul Oates**

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**From:** Jeff Ziemecki <jeffziemecki@gmail.com>  
**Sent:** Tuesday, March 22, 2022 11:30 AM  
**To:** mhoffman.lockportny@gmail.com; poates@lockportny.gov; mroman@lockportny.gov  
**Subject:** [EXTERNAL] Thunderwolves Baseball Request for usage of Outwater Park  
**Attachments:** 2022 Outwater Park Field Request.pdf

Dear Sirs/City of Lockport;

Thunderwolves Baseball (youth baseball program supported by the athletic staff at Niagara County Community College) will be hosting the 2022 Youth Baseball Tournaments in Niagara County again this summer. We would like to request the use of the 90' baseball field at **Outwater Park** to assist us in support of these events.

I have attached our official request letter including all permissible dates.

Thank you,

**Jeff Ziemecki**

Thunderwolves Baseball  
Director of Baseball Operations  
(C) 716-908-2361  
[jeffziemecki@gmail.com](mailto:jeffziemecki@gmail.com)





**Thunderwolves Baseball, LLC**  
**Niagara County Community College Athletics**  
**3111 Saunders Settlement Rd.**  
**Sanborn, NY 14132**

Dear Sirs/City of Lockport;

Thunderwolves Baseball, LLC (youth baseball program supported by the athletic staff at Niagara County Community College) will be hosting the 2022 Youth Baseball Tournaments in Niagara County again this summer. We would like to request the use of the 90' baseball field at Outwater Park for the following (Friday-Sunday) dates to assist us in support of these events.

Friday, May 27 – Sunday, May 29

Friday June 3 – Sunday, June 5

Friday June 10 – Sunday, June 12

Friday, June 17 – Sunday, June 19

Friday, June 24 – Sunday, June 26

Friday, July 8 – Sunday, July 10

Friday, July 15 – Sunday, July 17

Friday, July 22 – Sunday, July 24

Friday, July 29 – Sunday, July 31

We are continually driven to maintain and bring youth sporting events in support of the region.

If you require any additional information please feel free to contact:

Jeff Ziemecki – Phone (716)908-2361 Email: [jziemecki@pitchnwhitevents.com](mailto:jziemecki@pitchnwhitevents.com)

Thank you for support and consideration again this year;

*Jeff Ziemecki*

Thunderwolves Baseball, LLC  
President of Baseball Operations

## City of Lockport - Resolution Request Form (For Finance Department)

<b>Agenda Description:</b> Authorize Additional Water Infrastructure Improvement Funds H204	
<b>Proposed By:</b> Dennis McNamara	<b>Date Submitted:</b> 3/23/2022
<i>Please provide to Finance Director <u>at least two weeks</u> prior to Council meeting.</i>	
<b>Summary:</b> This resolution will increase the authorization provided in resolution 121521.8 for equipment from Moley Magnetics Incorporated for additional equipment. The Chief Wate Treatmen Plant Operator found that two additional drives have failed.	
<b>Financial Impact (for current and following year):</b> \$115k is available to use in the fund for these types of purchases. Amount in itself is not large enough to require sealed bids, but use of the fund requires Council authorization. No multi-year impact.	
<b>Explanation of attachments:</b> (1) resolution, (2) email thread, (3) budget report.	
<b>For Requests Involving Budget Amendments:</b>	
<b>Increase Line Item:</b>	<b>Decrease Line Item:</b>
<b>For Finance Director to Fill Out:</b>	
<b>Date of Approval:</b> 3/23/2022	<b>Resolution:</b>



Whereas, resolution 121521.8 authorized the use of \$13,800 from the H204 capital water infrastructure improvement fund to be used for replacement hardware for the pump computer connections; and

Whereas, it has come to the attention of the Chief Water Treatment Plant Operator that two more drives have broken beyond repair and requiring additional repair; now, therefore, be it

Resolved, that the City is authorized to utilize an additional \$4,020 from Moley Magnetics Incorporated for said additional equipment to be funded from the H204 capital project funds (FX infrastructure improvements).

**From:** Dennis McNamara  
**To:** "Tim Russo"  
**Subject:** nt. pump #2 drive  
**Date:** Tuesday, March 22, 2022 2:29:51 PM

---

Hi Tim,

I received the last two mokey invoices for pump #2.

It ran over due to more drives breaking.

I will need \$4020.00 more for PO 00000451 capital projects  
(H204.8397.52480 infrastructure-water system)

Thank you

Dennis.

**Budget Performance Report**

Life-to-Date to 03/23/22

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund <b>H204 - FX Infrastructure Improvements</b>									
REVENUE									
Department <b>8397 - Water Equipment &amp; Cap Outlay</b>									
<b>32801 Interfund Revenue</b>									
32801.FX Interfund Revenue From Water Fund		.00	211,220.00	211,220.00	.00	.00	211,220.00	.00	100
<b>32801 - Interfund Revenue Totals</b>		<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$211,220.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$0.00</b>	<b>100%</b>
Department <b>8397 - Water Equipment &amp; Cap Outlay Totals</b>		<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$211,220.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$0.00</b>	<b>100%</b>
REVENUE TOTALS		<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$211,220.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$0.00</b>	<b>100%</b>
EXPENSE									
Department <b>8397 - Water Equipment &amp; Cap Outlay</b>									
52480 Infrastructure-Water System		.00	174,856.86	174,856.86	14,168.15	38,533.60	20,836.65	115,486.61	34
<b>59000 Interfund Transfer To</b>									
59000.H Interfund Transfer To Capital		.00	36,363.14	36,363.14	.00	.00	36,363.14	.00	100
<b>59000 - Interfund Transfer To Totals</b>		<b>\$0.00</b>	<b>\$36,363.14</b>	<b>\$36,363.14</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$36,363.14</b>	<b>\$0.00</b>	<b>100%</b>
Department <b>8397 - Water Equipment &amp; Cap Outlay Totals</b>		<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$211,220.00</b>	<b>\$14,168.15</b>	<b>\$38,533.60</b>	<b>\$57,199.79</b>	<b>\$115,486.61</b>	<b>45%</b>
EXPENSE TOTALS		<b>\$0.00</b>	<b>\$211,220.00</b>	<b>\$211,220.00</b>	<b>\$14,168.15</b>	<b>\$38,533.60</b>	<b>\$57,199.79</b>	<b>\$115,486.61</b>	<b>45%</b>
Fund <b>H204 - FX Infrastructure Improvements Totals</b>									
REVENUE TOTALS		.00	211,220.00	211,220.00	.00	.00	211,220.00	.00	100%
EXPENSE TOTALS		.00	211,220.00	211,220.00	14,168.15	38,533.60	57,199.79	115,486.61	45%
Fund <b>H204 - FX Infrastructure Improvements Totals</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>(\$14,168.15)</b>	<b>(\$38,533.60)</b>	<b>\$154,020.21</b>	<b>(\$115,486.61)</b>	
Grand Totals									
REVENUE TOTALS		.00	211,220.00	211,220.00	.00	.00	211,220.00	.00	100%
EXPENSE TOTALS		.00	211,220.00	211,220.00	14,168.15	38,533.60	57,199.79	115,486.61	45%
Grand Totals		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>(\$14,168.15)</b>	<b>(\$38,533.60)</b>	<b>\$154,020.21</b>	<b>(\$115,486.61)</b>	

**Paul Oates**

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**From:** Michael Hoffman <mhoffman.lockportny@gmail.com>  
**Sent:** Thursday, March 24, 2022 7:39 AM  
**To:** Paul Oates  
**Subject:** [EXTERNAL] Fwd: Outwater park  
**Attachments:** 2022 outwater schedule.xlsx

Paul,  
Here is another baseball request from BSC league.

Michael Hoffman  
Director of Highway and Parks  
City of Lockport NY  
[mhoffman.lockportny@gmail.com](mailto:mhoffman.lockportny@gmail.com)  
716-220-2422

----- Forwarded message -----

**From:** BCS <[bbpitcher@gmail.com](mailto:bbpitcher@gmail.com)>  
**Date:** Tue, Mar 22, 2022 at 5:14 PM  
**Subject:** Re: Outwater park  
**To:** Michael Hoffman <[mhoffman.lockportny@gmail.com](mailto:mhoffman.lockportny@gmail.com)>

Hi Michael,

Attached is the 2022 schedule. Unfortunately (or fortunately for me) my 4th team fell through that was going to take up dates on Mondays and Fridays. As such, our schedule is primarily Wednesday & Thursday games with one Tuesday mixed in. We would also like to use the field on Wednesday & Thursday nights for practice purposes starting Wednesday April 6 thru Thursday May 13 (Wednesday & Thursdays only). I will send the certificate of insurance in the next couple of weeks. Thanks again.

On Mon, Dec 20, 2021 at 7:47 AM Michael Hoffman <[mhoffman.lockportny@gmail.com](mailto:mhoffman.lockportny@gmail.com)> wrote:  
Sounds good, thanks!

Michael Hoffman  
Director of Highway and Parks  
City of Lockport NY  
[mhoffman.lockportny@gmail.com](mailto:mhoffman.lockportny@gmail.com)  
716-220-2422

25-May	Wednesday	6pm	25	A's	outwater
26-May	Thursday	6pm	45	Spartans	outwater
				vs	
16-Jun	Thursday	6:15pm	45	Spartans	outwater
23-Jun	Thursday	6:15pm	45	Padres	outwater
29-Jun	Wednesday	6:15pm	25	HRD	outwater
30-Jun	Thursday	6:15pm	45	vs Anvil	outwater
6-Jul	Wednesday	6:15pm	25	A's	outwater
7-Jul	Thursday	6:15pm	45	Nine	outwater
14-Jul	Thursday	6:15pm	45	kuhn	outwater
20-Jul	Wednesday	6:15pm	25	EB	outwater
21-Jul	Thursday	6:15pm	45	anvil	outwater
27-Jul	Wednesday	6;15p,	25	Crantx	outwater
				vs	
2-Aug	Tuesday	6pm	35	Bulldogs	outwater
4-Aug	Thursday	6pm	45	vs Padres	outwater



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/ DD/ YYYY)  
03/28/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>SADLER &amp; COMPANY, INC.</b> P.O. BOX 5866 COLUMBIA, SOUTH CAROLINA 29250-5866	<b>CONTACT NAME:</b> Trisha Burns <b>PHONE (A/ C, No. Ext):</b> 800-622-7370   <b>FAX (A/ C, No):</b> 803-256-4017 <b>E-MAIL ADDRESS:</b> trisha@sadlersports.com <b>PRODUCER CUSTOMER ID#:</b>
--	--

<b>INSURED</b> Men's Senior Baseball League dba Men's Adult Baseball League Muny- Buffalo MSBL Ralph J. Proulx 2150 W. Alameda Road, Phoenix, AZ 85085	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> National Casualty <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b>	<b>NAIC #</b>
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**COVERAGES** **CERTIFICATE NUMBER** **REVISION NUMBER**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/ DD/ YYYY)	POLICY EXP (MM/ DD/ YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> _____ <input type="checkbox"/> _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	X		KRO0000008991700	12:01AM ET 04/01/2022	12:01AM ET 04/01/2023	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 PREMISES MEDICAL PAYMENTS \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS- COMP/ OP AGG \$1,000,000 LEGAL LIABILITY TO PARTICIPANTS (see conditions) \$1,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON- OWNED AUTOS <input type="checkbox"/> NOT PROVIDED WHILE IN HAWAII						COMBINED SINGLE LIMIT (Ea Accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS- MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION			XKO0000008992200	12:01AM ET 04/01/2022	12:01AM ET 04/01/2023	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER / MEMBER EXCLUDED? <input type="checkbox"/> Y/ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/ A			<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
B	<b>EXCESS MEDICAL</b>						MEDICAL DEDUCTIBLE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Covered Sport: Member Baseball Team or League - 12 Team(s)

Team Names: HR Derby, CJ Krantz, Buffalo A'n, Queen City, Stingers, Bulldogs, West Seneca Padres, Spartan Baseball Club, Kuhn Contracting, Nigaga Phillies, Buffalo Anvil, Erie- Buffalo Nine

Legal Liability to Participants Policy Conditions: Waiver Release is required. If no waiver is produced- \$5,000 Deductible Applies.

The certificate holder is added as an additional insured, but only with respect to the liability arising out of the operations of the insured above.

<b>CERTIFICATE HOLDER</b> <b>RELATIONSHIP:</b> Property Owner/ Lessor  <b>The City of Lockport</b> <b>One Locks Plaza</b> <b>Lockport, NY 14094</b>	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  <b>AUTHORIZED REPRESENTATIVE</b> 
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Coverage is only extended to U.S. events and activities

\*\* NOTICE TO TEXAS INSURED: The Insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas.

ACORD 25 (2009/09)

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ENDORSEMENT NO. 0000

ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.
KRO0000008991700	03/28/2022	Muny- Buffalo MSBL	

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED OWNERS AND/ OR LESSORS OF PREMISES, SPONSORS OR CO- PROMOTERS**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART  
LIQUOR LIABILITY COVERAGE PART**

A. SECTION II — WHO IS AN INSURED is amended to include as an additional insured any person(s) or organization(s) of the types indicated by an "x" in any boxes shown below, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
  2. In connection with your premises owned by or rented to you.
- However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured. With respect to an additional insured owner and/ or lessor of premises, this insurance does not apply to:
  1. An "occurrence" or offense which takes place while you are not a tenant in possession of the subject premises.
  2. "Bodily injury" or "property damage" arising out of:
    1. Structural alterations, new construction or demolition operations performed by or on behalf of the owner and/ or lessor of premises;
    2. Any design defect or structural maintenance of the premises; or
    3. Any premises defect.

B. With respect to the insurance afforded to these additional insureds, the following is added to SECTION III — LIMITS OF INSURANCE: If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of insurance shown in the declarations.

**Schedule of Additional Insureds:**

- ☒ Owners and/ or Lessors of the premises leased, rented or loaned to you
- ☒ Sponsors
- ☒ Co- Promoters
- ☐ Any individual person(s) or organization(s) listed below  
COACHES, OFFICIALS AND VOLUNTEERS  
WHILE ACTING WITHIN THE SCOPE OF THEIR DUTIES  
FOR THE INSURED.

KR- GL-56 (7-18)

**041322.X**

By Alderman \_\_\_\_\_:

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 2022 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.



To Whom it May Concern:

The Lockport Firefighters are requesting the use of the baseball diamond at Outwater Park to participate in the Niagara County Firefighters Softball League on Tuesday nights throughout the summer. Attached you will find a copy of the schedule with the home games highlighted. Any questions please contact Lieutenant Nick Kalbfliesh 716-946-8580.

Thank You



RECEIVED

MAR 29 2022

CITY CLERK OFFICE

## **Niagara County Volunteer Firemen Softball League 2022**

### **May 3, 2022**

Ransomville @ City of Lockport  
Miller Hose @ Gasport  
Adams @ Terrys Corners  
Olcott @ Wendelville

### **May 10, 2022**

Miller Hose @ Adams  
Gasport @ Wendelville  
City of Lockport @ Terrys Corners  
Olcott @ Ransomville

### **May 17, 2022**

Terrys Corners @ Gasport  
Olcott @ City of Lockport  
Wendelville @ Adams  
Ransomville @ Miller Hose

### **May 24, 2022**

Gasport @ Ransomville  
Olcott @ Terrys Corners  
Miller Hose @ Wendelville  
Adams @ City of Lockport

### **May 31, 2022**

Adams @ Gasport

Wendelville @ City of Lockport

### **June 7, 2022**

City of Lockport @ Gasport  
Miller Hose @ Terrys Corners  
Olcott @ Adams  
Wendelville @ Ransomville

### **June 14, 2022**

Gasport @ Olcott  
Miller Hose @ City of Lockport  
Adams @ Ransomville  
Terrys Corners @ Wendelville

### **June 21, 2022**

City of Lockport @ Ransomville  
Gasport @ Miller Hose  
Terrys Corners @ Adams  
Wendelville @ Olcott

### **June 28, 2022**

Adams @ Miller Hose  
Wendelville @ Gasport  
Terrys Corners @ City of Lockport  
Ransomville @ Olcott

### **July 5, 2022**

Gasport @ Terrys Corners  
City of Lockport @ Olcott  
Adams @ Wendelville  
Miller Hose @ Ransomville

### **July 12, 2022**

Ransomville @ Gasport  
Terrys Corners @ Olcott  
Wendelville @ Miller Hose  
City of Lockport @ Adams

### **July 19, 2022**

Gasport @ Adams

City of Lockport @ Wendelville

### **July 26, 2022**

Gasport @ City of Lockport  
Terrys Corners @ Miller Hose  
Adams @ Olcott  
Ransomville @ Wendelville

### **August 2, 2022**

Olcott @ Gasport  
City of Lockport @ Miller Hose  
Ransomville @ Adams  
Wendelville @ Terrys Corners

**041322.X**

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 2022 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>), 2022; 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**Paul Oates**

---

**From:** Paul Oates <poates@lockportny.gov>  
**Sent:** Monday, March 28, 2022 10:17 AM  
**To:** 'Paula Travis'  
**Cc:** Molly Lawson; Kitty Fogle  
**Subject:** RE: [EXTERNAL] Re: FW: Easter Egg Hunt

Hi Paula,

I just spoke with Alderman Kitty Fogle. She said a donor stepped forward and provided the funding to do the Easter egg hunt at Outwater Park on April 16<sup>th</sup> beginning at 11am.

We will have a resolution granting permission to hold the event, and it will be on the agenda for the April 13<sup>th</sup> Common Council meeting.

As you know, we will need a certificate of insurance naming the City of Lockport as additional insured. Also, Molly Lawson has booked the city stage for your use that day. Any questions, please contact my office.

Thanks.

**Paul K. Oates**  
**City Clerk**  
**Phone: (716) 439-6674**  
**Fax: (716) 439-6702**  
**poates@lockportny.gov**

**From:** Paula Travis <ladytinny559@gmail.com>  
**Sent:** Monday, March 21, 2022 2:30 PM  
**To:** Paul Oates <poates@lockportny.gov>  
**Subject:** [EXTERNAL] Re: FW: Easter Egg Hunt

Sorry but I don't have the funds to host it this year

On Mon, Mar 21, 2022 at 2:29 PM Paul Oates <[poates@lockportny.gov](mailto:poates@lockportny.gov)> wrote:

Paula,

Any word on an Easter egg hunt?

Thanks.

Paul K. Oates

**041322.11**

By Alderman Fogle:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Peacemakers to conduct an Easter egg hunt, rain or shine, on Saturday, April 16th, 2022 beginning at 11am, at Outwater Park, and be it further

Resolved, that permission is subject to Lockport Peacemakers 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.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**Paul Oates**

---

**From:** Katie Constantino <katie.constantino@ccwny.org>  
**Sent:** Wednesday, March 30, 2022 10:59 AM  
**To:** Paul Oates  
**Subject:** [EXTERNAL] Altro Park request Monday 8/1/2022 - Catholic Charities WIC Healthy Baby Festival  
**Attachments:** Lockport altro park - 2022.docx

Hi Paul!

Are you still our contact person at the city of Lockport?

We would like to hold our Healthy Baby Festival there this year on Monday - 8/1/22 at Altro Park . The event would be from 11am -1pm with set up at 9am and we would be cleaned up by 1:30pm or so.

Let me know if this would work for us.

Thanks!  
Katie

Katie Constantino, MEd, IBCLC  
Catholic Charities WIC Breastfeeding Coordinator  
3370 Delaware Avenue  
Kenmore, NY 14217  
(716) 218-1484 X2411 Fax: (716) 874-7318 MY WIC CELL (716) 424-3674

March 30, 2022

Dear Mayor and the Lockport Common Council Members,

Catholic Charities WIC is requesting to hold a free Healthy Baby Festival to celebrate World Breastfeeding Week this year at Altro Park in Lockport on Monday, August 1st from 11am – 1pm. Set up would begin at 9am. We would like to reserve the pavilion as well. 2019 was our 2<sup>nd</sup> year holding this event and we had a nice turn out from families and our community partners. The event will promote breastfeeding education, child safety, prenatal and postpartum health, family nutrition and summer family fun. WIC (Women, Infants and Children) is a program of the USDA that provides nutrition counseling, referrals and breastfeeding education and support to low income families in all 50 states.

We will be partnering again with the Niagara County community agencies and they will have tables sharing information about their programs. There will be prizes, crafts, games and special characters too. Last year we had about 25 agencies attend!

Catholic Charities was awarded the WIC contract in Niagara County more than 30 years ago. We also cover Erie and Chautauqua Counties as well. The Lockport office in the Bewley Building has a target caseload of about 1400 clients. If you are able to waive the park fee that would be appreciated. We are a non profit organization.

If you have any questions please contact me.

Sincerely,  
Katie Constantino

Katie Constantino, MEd, IBCLC  
Catholic Charities WIC Breastfeeding Coordinator  
3370 Delaware Avenue  
Kenmore, NY 14217 [Katie.constantino@ccwny.org](mailto:Katie.constantino@ccwny.org) (716) 218-1484 X2411



March 25, 2022

City of Lockport Parks

To whom it may concern,

The Hydrocephalus Association is a 501-C3 nonprofit organization that raises funds to secure research, education and advocacy for this condition. Our WALK leaders are all volunteers that work endless hours to help bring awareness to this condition that affects their loved ones.

My name is Larry McKenzie and I am the WNY Hydrocephalus WALK Community Leader.

I am writing this letter today to ask permission to use the pavilion and parking lot near the maintenance building at Outwater Park, 125 Outwater Drive on May 28, 2022 for a Drive Thru Chicken BBQ Fundraiser. The times requested are from 9:00 am until 4:00 pm to allow for setup and cleanup before and after the fundraiser.

Thank you for this opportunity to help raise funds and awareness to this condition that affects so many children and adults in our community.

We look forward to a favorable reply to our request soon, so that we may begin to promote the event.

Respectfully,

A handwritten signature in black ink, appearing to read "L. McKenzie", is written over a light blue horizontal line.

Larry McKenzie

716-308-3412

WNY Hydrocephalus Association WALK Leader

PO Box 122

Lockport, NY 14095



14/15

**Paul Oates**

---

**From:** Carrie Gugliuzza <cgugliuzza@lockportny.gov>  
**Sent:** Friday, April 1, 2022 2:42 PM  
**To:** 'Paul Oates'  
**Cc:** apolichette@lockportny.gov; 'Carrie Gugliuzza'; 'Brian Smith'  
**Subject:** Resolution  
**Attachments:** Resolution HIP Belmont 2022.docx

Hi Paul,

Please see attached resolution. One part if for he Counsel to accept Belmont Housing for program delivery services for the new Home Improvement Program. The other is authorizing the Mayor to execute the contract with Belmont Housing. Can you please have these resolutions on the next meeting agenda (April 13<sup>th</sup>)?

We have Gina Pasceri down as adopting the resolution and Brian will be reaching out to her in regards to this. Have a great weekend!

Thank you,

*Carrie Gugliuzza*

*Program Administrator – Community Development*

City of Lockport  
One Locks Plaza  
Lockport, NY 14094  
716-439-6686

By Alderman Pasceri:

Resolved, that the bid proposal of Belmont Housing, received on March 25, 2022 for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation, be accepted in the amount of up to \$4,100 per residence.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Belmont Housing for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation at a cost of up to \$4,100 per residence.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**Paul Oates**

---

**From:** Mike Marino <mmarino@nussclarke.com>  
**Sent:** Thursday, April 7, 2022 1:57 PM  
**To:** poates@lockportny.gov  
**Cc:** romanforlockport@gmail.com; lmiskell31@hotmail.com; cdimnick@lockportny.gov; 'Michael Hoffman'; 'Judy Ritchie'; trusso@lockportny.gov; smawhiney@lockportny.gov  
**Subject:** [EXTERNAL] East Ave. Recommendation  
**Attachments:** Xerox Scan\_04072022135026.pdf; Xerox Scan\_04072022135046.pdf

Hi Paul,

I've attached the recommendation for award of the East Ave. project for your consideration. I spoke to 4th Generation and they understand they made a mistake. I also attached to the recommendation an electronic record that shows they received and opened the addendum for the file. They somehow lost track of it. Milherst Construction understands our schedule goals and hopes to do this work in May.

If the Council decides to award next week we'll help get these contracts prepared and in place so that we can then schedule a pre-construction meeting and get the submittal process rolling.

I have a hard copy of the letter and original bid documents that I will drop off to you later today.

Please do not hesitate to contact me with any questions.  
--mike

Michael T. Marino, P.E.  
Chief Executive Officer  
80 Main Street, Unit A  
Lockport, NY 14094  
p: 716.827-8000 x 257 | f: 716-826-7958 | c: 716-440-7491 FULL-SERVICE CAPABILITIES, LOCAL EXPERTISE Facebook  
|| LinkedIn || nussclarke.com

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April 7, 2022

Mr. Paul K. Oates  
Clerk  
City of Lockport  
Municipal Building  
One Locks Plaza  
Lockport, NY 14092



Re: East Avenue Pavement Rehabilitation Project  
Bid Results  
NCI File No. 19J1-0177-BG-41

Dear Mr. Oates,

In accordance with the Notice to Bidders, sealed bids for the East Avenue Pavement Rehabilitation Project were opened and read aloud at 2:00 p.m. on April 6, 2022, at the Municipal Building. A total of six (6) bids were received. One of the bids, submitted by 4<sup>th</sup> Generation Construction, was incomplete since the revised bid form issued as part of Addendum No. 1 was not used.

The results are per the attached bid tabulation and are summarized as follows.

Bidder	Total Bid Amount
4 <sup>th</sup> Generation Construction, Inc.	\$318,100.00*
Milherst Construction, Inc.	\$332,580.00
Edbauer Construction	\$365,717.00
Occhino Corporation	\$365,985.00
Mark Cerrone, Inc.	\$376,650.00
Scott Lawn Yard, Inc.	\$398,540.00

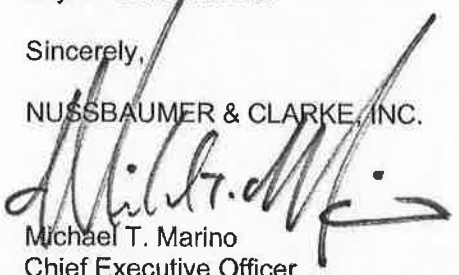
\*Bid was incomplete for not using Bid Form included with Addendum No. 1

Since 4<sup>th</sup> Generation Construction's bid was incomplete, Nussbaumer & Clarke, Inc. (Nussbaumer) evaluated the bid for Milherst Construction, Inc. and found the Bid to be complete and responsible. Therefore, Nussbaumer recommends award of the East Avenue Pavement Rehabilitation Project to the lowest responsible bidder, Milherst Construction, Inc., in the total amount of \$332,580.00.

Should you have any questions or require additional information regarding this matter, please contact us at your convenience.

Sincerely,

NUSSBAUMER & CLARKE, INC.

  
Michael T. Marino  
Chief Executive Officer

Enclosures

c: Hon. Michelle Roman, Mayor  
Laura Miskell Benedict, Corporation Council

## Addendum 01

### Pachucki, Camil

4th Generation Construction

Access Code	50-576-79	Phone	17162990063
Email	camil@4thgenco.com	Fax	

### History & Notes

Camil Pachucki 4/1/22 11:58 am

Viewed attachment from email

Email Delivered 4/1/22 11:35 am

Email confirmed delivered to 4thgenco.com mail server.

East Ave Pavement Rehabilitation				4th Generation Construction, Inc.		Milherst Construction, Inc.		Scott Lawn Yard, Inc.		Occhino Corp.		Mark Cerrone, Inc.		Edbauer Construction		Average Bid Price	
Item Number	Description	Unit	Contract Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Average Unit Price	Average Total Price
1	Mobilization of equipment and materials to Job Site	LS	1	\$ 9,000.00	\$ 9,000.00	\$ 9,500.00	\$ 9,500.00	\$ 10,000.00	\$ 10,000.00	\$ 10,600.00	\$ 10,600.00	\$ 10,100.00	\$ 10,100.00	\$ 10,000.00	\$ 10,000.00	\$ 9,866.67	\$ 9,866.67
2	Maintenance & Protection of Traffic	LS	1	\$ 52,500.00	\$ 52,500.00	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00	\$ 47,900.00	\$ 47,900.00	\$ 34,500.00	\$ 34,500.00	\$ 45,317.00	\$ 45,317.00	\$ 39,202.83	\$ 39,202.83
3	Milling asphalt concrete 2"	SY	18,100	\$ 2.60	\$ 47,060.00	\$ 1.90	\$ 34,390.00	\$ 2.35	\$ 42,535.00	\$ 1.85	\$ 33,485.00	\$ 2.40	\$ 43,440.00	\$ 2.00	\$ 36,200.00	\$ 2.18	\$ 39,518.33
4	Top Course (2" thick)	TON	2,170	\$ 72.00	\$ 156,240.00	\$ 82.00	\$ 177,940.00	\$ 100.00	\$ 217,000.00	\$ 80.00	\$ 173,600.00	\$ 86.00	\$ 186,620.00	\$ 86.00	\$ 186,620.00	\$ 84.33	\$ 183,003.33
5	Tack Coat	GAL	2,000	\$ 4.30	\$ 8,600.00	\$ 5.00	\$ 10,000.00	\$ 4.75	\$ 9,500.00	\$ 5.75	\$ 11,500.00	\$ 6.00	\$ 12,000.00	\$ 4.04	\$ 8,080.00	\$ 4.97	\$ 9,946.67
6	Epoxy Pavement Marking	LS	1	\$ 39,000.00	\$ 39,000.00	\$ 40,000.00	\$ 40,000.00	\$ 39,900.00	\$ 39,900.00	\$ 43,100.00	\$ 43,100.00	\$ 38,250.00	\$ 38,250.00	\$ 38,000.00	\$ 38,000.00	\$ 39,708.33	\$ 39,708.33
7	Rings and Frames for Drainage Structures and Manholes	EA	10	\$ 400.00	\$ 4,000.00	\$ 50.00	\$ 500.00	\$ 317.50	\$ 3,175.00	\$ 400.00	\$ 4,000.00	\$ 615.00	\$ 6,150.00	\$ 100.00	\$ 1,000.00	\$ 313.75	\$ 3,137.50
8	Adjusting Valve Box Elevation	EA	10	\$ 170.00	\$ 1,700.00	\$ 25.00	\$ 250.00	\$ 143.00	\$ 1,430.00	\$ 180.00	\$ 1,800.00	\$ 550.00	\$ 5,500.00	\$ 50.00	\$ 500.00	\$ 186.33	\$ 1,863.33
9	Asphalt Adjustment	EA	40,000	\$ -	\$ -	\$ 1.00	\$ 40,000.00	\$ 1.00	\$ 40,000.00	\$ 1.00	\$ 40,000.00	\$ 1.00	\$ 40,000.00	\$ 1.00	\$ 40,000.00		
Total Construction Cost:					\$ 332,580.00		\$ 332,580.00		\$ 398,540.00		\$ 365,985.00		\$ 376,560.00		\$ 365,717.00		\$ 359,580.33

Note: Contractor did not include price in total bid amount.

W/ Add 1  
Bid Tab= \$ 356,100.00

Corrected Average: \$ 366,247.00

Note: Corrected total bid amount.

Note: Contractor did not change quantities as per Addendum No. 1

## Paul Oates

---

**From:** Mike Marino <mmarino@nussclarke.com>  
**Sent:** Wednesday, April 6, 2022 9:45 PM  
**To:** poates@lockportny.gov  
**Cc:** romanforlockport@gmail.com; lmiskell31@hotmail.com; cdimmick@lockportny.gov; Amanda McNamara  
**Subject:** [EXTERNAL] East Ave. Bid Resolution  
**Attachments:** East Ave award resolution.docx

Hi Paul,

Please see attached contractor award resolution for the East Ave. project for your consideration.

As I mentioned, the apparent low bidder, 4<sup>th</sup> Generation, submitted an incomplete bid as they bid not include the revised bid form issued with Addendum No. 1. All other bidders included the proper form. *(Note, the revised bid form included a \$40k asphalt allowance item to account for the potential rise in the asphalt cost index. If they would have used the correct form their bid would have resulted in them having the no. 2 bid).* I will notify them tomorrow.

Therefore, I did follow up with Milherst Construction to confirm they understand the scope and are comfortable with their bid. Milherst indicated they are comfortable with their bid and ready to get to work. I indicated it is our desire to be done in advance of July 4 and he indicated they feel they could do that and should be able to complete the project within two weeks of starting it. We have worked with Milherst successfully in the past and would have no objection to them performing this work.

I will send you a formal recommendation letter with back up tomorrow and return the bid documents to you as soon as possible.

Please do not hesitate to contact me with any questions!

--mike



**Michael T. Marino, P.E.**

**Chief Executive Officer**

80 Main Street, Unit A

Lockport, NY 14094

p: 716.827-8000 x 257 | f: 716-826-7958 | c: 716-440-7491

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**Authorization for execution of contractor agreement for East Ave. Pavement Restoration Project**

WHEREAS, East Avenue (NY 31) in the City of Lockport (City) is designated by the New York State Department of Transportation (NYSDOT) as a Touring Route; and

WHEREAS, the City has determined that East Avenue is in need of pavement restoration between Washburn Street and Cleveland Place; and

WHEREAS, the City has received funding from NYSDOT to make improvements to designated Touring Routes; and

WHEREAS, the City issued a Notice to Bid for interested contractors for the East Avenue Pavement Restoration Project and subsequently received and publicly opened and read bids at the Municipal Building on April 6, 2022 at 2 pm as follows;

CONTRACTOR	4 <sup>th</sup> Generation Construction	Milherst Construction, Inc.	Edbauer Construction	Occhino Corp.	Mark Cerrone, Inc.	Scott Lawn Yard, Inc.
<b>TOTAL BID AMOUNT</b>	\$318,100.00*	<b>\$332,580.00</b>	\$365,717.00	\$365,985.00	\$376,560.00	\$398,540.00

And

WHEREAS, the City Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) reviewed the contractor bids and determined that the bid submitted by 4<sup>th</sup> Generation Construction is incomplete and recommends that their bid be rejected; and

WHEREAS, Nussbaumer has determined that Milherst Construction, Inc. has submitted lowest complete and responsible bid and recommends that the City award the contract to Milherst Construction, Inc., for a total amount of \$332,580.00;

**NOW, THEREFORE, BE IT:**

**RESOLVED** that the Mayor is authorized to execute an Agreement with Milherst Construction, Inc., 10025 County Rd, Clarence Center, NY 14032, in the amount of \$332,580.00 contingent upon legal review and availability of funding for the City project.

By Alderman **BEAKMAN**:

WHEREAS §183-23 of the Lockport Municipal Code bans overnight parking on city streets between the hours of 2 a.m. and 6 a.m. unless the vehicle owner has received a special parking permit from the City; and

WHEREAS the restriction on parking has caused many residents hardship while being of minimal benefit during the warmer months when snow plows do not present a specific need for the good of the City; and

WHEREAS the Traffic Advisory Committee has studied the issue and recommends that the Common Council consider a modification to the ban on overnight parking on a trial basis; now be it

Resolved, that a moratorium shall be placed on enforcement of City Ordinance §183-23 for a period commencing immediately and ending on November 1, 2022, subject to the following restrictions:

- I. Only 2-axle passenger vehicles and motorcycles, properly registered and insured, may remain on a city street overnight during the period in question.
- II. The Highways and Parks Department shall have the ability to designate certain streets for no parking during periods of street cleaning and/or paving, by notices posted in advance.
- III. The ban on overnight parking within the city limits will remain in effect for the following streets and thoroughfares:
  - A. Main Street/East Avenue from Transit to Washburn Street
  - B. Walnut Street from Transit to Washburn Street.
  - C. West Genesee Street and West Avenue from the city line to Transit
- IV. The restrictions on parking for buses and delivery vehicles set forth in §183-23(D) shall remain in full force and effect during the period covered by the moratorium.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

April 4, 2022

Paul Oates, City Clerk

1 Locks Plaza

Lockport, NY 14094

Mr. Oates, I would like to formally request the use of the softball diamond at Outwater Park throughout the year of 2022 for the Inferno Baseball organization. The organization would be utilizing the field for both practices and games. I spoke with Alderman Devine and he is willing to sponsor the resolution. I would request that this be placed on the next agenda. I have included a certificate of insurance. Should you need anything else, please let me know. Thank you.

Sincerely,



Jason Dool



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/01/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Stahika Agency, Inc 6724 Main St  Williamsville NY 14221	<b>CONTACT NAME:</b> Amy Prusak <b>PHONE (A/C, No, Ext):</b> (716) 634-7070 <b>E-MAIL ADDRESS:</b> aprusak@emsinsurance.com <b>FAX (A/C, No):</b> (716) 634-6411														
<b>INSURED</b> Inferno Baseball Inc 3950 Broadway  Depew NY 14043	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Michigan Millers Mutual Ins. Co.</td><td>14508</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Michigan Millers Mutual Ins. Co.	14508	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES****CERTIFICATE NUMBER:** 21-22 LAE**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		C051889802	11/07/2021	11/07/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			V050719402	11/07/2021	11/07/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			C051889802	11/07/2021	11/07/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Lockport is included as an Additional Insured under the General Liability policy as required by written contract.

**CERTIFICATE HOLDER****CANCELLATION**City of Lockport Lockport Municipal Building  
One Locks Plaza

Lockport

NY 14094

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Mark E. Stahika*

**Paul Oates**

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**From:** Michelle Roman <romanforlockport@gmail.com>  
**Sent:** Thursday, March 31, 2022 9:12 PM  
**To:** Paul Beakman; Paul Oates; Mike Marino; Laura Benedict; Timothy Russo; Barbara McGaffin; Michael Hoffman; Clayton Dimmick  
**Subject:** [EXTERNAL] Resolution for tree inventory update  
**Attachments:** Lockport tree Inventory Update 2022.pdf

Hello,

The common council budgeted for Davy Tree service to update the tree inventory. It is under line item 54055 Professional Services \$18,000 in the forestry department. I am attaching the information provided by Mike Hoffman and Davy. As they are proprietary to the Tree Inventory software, we do not have to get quotes. We would like to have them do this in late spring/early summer when the trees are budding or getting leaves.

**041322.X**

By Alderman \_\_\_\_\_:

Whereas, by resolution 082119.10 the City of Lockport entered into an agreement with Davey Resource Group, Inc. of Kent, Ohio to conduct a tree inventory and prepare a community forestry management plan; and

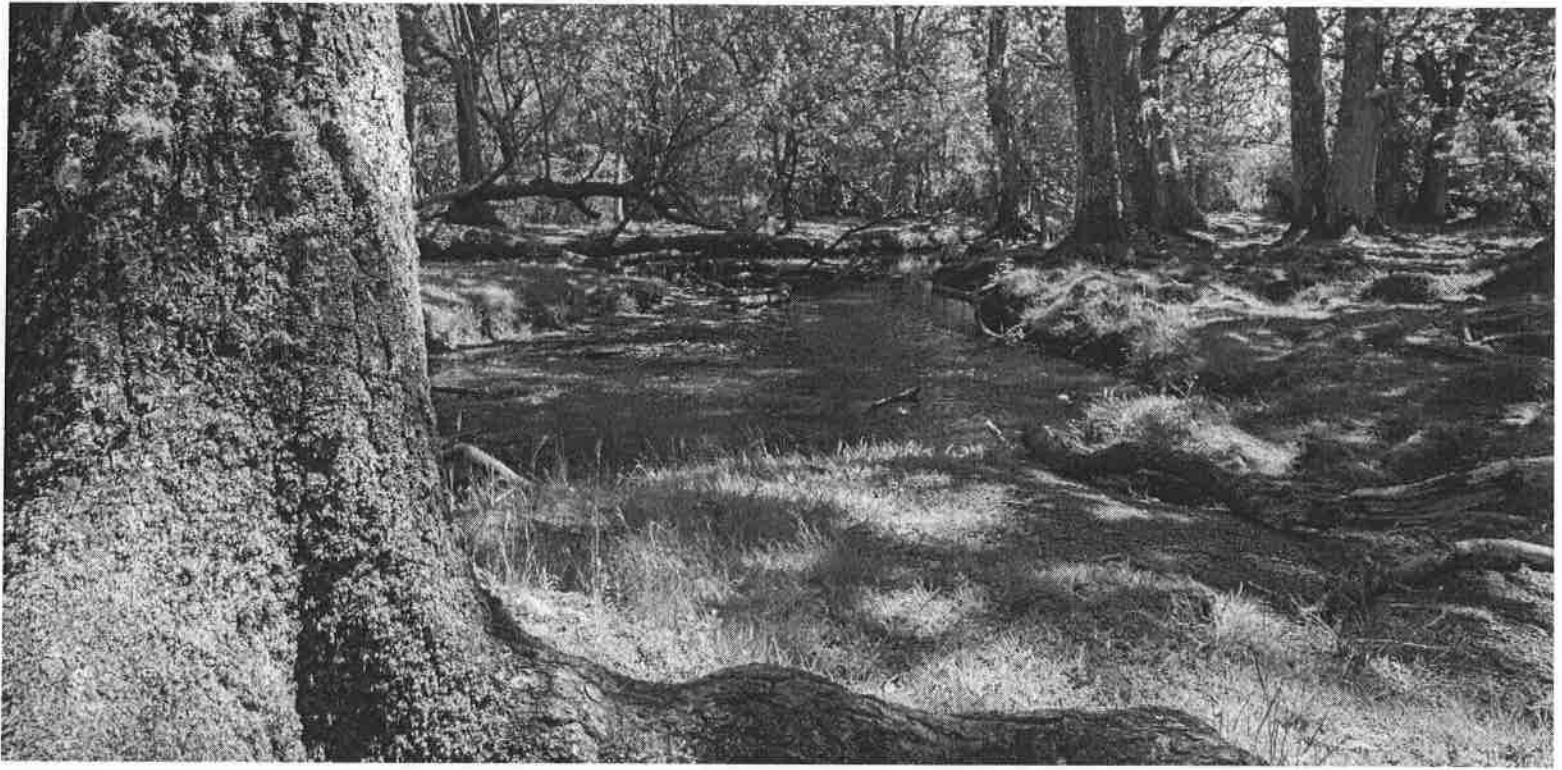
Whereas, the city appropriated \$18,000 in the 2022 General Fund Budget to conduct a GIS-based inventory update; and

Whereas, the city desires to complete said update in late spring or early summer when the trees are budding or getting leaves; and

Whereas, Davey Resource Group, Inc. are proprietary to the city's Tree Inventory software; now, therefore, be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Davey Resource Group, Inc. to conduct a Tree Inventory Update project of the maintained trees and stumps found along public rights-of-way and in public parks and properties, and utilize budgeted funds in A.8730.54055.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.



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# City of Lockport NY Inventory Update

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***Prepared For:***

**City of Lockport**  
One Locks Plaza  
Lockport, New York 14094

***Prepared By:***

**Davey Resource Group**  
Lori Brockelbank  
Cell: 716-450-0884  
E-mail: [lori.brockelbank@davey.com](mailto:lori.brockelbank@davey.com)

September 2021

Lockport Inventory Update

**DAVEY**   
**Resource Group**

## Introduction

In 2019, DRG performed a city-wide inventory for the City of Lockport. The city has been performing some of the recommendations provided by the arborist as funding was available. Tree conditions change over time due to diseases, weather conditions, and growth; the city recognizes their inventory needs to be updated to reflect the changing conditions of their urban forest.

## About Davey Resource Group, Inc.

For over 25 years, DRG has inventoried trees throughout the United States. We know that the data collected during a tree inventory is critical to helping you manage your urban forest proactively and better mitigate tree-related risk. Since you rely on the inventory data and recommendations to make important decisions, DRG uses only qualified, experienced staff who are knowledgeable of both industry standards and the municipal work environment.

Trees bring natural elements and wildlife habitats into urban settings and they also moderate temperatures, reduce air pollution and energy use, and improve water quality.





## Scope of Work

This project is an integral part of Lockport's comprehensive tree care program. The results of this project will help Lockport better understand the current composition, structure, and maintenance needs of its urban forest, allocate resources, develop risk management strategies, and promote the ecosystem benefits the city's trees provide to the local community. The project will assist the city in measuring and demonstrating the work that has been performed since the inventory was initially performed two years ago.

The proposed project has the following key components:

1. **Tree Inventory Update.** The project is a GIS-based inventory update of maintained trees and stumps found along public rights-of-way (ROW) and in public parks and properties. The inventory consists of DRG's urban foresters locating approximately 8,365 sites and recording the specified information about each site in the inventory database. DRG bases our tree inventory on the *ANSI A300 Part 9* standards.
2. **Summary Report.** DRG uses Lockport's inventory data and industry standards and best management practices to develop a tree inventory summary report upon completion of the inventory. The report will provide comparisons of the previous inventory and the current inventory.

# Tree Inventory Work Plan

To ensure that the tree inventory meets the city's goals and deadlines, DRG uses the following work plan.

## Step 1. Communication

From project beginning to end, DRG staff keep open lines of communication with Lockport via telephone, e-mail, and, as needed, in-person meetings. DRG answers any questions Lockport has as well as keeps the city apprised of the project's progress.

## Step 2. Contract Phase

Once awarded the project, DRG executes a contract and supplies insurance per project specifications.

## Step 3. Kick-Off Meeting

DRG staff will contact the city after contract execution to schedule a kick-off meeting. During the kick-off meeting, Lockport's staff and the DRG project team discuss inventory safety and communication procedures and confirm project expectations and milestones.

## Step 4. Data Collection

DRG typically begins data collection after the kick-off meeting. Our experienced, qualified urban foresters locate trees and stumps along maintained street ROWs and in public parks and properties, evaluate those trees, and record the data specified by the city. The collected data will be updated daily to the current City of Lockport Treekeeper® program.



### ***Location Accuracy***

DRG uses field computers and equipment that meet or exceed this project's location accuracy requirements. Having worked on thousands of tree inventory projects, DRG has found that using a combination of GIS and a customized data collection program provides the most exact data and the most efficient means for inventorying trees. DRG uses our in-house designed GIS software tool in conjunction with ruggedized computers with a GPS receiver to collect inventory data. Under favorable conditions, the equipment allows for sub-meter location accuracy of point data.

### ***Individual Tree Inspection Process***

During data collection, DRG's urban foresters walk by each tree and inspect the tree from the ground. Based on the conditions at the time of the inspection, DRG's staff identify the tree's species and its location, measure tree diameter, and rate its health. DRG's urban foresters also assess tree risk and suggest the specific maintenance involved in mitigating that risk as well as collecting all other information at this time. When data collection for an individual tree is complete, DRG's urban foresters walk to the next tree and follow the same steps, in the same order, to ensure consistent data collection.

***Data Fields For Lockport's inventory update, DRG will update/confirm the following data fields specified by the city as defined in Appendix A of this proposal:***

- |   |                                    |
|---|------------------------------------|
| 1. Address (street address and X and Y coordinates) | 7. Defects                         |
| 2. Species  | 8. Tree risk assessment and rating |
| 3. Tree size  | 9. Residual risk                   |
| 4. Multi-stem tree                                  | 10. Further inspection             |
| 5. Condition  | 11. Overhead utilities             |
| 6. Maintenance needs                                | 12. Date of inventory              |

### Step 6. Inventory Close-Out

At the end of the inventory project, DRG supplies a one- to two-page project close-out report which spells out the number and types of sites collected, provides information about the species composition and diameter size class distribution, and shows the amount and type of maintenance recommended during the inventory. We provide the report in PDF format within four weeks of inventory completion.

## **Project Schedule, Tasks, and Deliverables**

The following project schedule lists key tasks along with expected completion dates and deliverables. If the city's project schedule differs from what DRG projected, use the information for planning purposes. The start date will be dependent on the acceptance of the proposal. Work can be performed at the end of October or the following spring, depending on the decision of the city on how best to proceed and when the work performed would best capture the work performed since the previous inventory.

<b>Project Schedule (weeks)</b>							
<b>Task</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>Deliverable</b>
Award	x						Insurance, contract
Kick-off Meeting	x						Meeting summary as needed
Inventory Data Collection and QA/QC		x	x	x	x		Inventory update of 8,365 sites; ongoing field checks; weekly email updates
Inventory Close-Out Meeting						x	If scheduled, usually takes place on the last day of data collection
Inventory Reporting						x	Close-out reports
Inventory Summary Report						x	Data analysis, summary, and recommendations

## Client Responsibilities

1. Provide daily contact information and directions during the inventory project.
2. Provide a copy of any existing tree inventory database(s).
3. Coordinate and host a kick-off meeting before the start of fieldwork.
4. The limitations of the Scope of Work as outlined. By accepting this proposal, Lockport accepts DRG's Limited Warranty and agrees that, upon award, this proposal and its attachments will be made a part of the Agreement.

## Investment

### Tree Inventory

- ☐ Computerized inventory data collection of up to 8,365 Existing trees and stumps for a cost of: **\$18,000**
- ☐ Additional inventory data collection above 8,365 trees/sites at a unit rate of: **\$2.85/site**

### Tree Management Plan

- ☐ Option One: Inventory Summary Report **\$1,500**  
A brief analysis of inventory data with i-Tree results

### Add-Ons

- ☐ Operations Review **\$15,000**
- ☐ Ordinance/Policy Review/Creation **\$5,000**
- ☐ Invasive Insect or Disease Management Strategy **\$5,000**
- ☐ Wood Waste Utilization **\$5,000**
- ☐ Planting Plan **\$5,000**
- ☐ i-Tree Canopy Cover **\$1,700**
- ☐ Storm Preparedness Plan **\$5,000**

This proposal is valid for 60 days.

## Authorization to Proceed

---

The above prices and terms and conditions and warranty are hereby accepted. I am authorized to bind the City of Lockport and authorize Davey Resource Group, Inc. to perform the specified work. I am familiar with and agree to the terms and conditions appended to this proposal. I understand that once accepted this proposal constitutes a binding contract. This proposal is based on an estimated number of trees/sites to be inventoried. Davey Resource Group, Inc. reserves the right to renegotiate the price based on the timing of the award, scheduling of fieldwork, the final methodology chosen by the client, and availability, completeness, and quality of maps and GIS information.

## **City of Lockport Inventory Update**

**Project Total**

**\$18,000\***

**By signing this form, I do hereby acknowledge acceptance of the terms described above and authorize work to be performed.**

Client Name:

Authorizing Signature:

Title:

Date:

**Davey Resource Group, Inc.**

Name/Title:

Date:

\*additional sites may be added and cost could be an additional amount

## **TERMS AND CONDITIONS**

- All pricing is valid for six months from the date of this proposal.
- Time and materials (T&M) estimates may fluctuate and will be billed accordingly. Fixed fee contract prices will be billed as shown.
- Invoicing will be submitted monthly for work performed, unless otherwise agreed upon.
- Payment terms are net 30 days.

- If prevailing wage requirements are discovered after the date of this proposal, we reserve the right to negotiate our fees.
- The client is responsible for any permit fees, taxes, and other related expenses, unless noted as being included in our proposal.
- The client shall provide 48 hours' notice of any meetings where the consultant's attendance is required.
- Unless otherwise stated, one round of revisions to deliverables is included in our base fee. Additional edits or revisions will be billed on a time and material (T&M) basis.
- All reports are provided only to the client unless otherwise directed.

## LIMITED WARRANTY

The Davey Tree Expert Company, its divisions, agents, representatives, operations, and subsidiaries (collectively "Davey") provides this Limited Warranty as a condition of providing the services outlined in the agreement between the parties, including any bids, orders, contracts, or understandings between the parties (collectively the "Services").

Davey provides the Services utilizing applicable standard industry practices and based on the facts and conditions known at the point in time the Services are performed. Facts and conditions related to the subject of the Services may change over time. Davey cannot predict or determine developments concerning the subject of the Services and will not be liable for any developments, changes, or conditions that occur, including, but not limited to, decay or damage by the elements, persons or implements, insect infestation, deterioration, conditions not discoverable using the means and methods used to perform the Services, or acts of God or nature or otherwise. If a visual inspection is utilized, visual inspection does not include aerial or subterranean inspection, testing, or analysis. Davey will not be liable for the discovery or identification of non-visually observable, latent, dormant, or hidden conditions or hazards, and does not guarantee that items will be healthy or safe under all circumstances or for a specified period of time, or that remedial treatments will remedy a defect or condition.

Davey may have reviewed publicly available or other third-party records or conducted interviews and has assumed the genuineness of such documents and statements. Davey disclaims any liability for errors, omissions, or inaccuracies resulting from or contained in any information obtained from any third-party or publicly available source.

To the extent permitted by law, Davey does not make and expressly disclaims any warranties or representations of any kind, express or implied, with respect to completeness, accuracy, or current nature of the information contained in the Services or the reports or findings resulting therefrom beyond that expressly contracted for by Davey in the agreements between the parties, including but not limited to, performing diagnosis or identifying hazards or conditions not within the scope of the Services or not readily discoverable using applicable standard industry practices. Davey disclaims any warranty of fitness for any particular purpose. Davey's warranty is limited to one year from the date Services are performed. Davey's liability for any claim, damage, or loss, whether direct, indirect, special, consequential, or otherwise, caused by or related to the Services shall be limited to the Services expressly contracted to be performed by Davey.

## Appendix A: Inventory Data Fields

1. **Address/Location**—DRG identifies the location of each tree and stump by the following attributes.
  - a. *Address*. House address.
  - b. *On Street*. The street the tree is physically found.
  - c. *Side*. The side of the house on which the tree stands in relation to the physical address.
  - d. X and Y coordinates in the desired format.

- e. *Park Name*. The name of the park.
- 2. **Species**—DRG names trees by genus and species using both botanical and common names, and by cultivars where appropriate.
- 3. **Tree Size**—DRG's urban foresters measure the diameter to the nearest inch in 1-inch size classes at 4½ feet above the ground, or diameter at breast height (DBH).
- 4. **Multi-Stem Tree**—DRG notes if a tree has multiple stems on trunks splitting less than 1 foot above ground level.
- 5. **Condition**—Staff consider signs of stress, poor structure, mechanical damage, soil and root problems, disease, and pests in the assessment of tree condition.
  - a. *Good*. A good tree shows no significant problems.
  - b. *Fair*. A fair tree has minor problems that may be corrected with time or corrective action.
  - c. *Poor*. A poor tree has significant problems that are irrecoverable.
  - d. *Dead*. A dead tree shows no sign of life.
- 6. **Primary Maintenance**—DRG assigns one of the following maintenance needs:
  - a. *Remove*. Trees recommended for removal have defects that cannot be practically or cost-effectively treated. Most trees in this category have a sizable percentage of dead crown.
  - b. *Prune*. Removal of one or more limbs to reduce risk, provide clearance, and restore the tree.
  - c. *Train*. Pruning of young or medium-aged trees to improve tree and branch architecture.
  - d. *Stump Removal*. A stump is present and recommended to be removed.
- 7. **Defects**—DRG identifies the conditions which indicate the presence of structural defects recording only the most significant condition and limit conditions to the following:
  - a. Dead and dying branches.
  - b. Broken and/or hanging branches.
  - c. Branch attachment (adventitious, codominant, multiple, overextended).
  - d. Trunk condition (canker, bulges, ridges).
  - e. Cracks.
  - f. Decay or cavity (large trunk wound).
  - g. Tree architecture (lean, bows, taper, live crown ratio).
  - h. Root problem (dead, decayed, missing, abnormal, girdling, lack of flare).
- 8. **Risk Rating**—DRG evaluates risk and assigns a risk rating based on an assessment of the failure mode (i.e., branch, whole tree, codominant stem) with the most significant risk. The specified period for the risk assessment is one year. The risk part of this inventory and evaluation is to maintain compliance with the most recent standards and practices in the arboricultural industry. It is important to note that our inspections are "rapid assessments" and are meant to show a need for further study, and thus are not legally binding in any litigation.

DRG used the following criteria and matrices, based on the *International Society of Arboriculture Best Management Practices - Tree Risk Assessment*, Second Edition (E. Thomas Smiley, Nelda Matheny, and Sharon Lilly 2017), to arrive at a risk rating.

- a. *Likelihood of Failure*. Identifies the most probable failure and rates the likelihood that structural defect(s) will result in failure based on observed current conditions.
- b. *Likelihood of Impacting a Target*. The rate of occupancy of targets within the target zone and any factors that could affect the failed tree as it falls towards the target.

- c. *Consequences of Failure.* The consequences of tree failure are based on the level of target and potential harm that may occur. Consequences can vary depending on the size of the defect, a distance of fall for the tree or limb, and any other factors that may protect a target from harm. Target values are subjective, but DRG staff try to assess them from our client's perspective.

As shown in the matrix below, the likelihood of failure and the likelihood of target determine the likelihood of tree failure impacting a target.

Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

DRG's urban foresters estimate the risk rating by combining the likelihood of tree failure impacting a target and the consequences of failure in the matrix below. Risk ratings are Low, Moderate, High, and Extreme. A Low Risk tree poses a low overall level of risk. A Moderate Risk tree may pose some threat, particularly during storm events or unusual weather. A High Risk tree presents a high likelihood of tree or tree part failure, even during normal weather conditions. An Extreme Risk tree always poses a significant risk and probability of failure.

Likelihood of Failure	Consequences			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Even though trees may pose multiple risks at once, DRG assigns one risk rating to each tree during the inventory process. The risk rating serves only as a prioritization mechanism and is not a guarantee; Lockport must determine the level of acceptable risk.

9. **Risk Assessment Complete**—Staff record if they are not able to complete the assessment due to obstructions, safety concerns, or other unforeseen site conditions.
10. **Residual Risk**—DRG estimates residual risk as None, Moderate, High, or Extreme for each inventoried tree, assuming that the recommended maintenance was carried out. DRG based residual risk solely on professional judgment, and our assessment of residual risk is not a guarantee or warranty of risk reduction.
11. **Further Inspection**—Trees in this category need added and future inspections due to a variety of issues beyond the scope of a standard tree inventory. Categories for further inspection include:
  - a. Annual inspection (e.g., a tree with a defect requiring annual monitoring).



- b. Recent damage inspection (e.g., a healthy tree affected by recent construction or other damage).
- c. Advanced risk assessment (e.g., a tree with a defect needing added or specialized equipment for investigation).
- d. Insect/disease monitoring (e.g., a tree that appears to have an emerging insect or disease problem).
- e. None.

12. **Overhead Utilities**—For each tree or site, DRG records if overhead utilities are:

- a. Present
- b. Not present.

13. **Date of Inventory**—The date the DRG urban forester collected the data.