

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Special Meeting
Official Record

July 19, 2022
6:00 P.M.

A Special Meeting was called by Mayor Michelle M. Roman relative to a proposed financial review of the city's ambulance service options, and the city's Procurement Policy.

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.

By Alderman Beakman:

Resolved, that the Rules and Orders governing Common Council meetings be and the same are hereby waived for this meeting.

Seconded by Alderman _____ and adopted. Ayes _____.

071922.1

By Alderman Barnard:

Whereas, on resolution 060822.14, dated June 8, 2022, the Common Council unanimously approved the retention of a certified public accounting firm to conduct a thorough financial analysis and review of each ambulance option available to the City of Lockport; and

Whereas, pursuant to the Procurement Policy, a Request For Proposals (RFP) is not required for the Common Council to retain such professional services; now, therefore, be it

Resolved, that the City of Lockport, subject to Corporation Counsel approval, is authorized to enter into an agreement with Freed Maxick CPAs, P.C., 424 Main St., Suite 800, Buffalo, New York 14202, for a fee not to exceed \$30,000.00, to complete such review and report their findings directly to the Common Council.

Seconded by Alderman _____ and adopted. Ayes _____

071922.2 – Amend City's Procurement Policy - WITHDRAWN

071922.3

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk

Paul Oates

From: Patricia McGrath <pmcgrath@lockportny.gov>
Sent: Friday, July 15, 2022 4:20 PM
To: 'Michelle Roman'; 'Paul Beakman'; 'Luke Kantor'; 'Mark Devine'; 'Kitty Fogle'; 'Kristin Barnard'; 'Gina Pasceri'; 'Laura Miskell Benedict'; 'Jason Cafarella'; 'Tim Russo'; 'Paul Oates'
Subject: Professional Services Procurement Policy
Attachments: procurement of professio_20220715142613.pdf

All –

I participate monthly in meetings of the Municipal Law Subcommittee of the Local & State Law Committee of the NYS Bar Association. At today's meeting, I asked about the proper procedures to follow when professional services are being contracted for. Although General Municipal Law Section 103 does provide an exception for professional services from the necessity of issuing an RFP, the committee members expressed the view that except in emergency circumstances, an RFP is preferred. At a minimum, there should be an engagement letter from the professional services organization being retained that covers scope, hourly rates and deadlines to provide better transparency to the public. The group directed me to the attached guidance from the State Comptroller's office that outlines best practices in these situations.

Has any Council member received a written quote from the accounting firm regarding what will be covered by the fee? If so, that would be helpful in drafting a resolution that accomplishes the goals you want. While Laura Miskell has taken the lead on this matter, the whole department is available to help.

Pat McGrath

Paul Oates

From: Laura Miskell Benedict <lmiskell31@hotmail.com>
Sent: Saturday, July 16, 2022 12:46 PM
To: kittyny30; Michelle Roman; Kitty Fogle
Cc: Alderperson 5th. Ward; Molly Lawson; Paul Beakman; Luke Kantor; Mark Devine; Alderperson At. Large; Jason Cafarella; Patricia McGrath; Paul Oates; Tim Russo; Luke Kantor
Subject: Re: [EXTERNAL] Ambulance Audit Resolution / Procurement Policy
Attachments: City Resolution Freed Maxick.pdf

Good afternoon, all. Pat - thank you for your email yesterday, I appreciate the information, as I am sure the Council does as well.

I have drafted the attached for everyone's review. Per the direction I received yesterday, it is written for Kristin's sponsorship.

I want to reiterate that I think you should RFP this process for full transparency to the public. However, the attached should accomplish the Council's desires regarding this matter.

Laura A. Miskell Benedict
Attorney at Law
Miskell & Moxham
280 East Avenue
PO Box 464
Lockport, NY 14095
(716) 433-1344

071322.9

By Alderman Barnard:

Whereas, Resolution 060822.14 authorized the City to retain the services of a certified public accounting firm to conduct a financial review of each ambulance option available to the City of Lockport; and

Whereas the Council has decided not to issue a RFP for this process; now, therefore, be it

Resolved, that the City retain accounting and consulting firm, Freed Maxick, CPAs, 424 Main Street, Suite 800, Buffalo, New York, to perform a review of the City's proposed ambulance service, at a fee not to exceed \$20,000, and be it further

Resolved, that the Contract is subject to Corporation Counsel approval; and be it further

Resolved, that Freed Maxick CPAs report any and all findings to the Council by September 1st, 2022.

Seconded by Alderman _____ and adopted. Ayes _____.

Paul Oates

From: Alderperson 5th. Ward <ward5@lockportny.gov>
Sent: Saturday, July 16, 2022 6:20 PM
To: Laura Miskell Benedict
Cc: Kathryn Kitty Fogle; Michelle Roman; Kitty Fogle; Molly Lawson; Paul Beakman; Luke Kantor; Mark Devine; 'Alderperson; Jason Cafarella; Patricia McGrath; Paul Oates; Timothy Russo; Luke Kantor
Subject: Re: [EXTERNAL] Ambulance Audit Resolution / Procurement Policy
Attachments: 071322 resolution.docx

Hi All,

Please find attached the resolution that I would like submit for Tuesday.

Alderwoman Barnard

From: "Laura Miskell Benedict" <lmiskell31@hotmail.com>
To: "Kathryn Kitty Fogle" <kittyny30@aol.com>, "Michelle Roman" <romanforlockport@gmail.com>, "Kitty Fogle" <ward4@lockportny.gov>
Cc: "Alderperson 5th. Ward" <ward5@lockportny.gov>, "Molly Lawson" <mlawson@lockportny.gov>, "Paul Beakman" <ward1@lockportny.gov>, "Luke Kantor" <ward2@lockportny.gov>, "Mark Devine" <ward3@lockportny.gov>, "Alderperson" <aal@lockportny.gov>, "Jason Cafarella" <JASONCAFARELLA@msn.com>, "Patricia McGrath" <pmmcgrathesq@hotmail.com>, "Paul Oates" <poates@lockportny.gov>, "Timothy Russo" <trusso@lockportny.gov>, "Luke Kantor" <luke.kantor@gmail.com>
Sent: Saturday, July 16, 2022 12:45:44 PM
Subject: Re: [EXTERNAL] Ambulance Audit Resolution / Procurement Policy

Good afternoon, all. Pat - thank you for your email yesterday, I appreciate the information, as I am sure the Council does as well.

I have drafted the attached for everyone's review. Per the direction I received yesterday, it is written for Kristin's sponsorship.

I want to reiterate that I think you should RFP this process for full transparency to the public. However, the attached should accomplish the Council's desires regarding this matter.

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071322.9

By Alderman Barnard

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Whereas, pursuant to the Procurement Policy an RFP is not required for the Common Council to retain such professional services, now therefore be it

Resolved, that the City of Lockport subject to Corporation Council approval is authorized to enter into agreement with Freed Maxick CPAs, P.C., 424 Main St., Suite 800, Buffalo, New York 14202 for a fee not to exceed \$30,000.00 to complete such review and report their findings directly to the Common Council.

Seconded by Alderman _____ and adopted. Ayes _____

Paul Oates

From: Laura Miskell Benedict <lmiskell31@hotmail.com>
Sent: Monday, July 18, 2022 9:33 AM
To: Alderperson 5th. Ward
Cc: Kathryn Kitty Fogle; Michelle Roman; Kitty Fogle; Molly Lawson; Paul Beakman; Luke Kantor; Mark Devine; Alderperson; Jason Cafarella; Patricia McGrath; Paul Oates; Timothy Russo; Luke Kantor
Subject: Re: [EXTERNAL] Ambulance Audit Resolution / Procurement Policy

Good morning, everyone. I was in contact with Kristin over the weekend, but wanted to address everyone at once.

I see that the amount is now up to **\$30,000**, which only strengthens my concerns that this should be going through the RFP process. There is no answer that could ethically and honestly be given to the citizens on why this much money was spent, without seeking out bids to get the best company (and contract) for the job that the Council wants performed.

Again - it is ultimately the Council's decision, but I need to make clear it is strongly against your attorney's advice. See you all tomorrow.

Thank you.

Laura A. Miskell Benedict
Attorney at Law
Miskell & Moxham
280 East Avenue
PO Box 464
Lockport, NY 14095
(716) 433-1344