

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

October 26, 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

The Mayor announced a public hearing on confirming Refuse & Recycling Re-levy.

The Mayor asked the City Clerk if any petitions or communications relative to said Re-levy have been received.

Recess for public input.

The Mayor closed the public hearing.

RECESS

Recess for public input.

102622.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman _____, the minutes of the Regular Meeting of October 12, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing relative to the 2023 tax budget.

The Mayor asked the City Clerk if any petitions or communications relative to said to the proposed 2023 tax budget have been received.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on confirming Refuse & Recycling Re-levy.

The Mayor asked the City Clerk if any petitions or communications relative to said Re-levy have been received.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing relative to adjusting water rents.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed rent adjustments have been received.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a proposed local law to amend the City of Lockport, "Schedule of Sewer Rents and Other Charges."

The Mayor asked the City Clerk if any petitions or communications relative to said proposed local law have been received.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

10/14/22 Donald W. Gill, 189 East Avenue, Lockport, NY – reappointed to the Planning Board effective October 14, 2022. Said term expires October 14, 2025.

10/14/22 Donald A. Stevens, 230 State Road, Lockport, NY 14094 – reappointed to the Planning Board effective October 14, 2022. Said term expires October 14, 2025.

Received and filed.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.

Referred to the Finance Committee.

Communications: (which have been referred to the appropriate City officials)
10/18/22 Carol A. Spedding, President, Zonta Club of Lockport – request permission to display signage in the City’s parks to raise awareness for their ‘Violence Against Women’ campaign.

Received and filed.

Notice of Claim:

Referred to the Corporation Counsel.

Notice of Complaint:

10/18/22 40 Lakeview Pkwy - tree
48 Lakeview Pkwy – tree
52 Lakeview Pkwy - tree
62 Lakeview Pkwy – tree

Referred to the Director of Highways, Parks and Water Distribution

MOTIONS & RESOLUTIONS

102622.2

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 October 27, 2022 as follows:

General Fund	Fund A	\$ \$38,247.80
Water Fund	Fund FX	\$ 22,669.18
Sewer Fund	Fund G	\$ 31,268.93
Capital Projects	Fund H	\$ 380,908.68
Self-Insurance	Fund MS	\$ 75,349.80
Refuse & Recycle	Fund CL	\$ 623.14

Payroll	Pay Date 10/20	\$513,518.53
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Seconded by Alderman _____ and adopted. Ayes _____.

102622.3

By Alderman _____:

Whereas, the City Treasurer submitted to the Common Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes; and

Whereas, the Common Council conducted a public hearing on October 26, 2022 at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One

Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy; now, therefore, be it

Resolved, that the following delinquent accounts totaling \$183,978.05 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter.

<u>Account</u>	<u>Amount</u>
Refuse	\$169,293.05
Relevy Late Fees	\$ 14,685.00

Seconded by Alderman _____ and adopted. Ayes _____.

102622.4

By Alderman _____:

Whereas, the Zonta Club of Lockport has requested permission to install temporary lawn signs in various City rights of way, from November 25, 2022 through December 10, 2022, to raise awareness for Violence Against Women, and

Whereas, the 'Zonta Says NO' campaign is an international effort to raise awareness of, and increase actions to, end violence against women and girls around the world through service and advocacy, now, therefore, be it

Resolved, that permission is hereby granted to place the signs at Veteran's Memorial Park on East Avenue, Ida Fritz Park on West Avenue, Children's Memorial Park on S. Transit Street, and at the Washburn and Locust Streets garden, which is maintained by the Zonta Club of Lockport.

Seconded by Alderman _____ and adopted. Ayes _____.

102622.5

By Alderman _____:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Police Department to barricade a portion of Outwater Drive on November 18, 2022 from 12:00pm to 5:00pm to hold a departmental physical training challenge; and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

102622.6

By Alderman _____:

Whereas, the Lockport Fire Department (LFD) has identified the need to replace it's obsolete 2004 American LaFrance Fire Engine for a new, modern version of the same type (engine/pumper) capable of the following parameters: current NFPA safety

standards compliance, 1500 GPM pump, 750 gallon water tank, 6 person cab, minimum hose carrying capacity of: 1000' of 5" LDH, 4 pre-connected attack lines, and 800' of mid-sized attack/supply lines; and

Whereas, the Fire Chief has identified a Sourcewell contract (number 113021-RSD from Empire Emergency Apparatus Inc.) in the net amount of \$606,450 which will fulfill the needs of the department and is within the guidelines of the procurement policy (as a purchase from another government agency); and

Whereas, the City experienced a favorable in-rem cycle during the FY 2022 year that resulted in surplus revenue compared to what was originally appropriated (\$0); and

Whereas, the City has also experienced a favorable variance in combined sales-tax collection for the first two thirds of the 2022 fiscal year compared to the budgeted appropriation; and

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement for said purchase and that the FY 2022 General Fund and Capital Project Fund budgets are amended as follows:

Revenue:

Increase

A.0000.31110	Sales Tax: Pre-empted	\$81,269
A.0000.31120	Sales Tax: County Distribution	\$174,578
A.0000.31051	Gain from Sale of Tax Acquired Property	\$350,603
H221.3410.35031.A	Interfund Transfer from General	\$606,450

Expenditures:

Increase

A.9901.59000.H	Interfund Transfer to Capital	\$606,450
H221.3410.52020	Motor Vehicle Equipment	\$606,450

Seconded by Alderman_____ and adopted. Ayes_____.

102622.7

By Alderman _____:

Whereas, in resolution 092822.6, the Common Council approved the replacement of the Lockport Fire Department's ("LFD") 1997 Aerial Platform Truck with a 2001 Pierce Aerial Platform Truck from Brighton Fire District; and

Whereas, while said replacement is intended to provide necessary relief to decaying equipment, the LFD and Common Council have acknowledged the need to pursue a proactive replacement plan which can promote better public safety in the City; and

Whereas, the Fire Chief has identified a Sourcewell contract (number 113021-RSD from Empire Emergency Apparatus, Inc. in the amount of \$1,637,531, which will

fulfill the needs of the department and is within the guidelines of the procurement policy (as a purchase from another government agency); and

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Empire Emergency Apparatus, Inc. in the amount of \$1,637,531 for the fire ladder purchase, to be charged to Capital Projects; and be it further,

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare a bond ordinance in an amount equal to the project cost plus issuance costs for the Type II action project.

Seconded by Alderman _____ and adopted. Ayes _____.

102622.8

By Alderman Beakman:

BOND ORDINANCE DATED OCTOBER 26, 2022.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,677,531 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A FIRE-FIGHTING VEHICLE, IN AND FOR SAID CITY.

Whereas, the capital project hereinafter described has been determined to be a Type II Action of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

Be it ordained, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. The purchase of a fire-fighting vehicle, for the City of Lockport, Niagara County, New York, including original apparatus and equipment, and incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,677,531.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$1,677,531 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on

such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Barnard	VOTING _____
Alderman Beakman	VOTING _____
Alderman Devine	VOTING _____
Alderman Fogle	VOTING _____
Alderman Kantor	VOTING _____
Alderman Pasceri	VOTING _____

The ordinance was thereupon declared duly adopted.

102622.9

By Alderman _____:

Whereas, The Governor of the State of New York ended her emergency powers in September 2022, thereby eliminating the ability for public bodies to conduct meetings through videoconferencing; and

Whereas, Public Officers Law §103-a permits public bodies to conduct videoconferencing of meetings under certain conditions; and

Whereas, The Lockport City Common Council desires to have videoconferencing as an option for common council meetings, in compliance with Public Officers Law §103-a; and

Whereas, The Lockport City Common Council must conduct a public hearing prior to implementing the Videoconferencing Policy. Now, therefore be it,

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 9, 2022, starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to permitting the City Common Council from having videoconferencing and/or hybrid meetings.

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

Seconded by Alderman _____ and adopted. Ayes _____.

102622.10

ADJOURNMENT

At _____ P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 9, 2022.

Seconded by Alderman _____ and adopted. Ayes _____.

ABBHEY JO POLICHETTE
Deputy City Clerk