

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	\$
Water Fund	Fund FX	\$
Sewer Fund	Fund G	\$
Capital Projects	Fund H	\$
Self-Insurance	Fund MS	\$
Refuse & Recycle	Fund CL	\$
Payroll	Pay Date 10/20	\$513,518.53

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 preconnected 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

102622.7 - AUTHORIZE LADDER TRUCK PROJECT

102622.8 - BOND ORDINANCE FOR LADDER TRUCK

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.X

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 _____.

SARAH K. LANZO
City Clerk

CITY OF LOCKPORT
COMMON COUNCIL MEETING AGENDA
REGULAR MEETING
October 26, 2022
6:30 P.M.

6:00 P.M. Committee of the Whole Meeting

6:30 P.M. Common Council Meeting

ROLL CALL

APPROVAL OF MINUTES **Beakman:** Approve Common Council minutes of
102622.1 October 12, 2022

PUBLIC HEARING Proposed 2023 Budget

PUBLIC HEARING Re-levy of unpaid refuse and recycling bills

PUBLIC HEARING Amend Water rents

PUBLIC HEARING Local Law to amend Sewer rents

COMMUNICATIONS

**MOTIONS &
RESOLUTIONS**

Beakman: Approve bills and payrolls
102622.2

XXXX: Confirm Refuse Re-levy
102622.3

XXXX: Grant permission to Zonta Club of
102622.4 Lockport to install temporary lawn signs
in City ROW

XXXX: Grant permission to LPD to hold training
102622.5 sessions at Outwater Park Nov. 18th

XXXX: Authorize and fund fire department
102622.6 chassis

XXXX: Authorize ladder truck project
102622.7

XXXX: Bond ordinance for ladder truck
102622.8

XXXX: Call for a public hearing re: a Local Law
102622.9 to amend Videoconferencing Policy.

ADJOURNMENT

Beakman: Adjourn meeting to
102622.X November 9, 2022

Richard Geltz, 716-434-1956
62 Lakeview Pkwy.

Jacquelyn Senders, 617-710-8290
52 Lakeview Pkwy.

October 7, 2022

OCT 18 2022

Dear Ms. Lanzo,

CITY CLERK OFFICE

We, the undersigned, as residents of Lakeview Parkway, present this letter as notice to the City of Lockport, that on city property adjacent to our homes are several very large and old maple trees that are dangerously leaning towards our houses. It is our understanding that we must advise your office of any dangerous condition on city property. We have attached photographs of the trees and as you can see, they are in close proximity to, and leaning dangerously towards, our houses. We are deeply concerned that these trees will fall on our houses, driveways, and streets. Also, you can see from the photographs the trees are obviously deteriorating, because of age, disease, and squirrel infiltration. We fear that in a near future storm these trees could fall and crash into our houses or parked cars.

We have been advised by an arborist, that because they are rotten, hollow, and diseased, the trees will fall, and should be removed for the safety of our Parkway.

Kindly advise us when the city will take action to rectify this condition. Furthermore, we will be forwarding a copy of this letter to our homeowners' insurance carriers to preserve their subrogation rights if these trees cause any damage.

Thank you for your kind attention to this matter.

Name: KEVIN M VAN DUSEN Date: 10/9/2022 Address: 48 LAKEVIEW PKWY

Name: Cornel Van Dusen Date: 10/9/2022 Address: 40 Lakewood Plwy

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

Name: _____ Date: _____ Address: _____

RECEIVED
OCT 18 2022

Jacquelyn Senders, 617-710-8290
52 Lakeview Pkwy.

CITY CLERK OFFICE

[illegible]

Richard Geltz, 716-434-1956
62 Lakeview Pkwy.

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October 7, 2022

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[illegible]

Richard Geltz, 716-434-1956
62 Lakeview Pkwy.

RECEIVED

Dacquelyn Senders, 617-710-8290
52 Lakeview Pkwy.

OCT 18 2022

October 7, 2022

Dear Ms. Lanzo,

CITY CLERK'S OFFICE

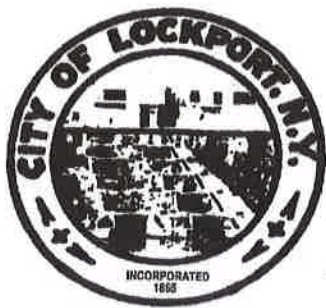
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Thank you for your kind attention to this matter.

[illegible]



Office of the

LOCKPORT MUNICIPAL BUILDING

One Locks Plaza

Lockport, New York 14094

Phone (716) 439-6665

Fax (716) 439-6668

Michelle M. Roman
MAYOR

Mayor

October 14, 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 reappoint Donald A. Stevens, 230 State Road, Lockport, New York, 14094 to the Planning Board.

Said term expires on October 14, 2025.

Witness my hand and the seal of the City of Lockport, New York this 14th day of October, 2022.

Sincerely,

Michelle M. Roman
Mayor

MMR/mal

Cc: D. Stevens



Office of the

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

Michelle M. Roman
MAYOR

Mayor

October 14, 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 reappoint Donald W. Gill, 189 East Avenue, Lockport, New York, 14094 to the Planning Board.

Said term expires on October 14, 2025.

Witness my hand and the seal of the City of Lockport, New York this 14th day of October, 2022.

Sincerely,

Michelle M. Roman
Mayor

MMR/mal

Cc: D. Gill

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

10/13/22, PAID on date 10/20/2022
is approved at dollars, \$ 513,518.53

Civil Service Mary Pat Gilbert

Pay Day Register

Pay Date Range 09/30/22 - 10/13/22

Pay Batch 2202221

Pay Batch 2202221 Total

Employees in Pay Batch 219

Female Employees in Pay Batch 53

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
207A Disability - 207A Disability	240.0000	3,158.00	Gross	513,518.53	Health Ins 298 Class 2 Family	27,970.38
CMPE 1.0 - Comp Earned @ 1.0	354.2500	.00	Imputed Income		Health Ins 298 Class 2 Single	8,086.07
CMPE 1.5 - Comp Earned @ 1.5	2.0000	.00	Federal	57,288.47	Health Ins 298 Class 3 Family	83,379.19
CMPU - Comp Time Used	272.0000	9,606.29	FICA	31,266.90	Health Ins 298 Class 3 Single	8,708.94
COVID - CORONA VIRUS HOUR	21.0000	824.73	Medicare	7,312.40	Health Ins 298 Class 4 Family	2,710.72
EDAY - Extra Day	192.0000	6,311.62	New York State	24,028.05	Health Ins 298 Class 4 Single	1,217.83
FHDB - Floating Holiday Buy Out	40.0000	1,519.25	457 % Deduction	5,241.47	Total	\$132,073.13
FHDE - Floating Holiday Earned	407.0200	.00	457 Flat Dollar Deduction	11,654.94		
FH DU - Floating Holiday Used	688.0000	22,863.74	AFLAC POSTTAX	161.33	Workers' Comp	Gross Base
FLSA - FLSA	.0000	8.38	AFLAC PRETAX	317.56	Workers Compensation - General	25,510.93
FMLE - FMLA Extra Day	8.0000	256.99	ALLSTATE POSTTAX	760.74	Workers Compensation - Sewer	2,789.85
FMLS - FMLA Sick Used	(8.0000)	(231.79)	ALLSTATE PRETAX	632.70	Workers Compensation - Water	2,558.60
HOL - Holiday	303.5000	8,985.84	Child Support	375.00	Workers Compensation 50%	1,218.75
HOLIDAYPT - Holiday - Part Time	3.5000	74.87	Child Support - Maine	410.00	Total	\$32,078.13
HOLW - Holiday Worked	200.0000	10,921.97	COLONIAL LIFE POSTTAX	55.40		
HOT 2.25 - Holiday Overtime 2.25	3.7500	356.55	Firefighter Life Ins	108.30	Direct Deposits	Amount
OOT - Out of Title	831.0000	32,090.45	FSA PRETAX	305.23	Alden State Bank	1,349.45
OT 1.0 - Overtime at Straight 1.0	76.0000	2,773.07	Health Ins 298 Class 2 Family	2,139.68	Bancorp Bank	1,180.34
OT 1.5 - Overtime @ 1.5	873.5000	38,503.79	Health Ins 298 Class 2 Single	760.84	Bank of Akron	2,354.04
PRSU - Personal Used	115.0000	2,949.28	Health Ins 298 Class 3 Family	1,018.57	Bank of America	6,759.71
REG - Regular	11,187.4500	313,881.06	Health Ins 298 Class 3 Single	603.63	BANK OF AMERICA (2)	1,436.68
REG PT - Regular Part Time	239.7500	6,899.51	Health Ins 298 Class 4 Family	142.67	BANK OF AMERICA (4)	1,064.34
REGS - Regular Seasonal	32.0000	422.40	Health Ins 298 Class 4 Single	135.31	Bank on Buffalo	2,414.76
RETRO - Retroactive Pay	.0000	(63.20)	L&M LIFE	24.68	Chase	2,212.84
RGS - Regular - Salary	70.0000	.00	NEW YORK LIFE	301.38	Chase Bank	1,544.64
SAL - Salary	.0000	3,806.51	RET ERS LOANS	1,860.00	Citizens Bank	10,552.39
SAL PT - Salary Part Time	.0000	1,865.37	Retire ERS Tier 6 <= \$100,000	389.34	Cornerstone Comm FCU	120,616.38
SCKD - Sick Bank Donated	64.0000	.00	Retire ERS Tier 6 <= \$45,000	1,904.33	Evans Bank	4,442.56
SCKE - Sick Earned	1,977.6250	.00	Retire ERS Tier 6 <= \$45,000 OT	45.31	Financial Trust FCU	1,841.07
SCKR - Sick Bank Received	64.0000	1,348.80	Retire ERS Tier 6 <= \$55,000	588.62	Five Star Bank	626.75
SCKU - Sick Used	658.2500	17,204.67	Retire ERS Tier 6 <= \$55,000 OT	12.37	HSBC	1,373.52
STIP - Stipend	.0000	423.08	Retire ERS Tier 6 <= \$75,000	808.69	Key Bank	26,441.52
VACE - Vacation Earned	140.5075	.00	Retire PFRS <= \$55,000	1,396.10	KEY BANK (2)	1,499.60
VACU - Vacation Used	842.5000	26,757.30	Retire PFRS Tier 6 <= \$100,000	1,165.76	Key Bank (Formerly FNB)	16,854.95
Total	19,898.6025	\$513,518.53	Retire PFRS Tier 6 <= \$75,000	1,409.87	Lockport School's FCU	1,659.77
			Retire PFRS Tier 6 <=	121.98	M&T (MD, VA, WV, and DC)	284.07
			Retire PFRS Tier 6 <= \$45,000	815.86	M&T Bank	56,066.27
			Retire PFRS Tier 6 <= \$55,000	166.62	Navy FCU	5,310.61
			Retire PFRS Tier 6 > \$100,000	219.97	Niagara Regional FCU	1,566.02

apolichette@lockportny.gov

From: cityclerk@lockportny.gov
Sent: Thursday, October 6, 2022 11:31 AM
To: apolichette@lockportny.gov
Subject: FW: Refuse Relevy Reports
Attachments: 0379_221005111219_001.pdf; 2022 Refuse Relevy Update Report.TXT

See below

From: Teresa Rucci [mailto:trucci@lockportny.gov]
Sent: Wednesday, October 5, 2022 11:13 AM
To: cityclerk@lockportny.gov
Cc: 'Sue A. Mawhiney' <smawhiney@lockportny.gov>; Tfarrell@lockportny.gov; 'Molly Lawson' <mlawson@lockportny.gov>
Subject: Refuse Relevy Reports

Hi Sarah:

Please see attached 2022 Refuse Relevy Report. Each year a public hearing is called by the Mayor (Molly can probably help with this part of it) and the council approves the relevying of the delinquent refuse for the current year. I have included the documents from last year from the council to assist you in the process.

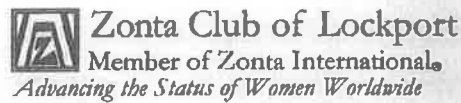
Account	Amount
Refuse	\$169,293.05
Relevy Late Fees	\$ 14,685.00
 Total Relevy	 \$183,978.05

Let me know if you need anything additional.

Have a great day!



Teresa M. Rucci
Deputy Treasurer
City of Lockport
716-439-6742



**P. O. Box 389
Lockport, New York 14095-0389**



October 18, 2022

Mr. Paul K. Oates
City Clerk
Lockport Municipal Building
One Locks Plaza
Lockport, New York, 14094

Dear Mr. Oates:

I am writing on behalf of the Zonta Club of Lockport New York, Inc. to request a resolution to allow our club to display temporary lawn signs at three (3) of the city parks and one (1) green space from November 25, 2022, through December 10, 2022. The locations are as follows:

1. Veteran's Memorial Park, 400 East Avenue, Lockport, NY 14094
2. Ida Fritz Park, 105 West Avenue, Lockport, NY 14094
3. Washburn and Locust Streets garden - maintained by our club.
4. Children's Memorial Garden - 480 S. Transit St., Lockport, NY 14094

On November 25th through December 10th, the Zonta Club of Lockport along with members of Zonta International will have activities to raise awareness for Violence Against Women. The 16 Days of Activism is an international movement originating from the first Women's Global Leadership Institute and sponsored by the Center for Women's Global Leadership in 1991. Zonta International's 1,155 clubs in 63 countries are participating in this effort in their local communities in support of Zonta Says NO, a campaign to raise awareness of and increase actions to end violence against women and girls around the world through service and advocacy.

Therefore, on behalf of our club, I am requesting a resolution to temporarily place signs in the above-mentioned locations. I await your decision and I may be contacted at (716) 434-5677 or at 5876 Stone Road, Lockport, NY 14094.

Sincerely,



Carol A. Spedding

Zonta Club of Lockport New York, Inc.

apolichette@lockportny.gov

From: slanzo@lockportny.gov
Sent: Thursday, October 20, 2022 1:06 PM
To: apolichette@lockportny.gov
Subject: RE: PT TEST

See below!
Let me know if you need assistance

From: Michelle Gelnett [mailto:mgelnett@lockportny.gov]
Sent: Thursday, October 20, 2022 11:43 AM
To: Sarah Lanzo <slanzo@lockportny.gov>
Subject: PT TEST

Sarah,

We need a resolution passed for the closing of Outwater Park

Lt Belling will be holding a PT test for all current officers on Friday, November 18 from 1 - 4 pm at Outwater Park.

He held the same PT test Oct of 2021.

Thanks

Michele Gelnett
Senior Account Clerk
City of Lockport
1 Locks Plaza
Lockport, NY 14094
716-439-6740

From: Tim Russo <trusso@lockportny.gov>
Sent: Thursday, October 20, 2022 11:24 AM
To: cityclerk@lockportny.gov; apolichette@lockportny.gov
Cc: 'Michelle Roman'; 'Sue Mawhiney'
Subject: Resolutions for the 26th

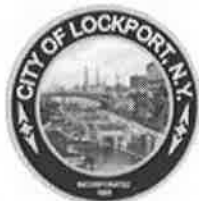
Hello,

In addition to the language for the public hearings on (1) the 2023 budget, (2) water rate increases, and (3) sewer rate increases, I will have the below resolutions:

- 1) Authorize and fund fire department chassis
- 2) Authorize ladder truck project
- 3) Bond ordinance for ladder truck

I can also have a resolution prepared for the police department communications improvement. **Mayor and Sue**, would you want to include this on the 26th meeting since it was already discussed, or should we hold off until November?

Thanks,



Timothy Russo
Director of Finance
Finance Department
City of Lockport, NY
716.439.6631

From: Tim Russo <trusso@lockportny.gov>
Sent: Thursday, October 20, 2022 2:57 PM
To: cityclerk@lockportny.gov; apolichette@lockportny.gov
Cc: 'Michelle Roman'; 'Sue Mawhiney'; 'Laura Benedict'
Subject: RE: Resolutions for the 26th
Attachments: Fire Engine Resolution.docx; Fire - Engine Quote.pdf; Police - Motorola Quote.pdf; Police Communications.docx; DRAFT Bond Ordinance.doc

Hello,

Please find attached the following written resolutions –

- 1) Fire chassis (engine) and the accompanying quote.
- 2) Police communications purchase (if the Mayor does in fact want to proceed with this, Sue is in favor) along with its quote.

It looks like I won't have the fully written versions of the ladder truck resolutions until Monday/Tuesday of next week at the latest due to the timing we receive the quote. I am including a DRAFT version of the bond ordinance in this email so you are not caught off guard early next week with how it is set-up.

Thank you,



Timothy Russo
Director of Finance
Finance Department
City of Lockport, NY
716.439.6631

From: Tim Russo <trusso@lockportny.gov>
Sent: Thursday, October 20, 2022 11:24 AM
To: 'cityclerk@lockportny.gov' <cityclerk@lockportny.gov>; 'apolichette@lockportny.gov' <apolichette@lockportny.gov>
Cc: 'Michelle Roman' <romanforlockport@gmail.com>; 'Sue Mawhiney' <smawhiney@lockportny.gov>
Subject: Resolutions for the 26th

Hello,

In addition to the language for the public hearings on (1) the 2023 budget, (2) water rate increases, and (3) sewer rate increases, I will have the below resolutions:

- 1) Authorize and fund fire department chassis
- 2) Authorize ladder truck project
- 3) Bond ordinance for ladder truck

I can also have a resolution prepared for the police department communications improvement. **Mayor and Sue**, would you want to include this on the 26th meeting since it was already discussed, or should we hold off until November?

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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 preconnected 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



PURCHASE ORDER

Purchaser		SUPPLIER	
Purchaser:	City of Lockport Fire Department	Contract #	Sourcewell Contract #: 113021-RSD
Address 1:	1 Locks Plaza #2	Supplier:	Empire Emergency Apparatus, Inc. and/or R
Address 2:		Address 1:	100 3rd Street
City, State, Zip:	Lockport, New York 14094	Address 2:	
		City, State, Zip:	Lyons, SD 57041

Purchase Order Number:		Delivery in Calendar Days:	545
Date:		Member #	0

The amount in this proposal shall remain firm for a period of 30 days from the date of same.

Quantity	Description	Price	Price (Extended)
1	One (1) Rosenbauer Pumper, complete with Rosenbauer Warrior chassis per attached specifications.	\$618,314.00	\$618,314.00
<p>*Note: If chassis amount of \$309,224.00 is paid upon arrival at our plant in South Dakota, deduct \$11,864.00 each</p>			
	TOTAL		\$618,314.00

NOTES:	
--------	--

Rosenbauer Dealer :	Empire Emergency Apparatus, Inc.
Salesperson:	Adam Hojnacki
Signature:	

Purchaser:	City of Lockport Fire Department
Print Name:	
Title:	
Date	
Signature:	



APPENDIX C CHANGE ORDER POLICY

This change order policy is intended to reflect the increased cost of changes which result in delayed deliveries, confused paperwork, poor production flow and increased potential of trucks being built to incorrect specifications. With your cooperation, changes can be kept to a minimum which means we will be able to reduce lead times, increase production and maintain costs which will benefit all of us.

Our objective is accurate, high quality and on-time deliveries exceeding our customer expectations.

Changes any time after the order is received may delay the quoted delivery date. Significant design or component changes will have the largest impact on the schedule and quoted delivery date. Changes that occur later in the process will also have the largest impact on the schedule and quoted delivery date.

All time fences are reference to contract execution date if not otherwise stated.

Change Window #1

All changes will be priced at standard pricing and specials will be priced through our normal process. Significant changes made to the vehicle during this time period may result in a delivery extension.

RBM Chassis	0-60 days
RBA Aerial	0-60 days
Rosenbauer Body	0-60 days

Change Window #2

All changes are subject to a 25% mark-up, as well as a \$250.00 change order processing fee. All changes are subject to factory review and may be denied due to engineering or lead time issues.

RBM Chassis	61-75 days
RBA Aerial	61-75 days
Rosenbauer Body	61-120 days

Change Window #3

All changes are subject to a 50% mark-up, and 50% restocking fee on deleted items, as well as a \$250.00 change order processing fee. All changes are subject to factory review and may be denied due to engineering or lead time issues. No major components can be changed at this time; major components are considered engine, transmission, axles, suspension, cab, frame (wheelbase), seats, water pump and water tank.

RBM Chassis	76-120 days
RBA Aerial	76-120 days
Rosenbauer Body	121-180 days

Change Window #4

Changes are not recommended at this time. Any changes requested will be priced on a time and material basis, as well as a \$500.00 change order processing fee. Any changes requested, and that are quoted to the customer, must be approved by the customer within three days or they will not be valid.

RBM Chassis	After 120 days
RBA Aerial	After 120 days
Rosenbauer Body	After 180 days

**Note: Any late change orders that are factory driven will be done at cost and no additional mark up or penalties will apply.*

BUYER INITIALS: _____

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October 17, 2022

Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142
+1 212-506-5000
Orrick.com

VIA E-MAIL (trusso@lockportny.gov; smawhiney@lockportny.gov;
slanzo@lockportny.gov)

Douglas E. Goodfriend

E dgoodfriend@orrick.com
D +1 212 506 5211
F +1 212 506 5151

Mr. Timothy Russo, Director of Finance
Ms. Sue A. Mawhiney, Treasurer
Ms. Sarah K. Lanzo, City Clerk
City of Lockport
City Hall, 1 Locks Plaza
Lockport, New York 14094



Re: City of Lockport, Niagara County, New York
Purchase of a Fire-Fighting Vehicle - \$1,800,000 Serial Bonds
Orrick File: 42446-2-701

Dear Tim, Sue and Sarah:

We are enclosing draft proceedings of the Common Council containing a bond ordinance in connection with the above matter. Please consult with City Attorney on SEQRA status. We have used Type II Action for this discussion draft.

If the ordinance meets with the approval of the Common Council, please have it adopted by a super majority vote; that is a vote of at least two-thirds of the total voting strength of the Common Council.

As soon as possible after the adoption of such ordinance, the enclosed summary Legal Notice of estoppel should be published in full in the official newspaper of the City.

As soon as available, please furnish us via pdf, followed by originals mailed to our office, with the following:

1. An **ORIGINALLY** certified copy of the enclosed bond ordinance, showing the vote taken thereon.
2. An **ORIGINAL** printer's affidavit of publication of the summary Legal Notice of estoppel from the official newspaper of the City.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures

cc: Mr. Jeff R. Smith (w/encl.) (jrsmith@municipalsolution.com)
Ms. Maggie Augugliaro (w/encl.) (maugugliaro@municipalsolution.com)
Ms. Shauna L. Warriner (w/encl.) (swarriner@municipalsolution.com)

4146-2613-3824.1

BOND ORDINANCE

At a regular meeting of the Common Council of the City of Lockport, Niagara County, New York, held at City Hall, One Locks Plaza, in said Lockport, New York, on the 26th day of October, 2022, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

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

BOND ORDINANCE DATED OCTOBER 26, 2022.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,800,000 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 \$1,800,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$1,800,000 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:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The ordinance was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NIAGARA)

I, the undersigned Clerk of the City of Lockport, Niagara County, New York, DO
HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 26th day of October, 2022.
- 2) That such meeting was a special regular (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this _____ day of October, 2022.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond ordinance, a summary of which is published herewith, has been adopted on October 26, 2022, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Lockport, Niagara County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Lockport, New York,
October 26, 2022.

/s/Sarah K. Lanzo
City Clerk

BOND ORDINANCE DATED OCTOBER 26, 2022.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,800,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A FIREFIGHTING VEHICLE, IN AND FOR SAID CITY.

Specific object or purpose:	Purchase of a fire-fighting vehicle w/apparatus and equipment
Period of probable usefulness:	20 years
Maximum estimated cost:	\$1,800,000
Amount of obligations:	\$1,800,000 bonds
SEQRA status:	Type II Action

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As you may know, the Governor has now rescinded all COVID-related policies, including teleconferences. I know things come up with Council members, and/or the Mayor (such as illnesses, or taking care of ill children or spouses), and therefore sometimes you cannot attend meetings. Consequently, I believe it would behoove the Council to implement the videoconferencing option. If you decide to do so, I have attached the state law so you can review it, the policy the City would have to implement (through a later Resolution), and a Resolution calling for a public hearing for same (as required by the State law).

Please advise if this is something the council wishes to move forward with, and if so, who will be sponsoring same, and the date on when you wish for the Resolution to be voted.

Thank you,

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

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, _____, 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.

Seconded by Alderman _____ and adopted. Ayes _____.

Lockport City Common Council Videoconferencing Policy

The Lockport City Common Council may, in its discretion, use videoconferencing to conduct Common Council and Committee of the Whole meetings, and any other meetings needed to conduct regular and special business.

The Common Council has the authority to determine whether videoconferencing may be utilized under the following circumstances:

1. Common Council Aldermen, and the Mayor, must be physically present at any regular or special meeting, or committee meeting, unless an Alderman or the Mayor is unable to attend due to extraordinary circumstances, including, but not limited to: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Alderman's or Mayor's physical attendance at such meeting.
2. A quorum of Aldermen must be present, in person, in the same physical location or locations where the public can attend. In the event that no "in person" quorum is reached, the Aldermen appearing by videoconferencing shall not be permitted to vote at said meeting. No Alderman appearing virtually shall be considered in establishing a quorum. Once an "in person" quorum is reached, the Alderman attending by videoconference may fully participate in said meeting, and vote upon any resolutions presented.
3. Except during executive session, the Public shall be permitted to attend the meeting virtually and participate, if applicable, in the event videoconferencing is utilized.
4. The public notice for said meeting shall inform the public that videoconferencing will be utilized with the virtual link and physical location of the meeting.
5. All resolutions and any relevant documents, with the exception of privileged or protected documents, will be made available to the public on the City website prior to said meeting.
6. Any meeting that utilizes videoconferencing shall be recorded and said recording must be posted on the City's website for public viewing within five (5) business days of the conclusion of said meeting. Said recording shall remain available to the public to view for a minimum of five years thereafter. Upon request, the recording of said meeting shall be transcribed.

The Lockport Common Council shall conspicuously post this Videoconferencing Policy on the City website.

The Lockport Common Council shall, in the minutes of each meeting, keep record of any Alderman that participated remotely, pursuant to section 106 of Public Officers Law.

This policy shall be suspended, and the limitations therein shall not apply, in the event that the New York State Governor, or the President of the United States, declares a State of Emergency affecting public assembly or public meetings.

NY CLS Pub O § 103-a

Current through 2022 released Chapters 1-561

New York Consolidated Laws Service > Public Officers Law (Arts. 1 — 8) > Article 7 Open Meetings Law (§§ 100 — 111)

§ 103-a. Videoconferencing by public bodies. [Expired and repealed July 1, 2024]

1. For the purposes of this section, "local public body" shall mean a public corporation as defined in section sixty-six of the general construction law, a political subdivision as defined in section one hundred of the general municipal law or a committee or subcommittee or other similar body of such entity, or any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for an entity limited in the execution of its official functions to a portion only of the state, or a political subdivision of the state, or for an agency or department thereof. For the purposes of this section, a public body shall be as defined in subdivision two of section one hundred two of this article.

2. A public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend and the following criteria are met:

(a) the governing board of a county, city, town or village has adopted a local law, or a public body has adopted a resolution, or the senate and assembly have adopted a joint resolution, following a public hearing, authorizing the use of videoconferencing:

(i) for itself and its committees or subcommittees; or,

(ii) specifying that each committee or subcommittee may make its own determination;

(iii) provided however, each community board in a city with a population of one million or more shall make its own determination;

(b) the public body has established written procedures governing member and public attendance consistent with this section, and such written procedures shall be conspicuously posted on the public website of the public body;

(c) members of the public body shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, as set forth in the resolution and written procedures adopted pursuant to paragraphs (a) and (b) of this subdivision, including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting;

(d) except in the case of executive sessions conducted pursuant to section one hundred five of this article, the public body shall ensure that members of the public body can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;

(e) the minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to section one hundred six of this article;

NY CLS Pub O § 103-a

(f) if videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend;

(g) the public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request;

(h) if videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony; and

(i) a local public body electing to utilize videoconferencing to conduct its meetings must maintain an official website.

3. The in person participation requirements of paragraph (c) of subdivision two of this section shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

4. No later than January first, two thousand twenty-four, the committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on local government, the chair of the senate standing committee on investigations and government operations, the chair of the assembly standing committee on local governments, and the chair of the assembly standing committee on governmental operations concerning the application and implementation of such law and any further recommendations governing the use of videoconferencing by public bodies to conduct meetings pursuant to this section.

5. Open meetings of any public body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this section, "disability" shall have the meaning defined in section two hundred ninety-two of the executive law.

History

L 2022, ch 56, § 2 (Part WW), effective April 9, 2022.

Annotations

Notes

Editor's Notes

Laws 2022, ch 56, § 3 (Part WW), eff April 9, 2022, provides:

NY CLS Pub O § 103-a

§ 3. Notwithstanding the provisions of article 7 of the public officers law to the contrary, for sixty days after the effective date of this act any public body shall be authorized to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed

Laws 2022, ch 56, § 4 (Part WW), eff April 9, 2022, provides:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed July 1, 2024.

Research References & Practice Aids

Hierarchy Notes:

NY CLS Pub O, Art. 7

New York Consolidated Laws Service
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