

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 7, 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.

MAYOR'S UPDATE

RECESS

Recess for public input.

120722.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman _____, the minutes of the Regular Meeting of November 14, 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 to establish the City of Lockport Code Enforcement Program.

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:

11/28/22 Dani Kelkenberg, Lockport C.A.R.E.S, requests permission to conduct a walk-a-thon fundraiser, "Coldest Night of the Year" to benefit Lockport C.A.R.E.S Homeless Shelter on February 25, 2023.

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)

11/28/22 Lockport CARES request permission to conduct a walk-a-thon fundraiser, "Coldest Night of the Year" to benefit Lockport CARES Homeless Shelter on February 25, 2023.

12/1/22 Tracy A. Farrell, City Assessor – notification that the General City Tax rolls have been completed, corrected and filed.

12/2/22 Sarah K. Lanzo, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December for Christmas and New Year's.

Friday, December 23rd, 2022

Monday, December 26th, 2022

Monday, January 2nd, 2023

There will be no change in the garbage collection schedule.

Referred to the Media

Notice of Complaint:

Referred to the Director of Highways, Parks and Water Distribution.

Notice of Claim:

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

120722.2

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 December 7, 2022 as follows:

General Fund	Fund A	\$149,748.16
Water Fund	Fund FX	\$53,351.06
Sewer Fund	Fund G	\$46,795.48
Capital Projects	Fund H	\$71,655.50
Refuse Fund	Fund CL	\$426.55
Self-Insurance	Fund MS	\$75,289.80
Community Dev.	Fund CD	\$98,344.24
Payroll	Pay Date 12/1	\$590,887.16

Seconded by Alderman _____ and adopted. Ayes _____.

120722.3

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Mark A. Smith	15	Water Treatment Plant Operator
Eric P. Heineman	15	Sr. Water Treatment Plant Operator
Nicholas D. Saunders	5	Sr. Water Treatment Plant Operator
Jason S. Richards	5	Water Treatment Plant Operator

Seconded by Alderman _____ and adopted. Ayes _____.

120722.4

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 conducted a public hearing on October 26, 2022, regarding implementing the Videoconferencing Policy.

Now, therefore, be it resolved that:

The Common Council hereby adopts the attached Videoconferencing Policy, relative to permitting the City Common Council from having videoconferencing and/or hybrid meetings, and amends that section of the Charter § C-52. Said Policy is incorporated herein and attached hereto.

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.

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.

Seconded by Alderman _____ and adopted. Ayes _____.

120722.5

By Alderman _____:

Whereas, the City of Lockport was involved in protracted litigation with the Estate of Troy Hodge as a result of Mr. Hodge deceasing while in Lockport Police Department custody; and

Whereas, the Insurance Company attorneys representing the City of Lockport settled the matter for \$3,000,000 to the Estate of Troy Hodge with payments to be made in installments; and

Whereas, the Insurance Company has presented the City with a bill for the City’s deductible of \$15,000; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The FY 2022 General Fund Budget is hereby amended as follows:

Expenditures:

Decrease

A.1900.54775	Contingency	\$15,000
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Increase:

A.1900.54765	Judgements and Claims	\$15,000
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And; The City is directed to pay \$15,000 to settle this claim to: NYMIR New York Municipal Insurance Reciprocal 119 Washington Avenue Albany, NY 12210.

Seconded by Alderman _____ and adopted. Ayes _____.

120722.6

By Alderman _____:

Resolved, that pursuant to their request, permission is hereby granted to Lockport CARES, to conduct a fundraiser called "Coldest Night of the Year" which is a 2.5K walk and a 5K walk on Saturday, February 25, 2023 from 4 pm to 7 pm. The walk will begin and end at Christ Community Church, 140 Genesee Street, subject to the approval of the walk route by the Police Chief, and filing a certificate of insurance with the City Clerk prior to the walk 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.

Seconded by Alderman _____ and adopted. Ayes _____.

120722.7

By Alderman _____:

Whereas, the City of Lockport has Canal Permit C50702 in place for the use/management of the Flight of Five, and

Whereas, the City entered into an agreement with the Locks Heritage District Corporation (LHDC) for the operation and maintenance of the Flight of Five, and

Whereas, the LHDC is a not-for-profit arm/entity formed by the City and it has agreed to assume the responsibilities outlined in the Permit and the Agreement, and

Whereas, the City has \$121,170.99 in excess grant funding for the rehabilitation of the Flight of Five, and

Whereas, the City has expects to receive an additional \$26,532.09 in grant funding for the Flight of Five, for a total of \$147,703.08 of funding committed to the Flight of Five,

Whereas, the City desires to ensure the funds are used for their intended purpose of further rehabilitation and interpretation of the Flight of Five,

Now therefore be it;

Resolved, that the Mayor be and is hereby authorized to execute an agreement with the LHDC for further rehabilitation and interpretation of the Flight of Five project, and

Resolved, that the City agrees to pay LHDC up to \$147,703.08 for the Flight of Five project.

Seconded by Alderman _____ and adopted. Ayes _____.

120722.8

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 _____.

120722.9

By Alderman Beakman:

BOND ORDINANCE DATED December 7, 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.

120722.10

By Alderman_____:

Resolved, that a public hearing be held at the Common Council meeting of December 14, 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Restore NY Communities Initiative Funding from the Empire State Development Corporation for restoration of the Historic F&M Building, 116 Main Street and Adjacent Property, 120 Main Street, Lockport; and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

120722.11

By Alderman_____:

Resolved, that a public hearing be held at the Common Council meeting of December 14, 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Restore NY Communities Initiative Funding from the Empire State Development Corporation for redevelopment of the Harrison Place Complex; and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

120722.12

ADJOURNMENT

At _____ P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 14, 2022.

Seconded by Alderman _____ and adopted. Ayes _____.

SARAH K. LANZO
City Clerk