

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.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

120722.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of November 14, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. 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:

12/5/22 Abbey Jo Polichette, 392 Ohio Street, Lockport, NY – appointed to Deputy City Clerk in the City Clerks Department effective November 29, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

12/5/22 Mark J. Haenle II, 6538 Heather Drive, Lockport, NY – appointed to Tree Trimmer for the City of Lockport Highways & Parks Department effective November 29, 2022.

Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

12/5/22 Jeffrey A. Cuillo, 20 Windsor Street, Lockport, NY – appointed to Tree Trimmer for the City of Lockport Highways & Parks Department effective November 29, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

12/5/22 Daniel T. Cole, 5440 Irish Road, North Tonawanda, NY – appointed to Tree Crew Leader for the City of Lockport Highways & Parks Department effective November 29, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

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)

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.

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

12/6/2022 Letter received in Clerks Office from Twin City Ambulance (TCA), serving as a conditional notice of intent to cease services as the City of Lockport’s primary ambulance supplier effective 11:59 pm on January 31, 2023.

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 12/1/22 \$590,887.16

Seconded by Alderman Fogle and adopted. Ayes 6.

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 Kantor and adopted. Ayes 6.

By Alderman Barnard:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Devine and adopted. Ayes 6.

120722.4

By Alderman Devine:

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	NO
Alderman Beakman VOTING	YES
Alderman Devine VOTING	YES

Alderman Fogle VOTING NO
Alderman Kantor VOTING NO
Alderman Pasceri VOTING NO

The ordinance was thereupon declared duly adopted.

Seconded by Alderman Beakman and NOT adopted.

120722.5

By Alderman Barnard:

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 Fogle and adopted. Ayes 6.

120722.6

By Alderman Fogle:

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 Kantor and adopted. Ayes 6.

120722.7

By Alderman Pasceri:

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 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, subject to Corporation Counsel review of said grant reimbursement and

Resolved, that the City agrees to pay LHDC up to \$147,703.08 for the Flight of Five project, subject to Corporation Counsel review of said grant.

Seconded by Alderman Kantor and adopted. Ayes 6.

120722.8

By Alderman Fogle:

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 Devine and adopted. Ayes 2. Nays 4. Alderman Barnard, Alderman Fogle, Alderman Kantor; and Alderman Paceri voted no.

120722.9 – Bond Ordinance: Ladder Truck – WITHDRAWN

120722.10

By Alderman Pasceri:

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 Kantor and adopted. Ayes 6.

120722.11

By Alderman Fogle:

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 Barnard and adopted. Ayes 6.

120722.11A

By Alderman Kantor:

Resolved, that the Corporation Counsel be and the same is hereby authorized and directed to prepare a local law relative to the continuance of the hotel occupancy tax, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, December 14, 2022 starting at 6:30 P.M. in the Common Council Chambers relative to said proposed local law, and be it further

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

Seconded by Alderman Fogle and adopted. Ayes 6.

120722.12

ADJOURNMENT

At 7:19 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 14, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

SARAH K. LANZO
City Clerk