

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 8, 2023
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 Beakman, Swanson-Gellerson, Devine, Fogle, Kantor, and Lupo.

MAYOR'S UPDATE – STATE OF THE CITY ADDRESS

RECESS

Recess for public input.

020823.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Lupo, the minutes of the Regular Meeting of January 25, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

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. Reviewed by the Finance Committee.

Communications (which have been referred to the appropriate City officials)
2/6/23 Sarah K. Lanzo, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of February in observance of Presidents' Day:

Monday, February 20th

There will be no change in the garbage pickup schedule.

Referred to the media.

MOTIONS & RESOLUTIONS

020823.2

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>
Shirley Browning	20	Senior Account Clerk
Travis A. Mapes	20	Detective Lieutenant
Matthew M. Devine	15	Firefighter
Michael P. Galanis	15	Firefighter
Timothy M. Loucks	15	Municipal Training Officer
Peter J. Burke	5	Fire Lieutenant
Nicholas V. Kaszuba	5	Firefighter
John W. Messer	5	Firefighter
Corey P. Webster	5	Firefighter
Patricia A. Burdick	5	Police Officer

Seconded by Alderman Kantor and adopted. Ayes 6.

020823.3

By Alderman Fogle:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct their annual St. Patrick's Day Event on Saturday, March 18, 2023 from 12pm until 9pm, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue on Saturday, March 18th for said event, and be it further

Resolved, that permission is hereby granted to allow live music, vendors, food and alcoholic beverages during said event, and be it further

Resolved, that permission to erect tents is subject to obtaining necessary permits from the City of Lockport Building Inspection, and be it further

Resolved, that said permission is subject to The Shamus Restaurant filing a certificate of insurance with the City Clerk 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, traffic cones, and street closed signs to the area prior to the event, and be it further

Seconded by Alderman Kantor and adopted. Ayes 6.

020823.4

By Alderman Kantor:

Resolved, that pursuant to their request, Lock City Circus is hereby granted permission to use city bleachers for the Lock City Circus charity performance to be held February 24th & 25th, 2023 at the Kenan Center Arena. Said permission is subject to Lock City Circus filing a certificate of insurance with the City Clerk 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 the bleachers.

Seconded by Alderman Fogle and adopted. Ayes 6.

020823.5 – WITHDRAWN

020823.6

By Alderman Beakman:

Whereas the City, by Council Resolution 012523.8, approved a payment-in-lieu-of-taxes (“PILOT”) Agreement covering Urban Park Towers at 77 Main Street; and

Whereas the City had previously entered a PILOT Agreement in December 1985 and further modified and extended the terms of the 1985 Agreement, collectively known as the prior PILOT Agreement”; and

Whereas, the new PILOT Agreement replaces and supersedes all of the terms of the prior PILOT Agreement; now therefore be it

Resolved, that the Mayor is authorized, subject to the approval of the Corporation Counsel, to execute a Termination of PILOT Agreement with LH Urban Park Towers, LLC.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5. Nay 1. Alderman Fogle voted no.

020823.7

By Alderman Beakman:

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 \$1,677,191, which will fulfill the needs of the department and is within the guidelines of the procurement policy (as a cooperative bidding purchase through 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 \$1,677,191 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 Swanson-Gellerson and adopted. Ayes 4. Nays 2. Alderman Fogle and Alderman Kantor voted no.

By Alderman Devine:

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

Seconded by Alderman Beakman. Ayes 6.

020823.8

By Alderman Beakman:

BOND ORDINANCE DATED FEBRUARY 8, 2023.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,717,191 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 \$1,717,191.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$1,717,191 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 Beakman	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Swanson-Gellerson	VOTING	YES
Alderman Fogle	VOTING	NO
Alderman Kantor	VOTING	NO
Alderman Lupo	VOTING	YES

The ordinance was thereupon declared duly adopted.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4. Nays 2. Alderman Kantor and Alderman Fogle voted no.

020823.9

By Alderman Lupo:

WHEREAS, the City of Lockport's Collective Bargaining Agreement with Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, City of Lockport Unit 7651 and Niagara County Local 832 ("CSEA") expires on December 31, 2026; and

WHEREAS, the City of Lockport desires to improve the recruitment and retention of employees; and

WHEREAS, the City of Lockport and CSEA desire to enter into a Memorandum of Understanding modifying and amending the paygrades of certain CSEA positions that are inconsistently referenced in the Collective Bargaining Agreement; and

WHEREAS, the City of Lockport and CSEA agree that the Public Work Supervisor is appropriately hired as a Grade 15 Step 6 employee based on his prior work experience; and

WHEREAS, the City of Lockport and CSEA agree that all employees hired after July 1, 2022 shall be required to contribute ten percent (10%) of their applicable health insurance coverage during the course of their employment and in retirement; and

WHEREAS, the Common Council has reviewed the attached Memorandum of Understanding executed January 23, 2023; and

NOW, THEREFORE BE IT RESOLVED, that the City of Lockport hereby adopts and approves the Memorandum of Understanding; and be it

FURTHER RESOLVED, that the FY 2023 General, Water, and Sewer Fund operating budgets are hereby amended as follows:

Increase

A.3620.51010	Full Time Wages	\$2,906
A.3620.58040	Health Insurance	\$3,216
A.3120.51010	Full Time Wages	\$672
A.3120.58040	Health Insurance	\$850
A.1490.51010	Full Time Wages	\$674
A.1490.58010	FICA	\$52
A.1490.58050	Retirement	\$74
FX.8330.51010	Full Time Wages	\$674
FX.8330.58010	FICA	\$52
FX.8330.58050	Retirement	\$74
G.8130.51010	Full Time Wages	\$674
G.8130.58010	FICA	\$52
G.8130.58050	Retirement	\$74

Decrease

A.8021.51010	Full Time Wages	\$3,348
A.8021.58010	FICA	\$256
A.8021.58050	Retirement	\$368
A.9000.58042	HRA City Contribution	\$4,472
FX.1900.54775	Contingency	\$800
G.1900.54775	Contingency	\$800

Seconded by Alderman Divine and adopted. Ayes 6.

020823.10

By Alderman Kantor:

WHEREAS, the City of Lockport, with the assistance from Niagara County Department of Emergency Services, has gathered information and prepared the 2022 Niagara County Hazard Mitigation Plan; and

WHEREAS, the 2022 Niagara County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the City of Lockport is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the City of Lockport have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the City of Lockport Common Council that the City of Lockport, NY adopts the 2022 Niagara County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Seconded by Alderman Lupu and adopted. Ayes 6.

020823.11

By Alderman Devine:

Resolved that the Mayor and the Common Council do hereby extend condolences to the family of Drew Orton, a former City of Lockport Fireman employed from 2003 – 2017, who recently passed away.

Seconded by Alderman Lupo and adopted. Ayes 6.

020823.12

ADJOURNMENT

At 7:05 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 22, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO
City Clerk