

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 22, 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, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

022223.1

APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Lupo the minutes of the Regular Meeting of February 8, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

2/15/2023 Michele M. Gelnett, 5700 Keck Road, Lockport, NY – appointed to Administrative Coordinator for the City of Lockport Fire Department effective February 17, 2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

2/15/2023 Abbey Jo Polichette, 362 Ohio Street, Lockport, NY 14094 appointed to Senior Account Clerk for the City of Lockport Building Inspection Department effective February 17, 2023. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Commissioner of Deeds: Terms expire December 31, 2023, filling unexpired terms of previous Commissioner or Deeds:

1. Lisa Swanson-Gellerson, 86 Roby Street, Lockport, NY 14094
2. Thomas Lupo, 17 Bobolink Lane, Lockport, NY 14094
3. Roxanne Devine, 114 Maple Street, Lockport, NY 14094

4. Kevin Newman, 18 McIntosh Drive, Lockport, NY 14094
5. John M. Wick, 6617 North Canal Road, Lockport, NY 14094

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)

- 01/07/23 David Davidson, Friends of Outwater Park – request permission to use the Outwater Park softball diamond for a dedication ceremony on July 1, 2023.
- 02/06/23 Kathryn “Kitty” Fogle, 4th Ward Alderman – letter regarding December 19th Special Meeting
- 02/09/2023 Sarah K. Lanzo – notification that the bid proposals for the Water Meters received on February 9, 2023 as follows:

Moley Industries
 5202 Commerce Drive
 Lockport, NY 14094

Badger Recorderall Disc Meters
Automated Meter Reading System
 Meter and Remote Module

5/8” Water Meter	356.25	per meter
3/4”	408.69	
1”	544.35	
1 1/2”	890.34	
2”	1193.01	

Transmitter (less meter)

5/8” Water Meter	269.04	per transmitter
3/4”	269.04	
1”	269.04	
1 1/2”	269.04	
2”	269.04	

Notice of Complaint:

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

Notice of Claim:

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

022223.2

By Alderman Beakman:

Whereas, the City of Lockport has concluded all expenses relating to the 2022 fiscal year budget;

Whereas, the Finance Director, in coordination with the City Treasurer and Staff Accountant, has reviewed closing budgetary accounts, open encumbrances, and capital balances, and has recommended that the following adjustments be approved as to close the general ledger relating to expenditures for the year;

- (1) Operating budgetary accounts be amended as supplied in the supplemental handout.
- (2) Capital budgets and accounts be amended as follows:
 - a. Remove excess General funds and budget in H221 in the amount of \$16,100.00.
 - b. Remove excess General funds and budget in H211 in the amount of \$4,500.00.
 - c. Supplement General funds and budget in H181 in the amount of \$7,428.85.
 - d. Supplement General funds and budget in H159 in the amount of \$8,314.00.
- (3) Select FY 2022 encumbrances be carried forward into FY 2023 as follows:
 - a. Benedict Plumbing and Contracting for Fire Department showers for \$21,691.00.
 - b. Crye Precision road safety products in the Police Department for \$12,592.20.
 - c. Linstar Inc. building security improvements for the Police Department for \$31,928.06.
 - d. Koester Associates check valve for Hoover Lift Station in Wastewater Treatment for \$6,955.32.
 - e. APGN installation of capacitors / aeration blowers in Wastewater Treatment for \$8,950.00.

Now therefore be it resolved that the Common Council approves of the closing adjustments for the FY 2022 general ledger.

Seconded by Alderman Devine and adopted. Ayes 6.

022223.3

By Alderman Swanson-Gellerson:

Whereas, Resolution 112420.8 established the IT Infrastructure Reserve Fund (H203) to be used for upkeep of systems, utility improvements, structures, and equipment, upon Council approval, and

Whereas, the fund currently has \$50,141.05 in unused and unencumbered funds;

Whereas, the Network Coordinator of IT has proposed that said funds be utilized for the purchase of fiber optic and receiver improvements relation to the City's new Dell Vxrails Cluster from the vendor SHI for a total of \$2,068.12; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the authorization of the funds in H203.

Seconded by Alderman Lupo and adopted. Ayes 6.

022223.4

By Alderman Fogle:

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in available funding; and

Whereas, said program has \$101,611.34 in unused funding remaining; and

Whereas, the City Engineer has requested to purchase a chemical controller for the City pool that will provide for more effective and efficient use of chemicals;

Whereas, the City was able to find two vendors who could install locally and recommend to move forward with the lowest quote from William L Watson Co. Inc. for \$6,640;

Resolved, that the City of Lockport Common Council hereby approves said purchase and utilize funds in the H206 capital project.

Seconded by Alderman Kantor and adopted. Ayes 6.

022223.5

By Alderman Beakman:

Whereas, in resolution 121922.2, the Common Council approved in-house ambulance services;

Whereas, the Fire Department would like to be proactive concerning mechanical issues and have a third ambulance purchased as to have one vehicle on reserve;

Whereas, the City has published a Request for Proposal (RFP) for said equipment on February 3, 2023 and has received one bid –a used 2015 ambulance from Gorman Emergency Vehicles in Elmira, NY with approximately 80,000 miles for a total cost of \$56,245;

Now therefore be it resolved, that the Mayor is able to enter into a purchasing agreement with Gorman Emergency Vehicles and that the FY 2023 General Fund budget is amended as follows:

Expenditures

Decrease

A.1900.54775	Contingency	\$56,245
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Increase

A.3410.52030	Motor Vehicle Equipment	\$56,245
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Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

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 Lupo and adopted. Ayes 6.

022223.6

By Alderman Devine:

Procurement Policy

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every city to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

NOW THEREFORE BE IT RESOLVED, that the City of Lockport does hereby adopt

thefollowing procurement policies and procedures:

Guideline #1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every city officer, board, department head or other personnel with the requisite purchasing authority (hereinafter purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in given fiscal year. That estimate shall include the canvass of other city departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusionsreached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline #2: All purchase contracts which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formal bid pursuant to GML Section 103.

Guideline #3A: For the Purchase of Commodities, Equipment, or Goods (Non-Public Works):

Dollar Limit	Procedure
\$1 - \$2,999	At the discretion of the Department Head
\$3,000 - \$4,999	Documented oral/written/emailed quotes from at least three vendors
\$5,000 - \$19,999	Formal written/emailed quotes from at least three separate vendors
\$20,000 and up	Sealed bids in conformance with General Municipal Law, Section 53

Guideline #3B: For the Purchase of Public Works Projects/Contracts:

Dollar Limit	Procedure
\$1 - \$2,999	At the discretion of the Department Head
\$3,000 - \$4,999	Documented oral/written/emailed quotes from at least three vendors
\$5,000 - \$34,999	Formal written/emailed quotes from at least three separate vendors
\$35,000 and up	Sealed bids in conformance with General Municipal Law, Section 53

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have beenrequested and the written/fax/oral quotes offered. One quotation must be obtained from a local vendor, if possible. All information gathered in complying withthe procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase order and provided to the Principle Account Clerk in the Finance Department.

Guideline #4: The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is inthe best interest of the City and its taxpayers to make an award to other than the low bidder. Local vendors may be given a five percent (5%) price benefit for the contracts less than \$20,000 in determining lowest bid. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline #5: A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline #6: No solicitation of written proposals or quotations shall be required under the following circumstances (but must still be documented with the attached worksheet):

- Emergencies, as defined by General Municipal Law Section 53 (4)/ 103 (4);
- Sole source situations;
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods purchased from or through another governmental agency (such as Sourcewell);
- Goods purchased at auction;
- Goods purchased through a governmental (local/State/or Federal) contract (needs approval with a Council Resolution when substituting for the sealed bidding procedures).
- Professional services; defined as a service requiring special or technical skill, training, or expertise, to be chosen based on accountability, reliability, responsibility, skill, education and training, judgement, integrity, and moral worth.

Guideline #7: Departments are responsible for ensuring that procurement policy guidelines are withheld in their departments. Any other employee making purchases shall act subject to the direction of the department head responsible for purchasing.

Guideline #8: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the City will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The City's established purchase/ contracting thresholds will apply. The City will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

Guideline #9: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the City will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The City's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The City will keep documentation of M/WBE solicitation in its records and any responses thereto.

Guideline #10: This policy shall be reviewed annually by the City of Lockport Common Council.

Seconded by Alderman Lupu and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

022223.7

By Alderman Devine:

Budget Amendment Policy

WHEREAS, in compliance with the New York State Office of the Comptroller, all governmental entities are recommended to have and maintain a budget modification policy that identifies appropriate practices and regulation as they relate to City finances; and

NOW THEREFORE BE IT RESOLVED, that the City of Lockport does hereby adopt the following budget modification policies and procedures:

Guideline #1: Department Heads, throughout the year, may encounter budget line items that require additional funding for operational costs. The first priority is to utilize unused excess funds within their department. If they can identify matching excess funds in their department to be reduced in the same amount of the requested increase, the Department Head may request an individual amendment amounting from **\$1 to \$10,000** within their budget, to be posted in New World by said Department's Account Clerk and subsequently reviewed, approved, and posted by the Director of Finance (without the need to fill out and submit the attached Budget Amendment Worksheet). In the event that the Department Head cannot identify excess funds in their department to cover the requested budgetary increase, they are to follow Guideline #4.

Guideline #2: For individual amendment amounts ranging from **\$10,001 to \$25,000** (in which the Department Head can identify excess funds to match the requested increase), the Department Head will provide to the Director of Finance the attached Budget Amendment Worksheet. In this event, the Director of Finance shall have the authorization:

- To approve requests for the transfer of funds, not to exceed \$25,000, within and between the contractual, capital, and benefit expense items of a department budget, provided said administrative transfers do not exceed total appropriations for the departmental budget as adopted or amended by the City Council.
- To approve requests for the transfer of funds, not to exceed \$25,000, within the Personal Services account or from Personal Services to Equipment and Contractual, provided said authority is further limited to modifications for temporary, overtime and/or shift differential appropriations, which shall not result in the creation of permanent full time or part-time positions.

Guideline #3: For individual amendments ranging from **\$25,001 to \$50,000** (in which the Department Head can identify excess funds to match the requested increase), the

Department Head will provide to the Director of Finance the attached Budget Amendment Worksheet. In this event, the Director of Finance in concurrence with the Mayor, shall have the authorization:

- To approve requests for the transfer of funds which exceed \$25,000 but are less than \$50,000 within and between the equipment and contractual areas of the department budget, provided said transfers do not exceed total appropriations for the departmental budget as adopted or amended by the City Council.
- To approve requests for the transfer of funds which exceed \$25,000 but are less than \$50,000 within the Personal Services account or from Personal Services to Equipment and Contractual, provided said authority is further limited to modifications for temporary, overtime and/or shift differential appropriations, which shall not result in the creation of permanent full time or part-time positions.

Guideline #4: Common Council approval shall be required for all other budget amendments, including requests that transfer funds from one department to another, as well as the use of contingency. In these events, the Department Head will provide to the Director of Finance the attached Budget Amendment Worksheet, which will then be reviewed by the Finance Director and submitted (in resolution format) to the Clerk's Office for the Common Council to vote on. Department Heads must provide this form to the Finance Director at least two weeks before the Common Council meeting they wish this amendment to be voted on.

Guideline #5: In all instances, there shall be no splitting of transfer amounts to avoid the next level of authorization.

Guideline #6: This policy shall be reviewed annually by the City of Lockport Common Council.

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

022223.8

By Alderman Kantor:

Investment Policy

WHEREAS, in compliance with the New York State Office of the Comptroller, all governmental entities are recommended to have and maintain an investment policy that identifies appropriate practices and regulation as they relate to City finances; and

NOW THEREFORE BE IT RESOLVED, that the City of Lockport does hereby adopt the following investment policies and procedures:

Guideline #1 - Scope: This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

Guideline #2 - Objectives: The primary objectives of the local government's investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain the optimum rate of return (yield).

Guideline #3 - Delegation of Authority: The governing board's responsibility for administration of the investment program is delegated to the City Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

Guideline #4 - Prudence: All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Lockport to govern effectively. Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Guideline #5 - Diversification: It is the policy of the City of Lockport to diversify its deposits and investments by financial institution, and by maturity scheduling.

Guideline #6 – Internal Controls: It is the policy of the City of Lockport for all moneys collected by any officer or employee of the government to transfer those funds to the (chief fiscal officer) within 30 days of deposit, or within the time period specified in law, whichever is shorter. The City Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from un-authorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Guideline #7 – Designation of Depositories: The banking institutions authorized for the deposit of monies are to be designated by Council resolution as required by City Charter, Section C-101.

Guideline #8 – Collateralizing of Deposits: In accordance with the provisions of General Municipal Law, #10, all deposits of the City of Lockport, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal

Deposit Insurance Act shall be secured:

- By a pledge of "eligible securities" with an aggregate "market value" as provided by GML #10, equal to the aggregate amount of deposits from the categories designated in Guideline 13 of this policy.
- By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- By an eligible surety bond payable to the City of Lockport for an amount at least equal to 100% of the aggregate amount of deposits and agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, and who has met with the requirements of the State Comptroller's office. (#3 added 1/04/95)

Guideline #9 – Safekeeping and Collateralization: Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment to the City of Lockport or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

Guideline #10 – Permitted Investments: As authorized by General Municipal Law, #11, the City of Lockport authorizes the City Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment

- of principal and interest are guaranteed by the United State of America;
- Obligations of the State of New York;
 - Obligations issued pursuant to LFL #24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the City of
 - Lockport;
 - Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
 - Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML #6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Lockport within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the City of Lockport within two years of the date of purchase.

Guideline #11 – Authorized Financial Institutions and Dealer: The financial institutions so designated by the Common Council as outlined in paragraph VII of this policy shall be the authorized institutions approved for investment purposes. All financial institutions with which the City of Treasurer conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City of Lockport. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City Treasurer is responsible for evaluating the financial position.

Guideline #12 – Purchase of Investments: The City Treasurer is authorized to contract for the purchase of investments:

- Directly, including through a repurchase agreement, from an authorized trading partner.
- By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
- By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Lockport by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, #10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or

other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities

Guideline #13 – Schedule of Eligible Securities:

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.
- (iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (iv) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (v) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (viii) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (ix) Zero coupon obligations of the United States government marketed as "Treasury strips".

Guideline #14 – Annual Review: An annual review of the investment policy should be undertaken to determine whether modifications are appropriate.

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

022223.9

By Alderman Devine:

Fund Balance Policy

WHEREAS, in compliance with the New York State Office of the Comptroller, all governmental entities are recommended to have and maintain a fund balance policy that identifies appropriate fund balance levels as they relate to our cash flow, annual budgets, and contingency; and

NOW THEREFORE BE IT RESOLVED, that the City of Lockport does hereby adopt the following fund balance policies and procedures:

Guideline #1 – Use of Fund Balance: Fund balance is the accumulation of prior years' excess or deficit of all revenues and expense. For the purposes of the budget, revenue and expense activity includes bond proceeds and debt service. Available fund balances shall not be used for ongoing operating expenditures, unless a determination has been made that available balances are in excess of required guidelines and plans have been established to address any future operating budget shortfalls. Emphasis shall be placed on one-time uses that achieve future operating cost reductions and/or service level efficiencies.

Guideline #2 – General Fund: The City shall maintain a minimum unrestricted fund balance in the General Fund equal to 20% of the following year's General Fund budgeted expenditures to be used for cash flow purposes, to cover unanticipated expenditures of a non-recurring nature, to meet unexpected increases in service delivery costs and/or to cover unexpected revenue shortfalls. These funds are used to avoid cash flow interruptions, generate interest income, and to avoid the need for short-term borrowing. Each year, the City shall budget an operating budget contingency of not less than 1.25% of all budgeted General Fund expenditures

Guideline #3 – Non-General Governmental Funds: The appropriate balances shall be the amount needed to maintain positive cash balances throughout the year with exceptions made for those funds associated with economic development purposes which may be aggregated by fund type to maintain a positive balance. An adequate operating contingency expense shall be budgeted to provide for business interruption costs and other unanticipated or unbudgeted expenditures. Enterprise funds shall also maintain adequate reserves for emergency improvements relating to new regulations, or emergency needs for capital repair or replacement.

Guideline #4 – Enterprise Funds: The City shall maintain a minimum cash balance in its Enterprise Funds equal to three months of operating expense, or 25% of the funds' annual operating budget. This balance shall be maintained to ensure adequate maintenance reserves, operating cash flow requirements, debt service requirements and legal restrictions. Where cost-effective access to capital markets is available and debt financing is regularly used, replacement balances shall not be maintained in a manner which charges current consumers to pay for future facilities, with exceptions made for those funds associated with economic development purposes. Balances in excess of three months of operating expense may be utilized for capital purchases and replacements in lieu of debt financing if doing so allows for continued maintenance of appropriate balances and funding plans. Alternatively, surplus cash reserves may be used for early debt retirement at the recommendation of the Finance Director and City Treasurer, and approval of the Common Council. Financing decisions shall consider the impact on user rates.

Guideline #5 – Internal Service Funds: To ensure adequate maintenance reserves, cash flow balancing requirements, and legal restrictions, the Self-Insurance Funds shall maintain a

cash balance equal to the unpaid claim reserves payable amount on its balance sheet, as defined by the independent actuary plus 10% of the annual department operating budgets within the fund. Net position within the fund should not fall below zero.

Guideline #6 – Annual Review: An annual review of cash flow requirements and appropriate fund balances shall be undertaken to determine whether modifications are appropriate for the reserve policy.

Seconded by Alderman Lupu and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

022223.10

By Alderman Swanson-Gellerson:

Resolved, that pursuant to their request, Lockport Main Street, Inc. (hereafter, 'LMS') is hereby granted permission to hold the following events on Canal Street, at the pocket park, and the adjoining parking lot, the extent to be determined by the city, for the following dates and times during the 2022 season:

- **Lockport Community Farmers Market (hereafter, LCFM):**
 - **Saturday's:** May 6th - October 28th, 9am - 2pm
 - **Wednesdays:** July 5th - September 27th, 1pm - 6pm
- **Rock the Locks! Concert Series:** Friday, June 9th, 16th, 23rd between 3pm and 8 pm.
- **Family Funday:** Saturday's: August 12th, 19th, 26th from 9am - 2pm.
- **Cycle the Erie Canal 2023:** Sunday, July 9th between 9:30 and 11:30am
- **Lockport Chalk Walk:** Saturday, July 15th from 8 am to 4 pm OR (tentative rain date) Sunday July 16th from 8 am to 4pm
- **Lockport Food Fest:** Sunday, August 13, 2023
- **Locktoberfest:** Saturday September 30th, 2023.
- **Downtown Trick or Treating:** October 27th from 5pm – 7pm

Resolved, LMS is granted access to electricity at the light posts, in addition to the gazebo, and that the city will install outdoor extension cords at each junction box beginning May 1st, 2023 through October 31st, 2023, for use in all LMS events; and be it further

Resolved, LMS and the LCFM are hereby granted permission to place yard signs in the city rights-of-way, May through October, and A-frame directional signage at the intersections of Main and Pine, Main and Cottage, Ontario and Church, and Ontario and Pine, for the open hours of the market on assigned days and during hours of LMS special events, including "Rock the Locks" concert series, Family Funday, Locktoberfest, and Lockport Food Fest; and be it further

Resolved, LMS is granted permission to sell concessions, including bottles of water and merchandise, during all LMS and LCFM events on Canal Street, May 1st through October 31st; and be it further

Resolved, that LMS is hereby granted permission to host **Lockport Food Fest** on Sunday, August 14th, 2022 in the city parking lot next to 51 Main Street, said event to include the following:

- Closure of the city parking lot and the Pine St. parking lot on Saturday, August 13th, for preliminary setup, including portable sanitation units, dining tents, and small dumpster
- Temporary 'no parking zone' will be in effect on Main St on Sunday from 6:00am until 8:00pm
- Street closure at the intersection of Main and Pine: East on Main from intersection the end of the median in front of Lock 34; North on Pine from the intersection to the middle of the Pine St. bridge, subject to the approval of the Fire Department with respect to street access
- Street barricades for closures
- Permission for vendors and restaurants to set up on above closed streets
- Garbage barrels delivered to the Main St. parking lot on Saturday for distribution throughout event on Sunday
- Distribution of promotional event yard signs on City rights of way (excluding the center medians on Main St.)

Permission to conduct the sale of alcoholic beverages from an enclosed and enforced beer tent at the festival as part of fundraising for Lockport Main Street (tentative addition to festival); and be it further

Resolved, that LMS is hereby granted permission to host **Locktoberfest** on Saturday, September 30th, 2023 from 9am – 57m on Canal Street, in the pocket park, and the adjoining parking lot, the extent to be determined by the city, and that said event include the following:

- Street barricades for the closure of Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city; preparation and set up from September 29th at 9pm through Sunday, October 1st at 9am
- Permission for vendors and restaurants to set up in the parking lot off Canal Street and access electricity from the light post
- Permission to conduct the sale of alcoholic beverages from an enclosed and enforced beer tent at the festival as part of fundraising for LMS (tentative addition to festival), provided that necessary licenses are obtained from other governmental authorities
- Hosting a potential 'makers market' in conjunction with a city-wide sidewalk sale on Sunday, October 2nd, 2022; and be it further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange for delivery of refuse containers and barricades to the area prior to the said dates; and be it further

Resolved, that said permission is subject to LMS filing a certificate of insurance, covering all of said events, with the City clerk, naming the City of Lockport as additional insured; and be it further

Resolved, the Mayor has the authority to permit the use of the same space on other days, should an event be rescheduled or added to the calendar, provided LMS supplies the City with proper insurance coverage.

Seconded by Alderman Lupo and adopted. Ayes 6.

022223.11

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 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, March 8, 2023, 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 Lupo and adopted. Ayes 6.

022223.12

By Alderman Beakman:

Resolved, that pursuant to their request, Trinity Buildings and Construction Management Corporation, 1 Jewel Drive #322, Wilmington, MA 01887 is hereby granted permission to place two dumpsters (30-yard dumpsters) in the parking spaces directly in front of 13 West Main Street, where they have a project taking place. Said permission is subject to Trinity Buildings and Construction Management Corporation filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll Off Containers.

Said permit is approved until additional review on April 26, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

(Motion approved as amended on the floor)

022223.13

By Alderman Lupo:

Whereas, the City of Lockport completed a Wayfinding and Signage study in 2009, and
Whereas, the study recommended a comprehensive Wayfinding and Signage plan, including a \$224,000 first phase, and

Whereas, the Locks Heritage District Corporation applied for and was awarded a \$174,000 grant through NYS Parks, Recreation, and Historic Preservation to implement the first phase of the Wayfinding and Signage plan, and

Whereas, the Locks Heritage District Corporation secured an additional \$50,000 to complete the first phase of the project, and

Whereas, the City of Lockport desires the first phase of the Wayfinding and Signage plan to be implemented, and

Whereas, the City of Lockport has previously approved that the Locks Heritage District Corporation is authorized to install Wayfinding signs in accordance with the State Grant and corresponding plan in the City right-of-way; and

Whereas, the City of Lockport has previously approved that the Mayor, subject to Corporation Counsel approval, be and is hereby authorized and directed to sign any and all documentation to carry out the Wayfinding Grant Project, and

Whereas, the Locks Heritage District Corporation and City of Lockport Wayfinding and Signage committee has completed its sign design and sign location plan for this first phase of the Wayfinding and Signage plan and is recommending that the City of Lockport approve of the plan so that sign fabrication and installation can begin, to be completed this spring, now therefore be it

Resolved, that the City of Lockport approves of the recommended Wayfinding and Signage plan, and

Resolved, that the Mayor, subject to Counsel approval, is hereby approved and authorized to approve changes to the Wayfinding and Signage plan made by recommendation of the Wayfinding and Signage committee

Seconded by Alderman Kantor and adopted. Ayes 6.

022223.14

By Alderman Devine:

Resolved, that the bid proposal of Moley Industries, Lockport, NY, received on March 8, 2023 for water meters, being the only bid received, be accepted in the amount as reported in a communication from the City Clerk – report of bid proposals. Cost of same to be charged to account H127.8397.52015 Water Meters.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6.

022223.15

ADJOURNMENT

At 6:58 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 8, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO
City Clerk