

**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.

**INVOCATION**

**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 \_\_\_\_\_, the minutes of the Regular Meeting of January 25, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes \_\_\_\_\_. Carried.

**FROM THE MAYOR**

**Appointments:**

**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 20<sup>th</sup>

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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

### 020823.3

By Alderman \_\_\_\_\_:

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 18<sup>th</sup> 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 be granted, 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

### 020823.4

By Alderman \_\_\_\_\_:

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 24<sup>th</sup> & 25<sup>th</sup>, 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.5 – RAILS TO TRAILS PROJECT (BEING PREPARED)**

By Alderman \_\_\_\_\_:

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.6**

By Alderman \_\_\_\_\_:

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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.7**

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 \$1,677,191, 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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.8**

By Alderman \_\_\_\_\_:

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	_____
Alderman Devine	VOTING	_____
Alderman Swanson-Gellerson	VOTING	_____
Alderman Fogle	VOTING	_____
Alderman Kantor	VOTING	_____
Alderman Lupo	VOTING	_____

The ordinance was thereupon declared duly adopted.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.9**

By Alderman \_\_\_\_\_:

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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.10**

By Alderman \_\_\_\_\_:

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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.11**

By Alderman \_\_\_\_\_:

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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**020823.12**

**ADJOURNMENT**

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

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

SARAH K. LANZO  
City Clerk

**CITY OF LOCKPORT**  
**COMMON COUNCIL MEETING AGENDA**  
**REGULAR MEETING**  
**February 8, 2023**  
**6:30 P.M.**

**6:00 P.M.**

Committee of the Whole Meeting

**6:30 P.M.**

Common Council Meeting

**ROLL CALL**

**APPROVAL OF MINUTES**

**Beakman:** Approve Common Council minutes of  
020823.1 January 25, 2022

**COMMUNICATIONS**

**MOTIONS &  
RESOLUTIONS**

**Beakman:** Congratulate employees for years of  
020823.2 service

**xxxx:** Grant permission to Shamus Restaurant to  
020823.3 conduct annual St. Patrick's Party March 18<sup>th</sup>

**xxxx:** Grant permission to Lock City Circus to  
020823.4 use bleachers February 24<sup>th</sup> and 25<sup>th</sup>

**XXXX** Rails to Trails Project  
020823.5

**XXXX** Termination of previous PILOT for 77 Main  
020823.6 Street

**XXXX** Authorize the purchase of a ladder truck for the  
020823.7 fire department

**XXXX:** Bond ordinance for the ladder truck  
020823.8

**XXXX:** CSEA MOA  
020823.9

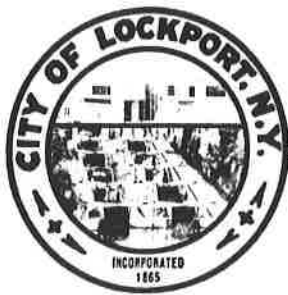
**XXXX:** Niagara County 2022 Hazard Mitigation Plan  
020823.10

**XXXX:** Extend condolences to the family of Drew  
020823.11 Orton



## **ADJOURNMENT**

**Beakman:** Adjourn meeting to February 22, 2023.  
020823.12



**CITY OF LOCKPORT, NEW YORK**  
LOCKPORT MUNICIPAL BUILDING  
ONE LOCKS PLAZA  
LOCKPORT, NY 14094

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**OFFICE OF CITY CLERK**

Sarah K. Lanzo, City Clerk  
Abbey Jo Polichette, Dep. City Clerk/Registrar of Vital Statistics

Office (716)439-6676  
Fax (716)439-6702

TO: Greater Niagara Newspapers  
WLVL Radio  
The Buffalo News  
LCTV

FROM: Sarah K. Lanzo, City Clerk

DATE: February 3, 2023

RE: Municipal Building Closing - February

Please be advised the Lockport Municipal Offices will be closed on Monday, February 20, 2023 in observance of President's day.

There will be no change in the garbage pickup schedule.

cc: Mayor

## Report

February

Employee	Primary Department	Date	Years
1311 Widrig, Craig J	Finance Department	02/04/1974	49
1114 Palumbo, Anthony J	Police Department	02/06/1995	28
1078 Cinelli, Thomas A	Fire Department	02/17/1997	26
1098 Keleher, James B	Fire Department	02/17/1997	26
1030 Wheeler, Todd M	Public Works	02/01/2001	22
1031 Yourdon, David A	Finance Department	02/02/2001	22
1189 Browning, Shirley <i>Sr Act Clerk</i>	Waste Water Department	02/03/2003	20
1107 Mapes, Travis A <i>Detective Lieutenant</i>	Police Department	02/10/2003	20
1037 Szymanski, Randy S	Public Works	02/06/2004	19
1043 Stadlmeir, Joshua	Public Works	02/21/2007	16
1044 Walker, Christopher J	Water Administration	02/23/2007	16
1079 Devine, Matthew M <i>Firefighter</i>	Fire Department	02/11/2008	15
1084 Galanis, Michael P <i>fire fighter</i>	Fire Department	02/11/2008	15
1103 Loucks, Timothy M <i>Municipal Training officer</i>	Fire Department	02/11/2008	15
1225 Jones, William E	Police Department	02/28/2011	12
1057 Andes, Wade M	Public Works	02/03/2017	6
1086 Gowanslock, Richard T	Fire Department	02/13/2017	6
1105 Lundquist, Timothy C	Fire Department	02/13/2017	6
1139 Turton, Adam M	Fire Department	02/13/2017	6
1147 Wolck, Joshua R	Fire Department	02/13/2017	6
1167 Burruano, Lisa A	City Treasurer	02/28/2017	6
1075 Burke, Peter J <i>Fire Lieutenant</i>	Fire Department	02/12/2018	5
1096 Kaszuba, Nicholas V <i>firefighter</i>	Fire Department	02/12/2018	5
1109 Messer, John W <i>fire fighter</i>	Fire Department	02/12/2018	5
1144 Webster, Corey P <i>fire fighter</i>	Fire Department	02/12/2018	5
1074 Burdick, Patricia A <i>Police Officer</i>	Police Department	02/23/2018	5
1223 Kalbfliesh, Nicholas P	Fire Department	02/11/2019	4
1222 Licata, Paul D	Fire Department	02/11/2019	4
1221 Pytlik, James P	Fire Department	02/11/2019	4
1320 Weber, Eric S	Fire Department	02/10/2020	3
1319 Lawrence, Danielle K	Building Inspection Department	02/11/2020	3
1428 Higgins, John F II	Police Department	02/23/2021	2
1467 McArdle, John C	Public Works	02/04/2022	1
1473 Allen, Jeremy E	Fire Department	02/14/2022	1
1472 DiCarlo, Nicholas L	Fire Department	02/14/2022	1
1468 Evans, Connor T	Fire Department	02/14/2022	1
1471 Fisher, Sean MJ	Fire Department	02/14/2022	1
1470 Hildebrant, Randall C JR	Fire Department	02/14/2022	1
1474 Smith, Ian T	Police Department	02/14/2022	1
1469 Sukdolak, Baxter C	Fire Department	02/14/2022	1

Total Employees 40

**apolichette@lockportny.gov**

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**From:** Ann Murphy <shamuslockport@gmail.com>  
**Sent:** Friday, January 13, 2023 4:10 PM  
**To:** apolichette@lockportny.gov  
**Subject:** [EXTERNAL] St Patrick's Day Party  
**Attachments:** St. Patty's Day Party 2023.docx

Hi Abby,

Please add this to the next city meeting. I really appreciate your assistance. Let me know if you need anything else.  
C-attached.

Thank you,  
Ann

**Ann Murphy**  
Owner/Manager  
[www.shamuslockport.com](http://www.shamuslockport.com)  
716.433.9809



Shamus restaurant

98 West Ave.

Lockport, NY 14094

Re: St. Patrick's Day Party, 2023

Date: March 18, 2023 Time: 12pm – 9pm

Location: Shamus Parking Lot, Hawley Street between West Ave & Genesee St., 2<sup>nd</sup> Shamus parking lot parallel to Hawley Street.

Shamus requests that the locations listed above can be used for the annual Shamus St. Patrick's Day party. Tent and equipment set up is Friday afternoon, March 17th and cleanup is Sunday, March 19<sup>th</sup>.

Thank you for your consideration.

Ann Murphy, Owner/Manager

Shamus

98 West Ave. Lockport, NY 14094

716.433.9809



4  
RECEIVED  
JAN 26 2023  
CITY CLERK OFFICE

Jan 19, 2023

To the City of Lockport City Clerk, Sarah K. Lanzo,

We, the Lock City Circus, would like to request the use of the city of Lockport bleachers to use in our production of the Lock City Circus at the Kenan Center on Feb 24 and Feb 25, 2023. We will name the City of Lockport as additional insured on our insurance policy and will provide you with the proper documentation as needed.

The use of the bleachers last year was a huge help to the success of the event. We appreciate your time and attention to this matter.

Thank You,  
Dennis Caswell  
Lock City Circus / D&T Graphics  
lockcitycircus@gmail.com  
716-990-1477

7,8

**apolichette@lockportny.gov**

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**From:** Tim Russo <trusso@lockportny.gov>  
**Sent:** Wednesday, February 1, 2023 10:11 AM  
**To:** cityclerk@lockportny.gov; apolichette@lockportny.gov  
**Cc:** 'Michelle Roman'; 'Sue A. Mawhiney'; 'Laura Miskell Benedict'  
**Subject:** Resolutions for next week

Hello,

I will have the following resolutions for next week:

- 1) Authorize the purchase of a ladder truck for the fire department
- 2) Bond ordinance for the ladder truck
- 3) Authorize the purchase of an ambulance from contingency

Lastly, Jason C. will be sending you an CSEA MOA resolution as well.

I will be sending mine over by the end of the day!

Thanks ,



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

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.



## City of Lockport - Resolution Request Form (For Finance Department)

<b>Agenda Description:</b> Ladder Truck Authorization and Bond Ordinance	
<b>Proposed By:</b> Council President / Fire Department	<b>Date Submitted:</b> Originally in September of 2022
<i>Please provide to Finance Director <u>at least two weeks</u> prior to Council meeting.</i>	
<b>Summary:</b> In late 2022, the Common Council voted down a resolution to authorize the purchase of a fire ladder and future bond. This resolution would reintroduce the piece of equipment, now updated with increased 2023 pricing. The vendor has allowed the City to mitigate some of the annual increase if this resolution is approved this month (the cost increase is only \$39,600 instead of the full amount of \$65,969). Note that the bond authorization has \$40k more in authorized fund for the cost to close the bond (rate would vary at time of bonding as well as amount of projects being bonded).	
<b>Financial Impact (for current and following year):</b> As stated in Finance Committee material, bonds impact future year debt payments. As bond payments end in 2025, the City can continue to expand with new capital projects or budget for a decreased cost of debt service. The 'cost' of this (as stated in the estimated debt impact by year handout) is estimated from our bond representation from late 2022. Actual rates and payments would be determined only when the City goes to formally bond.	
<b>Explanation of attachments:</b> (1) 2023 Quote, (2) estimated debt impact by year, (3) original memo to Council on 10/12/22, (4) failed resolution on 12/7/22, (5) outdated 2022 quote, (6) bond and debt Finance Committee material.	
<i>For Requests Involving Budget Amendments:</i>	
<b>Increase Line Item:</b>	<b>Decrease Line Item:</b>
N/A	N/A
<b>For Finance Director to Fill Out:</b>	
<b>Date of Approval:</b> 2/2/2023	<b>Resolution:</b> 020823. __

## PURCHASE ORDER

Purchaser		SUPPLIER	
Purchaser:	City of Lockport Fire Department	Contract #	Sourcewell Contract #: 113021-RSD
Address 1:	1 Locks Plaza #2	Supplier:	Empire Emergency Apparatus, Inc. and/or R
Address 2:		Address 1:	5180 260th Street
City, State, Zip:	Lockport, New York 14094	Address 2:	PO Box 549
		City, State, Zip:	Wyoming, MN 55092

Purchase Order Number:		Delivery in Calendar Days:	660
Date:	1/12/2023	Member #	167878

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

Quantity	Description	Price	Price (Extended)
1	One (1) Rosenbauer Aerial, complete with Rosenbauer Commander chassis and Rosenbauer King Cobra Platform per attached specifications.	\$1,677,191.00	\$1,677,191.00
*Note: In addition to the chassis completion discount, further discounts are available should additional pre-payments be made prior to completion of the vehicle.			
*Note: If chassis amount of \$429,458.00 is paid upon arrival at our plant in Minnesota, deduct \$16,489.00 each			
TOTAL			\$1,677,191.00

NOTES:

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

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



**APPENDIX C  
CHANGE ORDER POLICY**

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

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

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

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

**Change Window #1**

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

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

**Change Window #2**

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

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

**Change Window #3**

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

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

**Change Window #4**

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

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

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

**BUYER INITIALS:** \_\_\_\_\_

Prepared For: City of Lockport 50% Rule  
 Prepared By: Municipal Solutions, Inc.  
 Project: Ladder Truck (Potential for FEMA Funding)  
 Amount Borrowed: \$1,677,531  
     2023 \$0  
     2024 0  
     2025 1,677,531  
 PPU: 20 Yrs

Fiscal Year Ending December 31:	Principal Payment April 1	Interest Rates	Interest April 1	Interest October 1	Total Interest	Total Debt Service	Outstanding Bonds
2024	\$0	3.500%	\$0.00	\$0.00	\$0.00	\$0.00	\$0
2025	0	3.500%	0.00	34,617.75	34,617.75	34,617.75	1,677,531
2026	72,531	3.625%	34,617.75	33,303.13	67,920.87	140,451.87	1,605,000
2027	70,000	3.625%	33,303.13	32,034.38	65,337.50	135,337.50	1,535,000
2028	70,000	3.750%	32,034.38	30,721.88	62,756.25	132,756.25	1,465,000
2029	75,000	3.750%	30,721.88	29,315.63	60,037.50	135,037.50	1,390,000
2030	75,000	3.750%	29,315.63	27,909.38	57,225.00	132,225.00	1,315,000
2031	75,000	4.000%	27,909.38	26,409.38	54,318.75	129,318.75	1,240,000
2032	75,000	4.000%	26,409.38	24,909.38	51,318.75	126,318.75	1,165,000
2033	80,000	4.000%	24,909.38	23,309.38	48,218.75	128,218.75	1,085,000
2034	80,000	4.000%	23,309.38	21,709.38	45,018.75	125,018.75	1,005,000
2035	80,000	4.125%	21,709.38	20,059.38	41,768.75	121,768.75	925,000
2036	80,000	4.125%	20,059.38	18,409.38	38,468.75	118,468.75	845,000
2037	85,000	4.125%	18,409.38	16,656.25	35,065.63	120,065.63	760,000
2038	85,000	4.250%	16,656.25	14,850.00	31,506.25	116,506.25	675,000
2039	85,000	4.250%	14,850.00	13,043.75	27,893.75	112,893.75	590,000
2040	90,000	4.250%	13,043.75	11,131.25	24,175.00	114,175.00	500,000
2041	95,000	4.375%	11,131.25	9,053.13	20,184.38	115,184.38	405,000
2042	95,000	4.375%	9,053.13	6,975.00	16,028.13	111,028.13	310,000
2043	100,000	4.500%	6,975.00	4,725.00	11,700.00	111,700.00	210,000
2044	105,000	4.500%	4,725.00	2,362.50	7,087.50	112,087.50	105,000
2045	105,000	4.500%	2,362.50	0.00	2,362.50	107,362.50	0
<b>TOTALS</b>	<b>\$1,677,531</b>		<b>\$401,505.25</b>	<b>\$401,505.25</b>	<b>\$803,010.50</b>	<b>\$2,480,541.50</b>	

Assumptions:  
 • \$1,400,000 SB issued 4/1/2025

Note: <sup>1</sup> Payments made on BAN

**CITY OF LOCKPORT**

One Locks Plaza  
Lockport, New York 14094  
(716) 439-6631  
E-mail: [trusso@lockportny.gov](mailto:trusso@lockportny.gov)

**TIM RUSSO**  
Director of Finance

October 12, 2022

To: Mayor and Common Council  
From: Director of Finance

Re: Capital Proposal for Fire Department Engine and Ladder Truck

Chief Quagliano has shared two recommended capital projects for his department, a new fire chassis totaling \$606,450 and a new ladder truck estimated to total \$1.8 million. As it stands with the Sourcewell vendors, these costs will increase by 6% on November 1, 2022 without a commitment from the City. This memo will review the recommended course of action to pursue these projects.

**Chassis**

As the City maintains benchmarking and monthly projections for sales tax revenues and estimated closing forecasts of the general fund, there are occasions where we have an excess of accumulated sales tax funds compared to the amount of revenue we have budgeted. The below graph shows this detail:

**Exhibit 1. Combined Sales Tax Monthly Detail, FY 2022 to FY 2022 YTD**

Month	2020 Actual	2021 Actual	2022 Budgeted	2022 Actual	2022 Actual and Projected Budget
January	\$ -	\$ -	\$ -	\$ -	\$ -
February	\$ 537,581	\$ 469,438	\$ 473,541	\$ 593,049	\$ 593,049
March	\$ 440,772	\$ 429,461	\$ 433,214	\$ 508,689	\$ 508,689
April	\$ 581,503	\$ 677,151	\$ 683,069	\$ 778,809	\$ 778,809
May	\$ 311,836	\$ 517,738	\$ 522,263	\$ 601,603	\$ 601,603
June	\$ 497,539	\$ 542,171	\$ 546,910	\$ 813,378	\$ 813,378
July	\$ 544,038	\$ 828,544	\$ 816,856	\$ 553,112	\$ 553,112
August	\$ 433,779	\$ 552,974	\$ 557,807	\$ 606,779	\$ 606,779
September	\$ 448,402	\$ 548,900	\$ 452,321	\$ 602,555	\$ 602,555
October	\$ 858,609	\$ 815,211	\$ 866,113		\$ 866,113
November	\$ 440,361	\$ 497,773	\$ 444,209		\$ 444,209
December	\$ 1,166,752	\$ 1,353,428	\$ 1,176,927		\$ 1,176,927
Annual Total	\$ 6,261,172	\$ 7,232,790	\$ 6,973,230	\$ 5,057,974	\$ 7,545,224
MTD Total	\$ 3,795,451	\$ 4,566,378	\$ 4,485,981	\$ 5,057,974	\$ 5,057,974

Excess 2022 revenue compared to budgeted amount: **\$ 571,994**

As of October, we have collected \$571,994 in excess sales tax revenue compared to what was originally budgeted. Given the YTD trend, it is unlikely that revenue attainment will decrease below the budgeted amount for the remaining months of the year (it is more likely to continue to produce monthly overages).

In this situation, it is common for the City to appropriate these excess funds for specific purposes. This has occurred in the past, as excess sales tax was used in resolution 091521.6 to fund the police dispatch system for \$317k as well as in 080222.8 to fund increases in utility costs for \$202,824. It is recommended that the Common Council appropriate a portion of the remaining excess sales tax revenues, totaling up to \$369,170, to be used for the chassis.

Secondly, the City has experienced an in-rem auction for two fiscal years in FY 2022. The graph on the following page details the winning bid price, current-year write-offs, prior year city/county taxes (prior year city balances include outstanding school taxes), and the resulting net surplus / (loss) for each location. Total net revenue equals \$350,603. Because the certainty of a future-year in-rem auction is unknown (in FY 2019, for example, the City ended with a net loss), we do not budget revenue for this procedure in the annual operating budget.

As a result, the FY 2022 budget has unallocated revenue for the in-rem auctions in addition to the sales tax surplus. It is recommended that we pursue an appropriation of these two revenue sources to fund the purchase of the fire department chassis. The resolution to approve such action would move the excess revenue into a capital fund to hold the chassis funds and would contain the budgetary increases noted below. It is recommended that this action be pursued on the October 26<sup>th</sup> Common Council meeting to avoid a 6% increase to the equipment cost (which would amount to an additional estimated \$36,387).

#### Revenue:

##### Increase

A.0000.31110	Sales Tax: Pre-empted	\$81,269
A.0000.31120	Sales Tax: County Distribution	\$174,578
A.0000.31051	Gain from Sale of Tax Acquired Property	\$350,603
H221.3410.35031.A	Interfund Transfer from General	\$606,450

#### Expenditures:

##### Increase

A.9901.59000.H	Interfund Transfer to Capital	\$606,450
H221.3410.52020	Motor Vehicle Equipment	\$606,450

## Exhibit 2. FY 2022 In-Rem Auction Results by Property

Year	Location	Bid Amount	Current City Taxes	Current School Taxes	Prior Year Certificates	Owed to County	Current Utility	Other	Net Surplus / (Loss)
2018	436 West Ave	\$ 60,100	\$ 2,428	\$ 3,875	\$ 25,919	\$ 7,074	\$ 2,338	\$ 3,094	\$ 15,372
2018	453 Vine St	\$ 19,800	\$ 811	\$ 1,443	\$ 9,756	\$ 1,568	\$ 1,940	\$ 2,919	\$ 1,364
2018	20 Robinson Pl	\$ 28,100	\$ 390	\$ 695	\$ 5,720	\$ 928	\$ 2,443	\$ 2,119	\$ 15,806
2018	263 High St	\$ 80,500	\$ 2,724	\$ 4,845	\$ 24,508	\$ 5,232	\$ 2,198	\$ 2,119	\$ 38,875
2018	164 Gooding St	\$ 28,031	\$ 741	\$ 611	\$ 9,032	\$ 3,967	\$ 2,275	\$ 2,644	\$ 8,761
2018	160 Gooding St	\$ 1,569	\$ 41	\$ 74	\$ 655	\$ 157	\$ -	\$ 2,344	\$ (1,702)
2018	62 Grand St	\$ 23,900	\$ 685	\$ 511	\$ 8,747	\$ 1,633	\$ 1,843	\$ 2,344	\$ 8,138
2018	67 Chapel St	\$ 54,200	\$ 1,265	\$ 1,805	\$ 12,090	\$ 2,420	\$ 2,313	\$ 2,894	\$ 31,413
2018	13 Harvey Ave	\$ 5,600	\$ 60	\$ 107	\$ 5,216	\$ 287	\$ 1,062	\$ 2,119	\$ (3,252)
2018	120 Willow St	\$ 60,100	\$ 1,408	\$ 2,060	\$ 11,122	\$ 4,129	\$ 1,999	\$ 3,019	\$ 36,362
2019	124 Transit Rd	\$ 7,000	\$ 207	\$ 369	\$ 15,198	\$ -	\$ 482	\$ 1,150	\$ (10,406)
2019	310 Park Ave	\$ 5,400	\$ 339	\$ 604	\$ 36,822	\$ -	\$ -	\$ 1,150	\$ (33,515)
2019	308 Park Ave	\$ 7,200	\$ 221	\$ 393	\$ 16,465	\$ -	\$ -	\$ 1,150	\$ (11,028)
2019	32 Sunnyside St	\$ 64,100	\$ 1,075	\$ 1,912	\$ 8,403	\$ 1,585	\$ 1,481	\$ 1,600	\$ 48,044
2019	230 Gooding St	\$ 4,100	\$ 79	\$ 141	\$ 700	\$ 157	\$ -	\$ 1,150	\$ 1,873
2019	264 Clinton St	\$ 52,000	\$ 836	\$ 1,486	\$ 9,614	\$ 1,993	\$ 1,799	\$ 1,150	\$ 35,123
2019	97.5 Scovell St	\$ 5,200	\$ 55	\$ 97	\$ 584	\$ 55	\$ -	\$ 1,150	\$ 3,259
2019	210 Jackson St	\$ 4,250	\$ 327	\$ 138	\$ 1,904	\$ 149	\$ -	\$ 1,850	\$ (118)
2019	214 Jackson St	\$ 4,150	\$ 77	\$ 138	\$ 1,876	\$ 149	\$ -	\$ 1,400	\$ 510
2019	252 Grand St	\$ 37,100	\$ 1,102	\$ 1,560	\$ 9,996	\$ 2,451	\$ 3,568	\$ 1,600	\$ 16,823
2019	37 Amelia St	\$ 50,100	\$ 705	\$ 1,255	\$ 11,786	\$ 1,682	\$ 6,064	\$ 1,150	\$ 27,457
2019	149 Van Buren St	\$ 7,000	\$ 98	\$ 174	\$ 3,069	\$ 190	\$ -	\$ 1,625	\$ 1,844
2019	67 Elmwood Ave	\$ 4,250	\$ 331	\$ 144	\$ 3,638	\$ 133	\$ -	\$ 1,825	\$ (1,821)
2019	722 Davison Rd	\$ 28,100	\$ 955	\$ 1,255	\$ 4,970	\$ 1,363	\$ -	\$ 1,700	\$ 17,857
2019	27 Professional Pkwy	\$ 22,100	\$ 630	\$ 1,121	\$ 4,458	\$ 1,218	\$ -	\$ 1,150	\$ 13,524
2019	84 Davison Ct	\$ 19,200	\$ 1,105	\$ 1,966	\$ 7,686	\$ 2,136	\$ -	\$ 1,150	\$ 5,157
2019	320-326 West Ave	\$ 185,100	\$ 5,006	\$ 7,423	\$ 89,559	\$ 18,387	\$ 11,335	\$ 1,405	\$ 51,987
2019	2A Beverly Ave	\$ 100	\$ 2	\$ -	\$ 196	\$ -	\$ -	\$ 1,150	\$ (1,247)
2019	555 West Ave	\$ 100	\$ 2	\$ -	\$ 194	\$ -	\$ -	\$ 1,150	\$ (1,245)
2019	97 Union St	\$ 40,000	\$ 19	\$ 34	\$ 2,937	\$ 473	\$ -	\$ 1,150	\$ 35,388
<b>Grand Total</b>		<b>\$ 908,450</b>	<b>\$ 23,727</b>	<b>\$ 36,235</b>	<b>\$ 342,819</b>	<b>\$ 59,517</b>	<b>\$ 43,140</b>	<b>\$ 22,674</b>	<b>\$ 350,603</b>

### Ladder Truck

The second piece of equipment requested by the Fire Department is a ladder truck. The Fire Chief is completing a Sourcewell estimate on a new firetruck which is anticipated to total around \$1.8 million and to take a number of years to obtain once ordered.

Funding for capital projects comes in the form of bond-anticipation-notes (BAN) and bonds. If we assume that a full bonding will be formally finalized in April of 2025, the City can have cash in hand beginning in April of 2023 for projects that need cash flow via a BAN, which can be renewed for two years. In an opposite sense, for this project which will require no cash flow until 2025, the Council can authorize the project and not take out cash or pay interest until the bond is actual closed in 2025 (or later depending on projects undertaken and their starting dates). If we were required to bond formally in 2025, the interest rates would be around 3.5%.

If Council decides to pursue the approval of this project to avoid the price increase on November 1, 2022 of 6% (estimated cost of \$108,000), Council would approve two resolutions on

October 26, 2022, one to approve the project and vendor, and another to authorize future bonding for the project.

Per Municipal Solutions (a group we work with for bonding matters):

“The resolution would be considered effective immediately, even with the 20-day estoppel period running so there wouldn’t be any problems moving forward with submitting the commitment letter the following day.

Once the bond resolution is adopted, it’s valid for 10 years so there’s no rush to go out and issue the debt until it’s actually needed. And adopting it also does not commit you to actually borrowing against it, so if Council decides not to move forward with the purchase or finds another way to pay for it, you aren’t required to. I would suggest that you size the resolution to cover the full cost of the vehicle, plus an estimate for the costs of issuance if you think you’d like to roll the fees into the amount being financed rather than paying those invoices directly out of operating funds. Again, you don’t have to borrow the full amount authorized but it gives you more flexibility. “

Resolution 092822.5 funded a used 2001 platform truck (for \$150k) to replace the City’s 1997 platform truck. It is projected that the sale of the 2001 truck could amount to \$60-70k if pursued in a few years. It would be advantageous for Council to consider both options at this point in time.

Thank you,



Tim Russo  
Finance Director



**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.

Updated 2022

Pricing

Sourcewell

Sourcewell Contract #

## PURCHASE ORDER

Purchaser		SUPPLIER	
Purchaser:	City of Lockport Fire Department	Contract #:	Sourcewell Contract #: 113021-RSD
Address 1:	1 Locks Plaza #2	Supplier:	Empire Emergency Apparatus, Inc. and/or R
Address 2:		Address 1:	5180 260th Street
City, State, Zip:	Lockport, New York 14094	Address 2:	PO Box 549
		City, State, Zip:	Wyoming, MN 55092

Purchase Order Number:		Delivery in Calendar Days:	660
Date:	10/26/2022	Member #:	167878

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

Quantity	Description	Price	Price (Extended)
1	One (1) Rosenbauer Aerial, complete with Rosenbauer Commander chassis and Rosenbauer King Cobra Platform per attached specifications.	\$1,637,531.00	\$1,637,531.00

\*Note: In addition to the chassis completion discount, further discounts are available should additional pre-payments be made prior to completion of the vehicle.

\*Note: If chassis amount of \$412,448.00 is paid upon arrival at our plant in Minnesota, deduct \$15,834.00 each

TOTAL		\$1,637,531.00
-------	--	----------------

NOTES:

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

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



## APPENDIX C CHANGE ORDER POLICY

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

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

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

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

### Change Window #1

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

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

### Change Window #2

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

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

### Change Window #3

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

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

### Change Window #4

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

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

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

BUYER INITIALS: \_\_\_\_\_

# Finance Committee Meeting

## Topic: Bonds and Debt

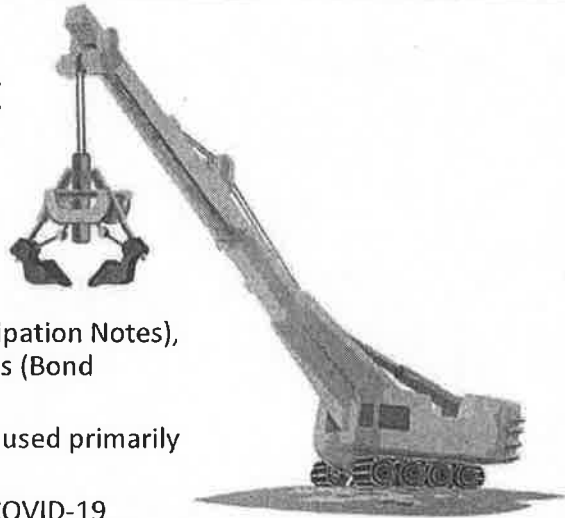


City of Lockport, NY  
January 25<sup>th</sup>, 2023

1

## Types of Bonds and Debt

- Long term bonds
  - Typically used for capital expenditures, multi-year projects, etc.
- Short term notes
  - Examples include RANs (Revenue Anticipation Notes), TANs (Tax Anticipation Notes), and BANs (Bond Anticipation Notes)
  - Typically short term (under 1 year) and used primarily for cash flow shortages
  - Local municipalities used TANs during COVID-19 revenue shortfalls in 2020 to pay bills. The tax revenue collected later in the year was used to pay balances.



2

## Bonds as a Form of Tax Equity

- Let's say we needed \$5 million for a bridge and tunnel replacement.

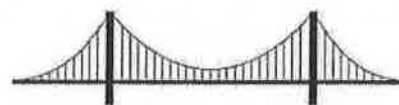
**Option #1** (no bonds): increase property tax rate over three years to collect money. Expenditures cannot start until cash flow for the project are adequate.

	2023	2024	2025
Revenue	\$1.5m	\$2m	\$1.5m
Expenditures	\$0	\$0	\$5m

Residents in 2023 and 2024 are paying for a project that is not benefiting them. Residents from 2026 and onwards will not be paying for the project, but the bridge and tunnel will be benefiting them.

3

## Bonds as a Form of Tax Equity



- Let's say we needed \$5 million for a bridge and tunnel replacement.

**Option #2** (bonds): utilize bonds for the bridge and tunnel project. Debt costs will be \$255k each year for 20 years.

	2023	2024	2025
Revenue	\$0	\$5m	\$0
Expenditures	\$0	\$5m	\$0

Residents in 2023 are not paying increased taxes for a project that is not benefiting them. Residents from 2025 from 2045 will be paying taxes that have debt service built in. The payments coincide with the life of the project.

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## Current City Bonds and Debts

**2023 Bond Schedule**

	<b>General</b>	<b>Refuse</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
<b>2014 Deficit</b>	\$153,382	\$36,492	\$220,611	\$146,265	\$ 556,750
<b>2014</b>	\$ 78,300	\$ -	\$ -	\$ -	\$ 78,300
<b>2015D</b>	\$ -	\$ -	\$ -	\$ 59,224	\$ 59,224
<b>2017</b>	\$221,838	\$ -	\$152,750	\$239,544	\$ 614,131
<b>2020</b>	\$ 81,350	\$ -	\$225,400	\$119,250	\$ 426,000
<b>WQIP Note</b>	\$ -	\$ -	\$ -	\$ 74,835	\$ 74,835
<b>Total</b>	<b>\$534,870</b>	<b>\$36,492</b>	<b>\$598,761</b>	<b>\$639,118</b>	<b>\$1,809,240</b>

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## When Will Our Debt End?

- With bonds ending in 2024, we can anticipate \$750k in eliminated payments for debt service.

<b>Current Bond</b>	<b>Year of Last Debt Service</b>
<b>2014 Deficit</b>	2024
<b>2014</b>	2024
<b>2015D</b>	2037
<b>2017</b>	2029
<b>2020</b>	2050

- Other bonds range from ending in 2029 all the way to 2050.

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## City of Lockport Bond and Debt History

	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>General Fund Debt</b>	\$ 401,193	\$ 1,055,224	\$ 989,450	\$ 928,480	\$ 917,610	\$ 860,820	\$ 921,168	\$ 877,723	\$ 779,702
<b>General Fund Total Expenditures</b>	\$ 22,758,364	\$ 22,678,482	\$ 23,478,854	\$ 24,160,612	\$ 24,681,634	\$ 24,754,462	\$ 25,138,747	\$ 24,217,416	\$ 26,299,796
<b>As a Percent</b>	2%	5%	4%	4%	4%	3%	4%	4%	3%
<b>Refuse Fund Debt</b>	\$ 190,779	\$ 194,779	\$ 232,039	\$ 36,346	\$ 36,427	\$ 36,442	\$ 36,398	\$ 36,282	\$ 36,430
<b>Refuse Fund Total Expenditures</b>	\$ 1,252,612	\$ 1,281,779	\$ 1,357,000	\$ 1,289,000	\$ 1,289,000	\$ 1,307,820	\$ 1,307,820	\$ 1,271,718	\$ 1,428,836
<b>As a Percent</b>	15%	15%	17%	3%	3%	3%	3%	3%	3%
<b>Water Fund Debt</b>	\$ 230,699	\$ 380,718	\$ 674,201	\$ 576,842	\$ 642,337	\$ 514,288	\$ 472,948	\$ 707,255	\$ 685,098
<b>Water Fund Total Expenditures</b>	\$ 3,845,327	\$ 4,423,320	\$ 4,377,000	\$ 4,473,539	\$ 4,304,500	\$ 4,304,100	\$ 4,317,755	\$ 4,311,284	\$ 4,350,469
<b>As a Percent</b>	6%	9%	15%	13%	15%	12%	11%	16%	16%
<b>Sewer Fund Debt</b>	\$ 436,164	\$ 616,886	\$ 855,791	\$ 801,520	\$ 864,680	\$ 806,419	\$ 696,778	\$ 674,999	\$ 676,393
<b>Sewer Fund Total Expenditures</b>	\$ 3,790,830	\$ 4,362,908	\$ 4,046,470	\$ 4,172,600	\$ 4,275,160	\$ 4,182,903	\$ 4,079,604	\$ 4,078,718	\$ 4,141,342
<b>As a Percent</b>	12%	14%	21%	19%	20%	19%	17%	17%	16%
<b>Total Debt Service</b>	\$ 1,258,835	\$ 2,247,607	\$ 2,751,481	\$ 2,343,188	\$ 2,461,054	\$ 2,217,969	\$ 2,126,292	\$ 2,296,199	\$ 2,177,623
<b>Total Budget</b>	\$ 31,649,133	\$ 32,746,489	\$ 33,259,324	\$ 34,095,751	\$ 34,550,294	\$ 34,549,285	\$ 34,843,926	\$ 33,879,136	\$ 36,220,443
<b>As a Percent</b>	4%	7%	8%	7%	7%	6%	6%	7%	6%

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## Future Payments on Current Debt

	2024	2025	2026	2027	2028	2029	2030
<b>General Fund Debt</b>	\$ 521,521	\$ 286,175	\$ 112,162	\$ 83,350	\$ 83,850	\$ 83,350	\$ 85,800
<b>General Fund Total Expenditures</b>							
<b>As a Percent</b>							
<b>Refuse Fund Debt</b>	\$ 36,477	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Refuse Fund Total Expenditures</b>							
<b>As a Percent</b>							
<b>Water Fund Debt</b>	\$ 592,978	\$ 322,118	\$ 238,162	\$ 244,962	\$ 221,900	\$ 224,050	\$ 220,800
<b>Water Fund Total Expenditures</b>							
<b>As a Percent</b>							
<b>Sewer Fund Debt</b>	\$ 535,047	\$ 328,035	\$ 236,996	\$ 238,415	\$ 218,682	\$ 214,563	\$ 190,458
<b>Sewer Fund Total Expenditures</b>							
<b>As a Percent</b>							
<b>Total Debt Service</b>	\$ 1,686,023	\$ 936,328	\$ 587,320	\$ 566,727	\$ 524,432	\$ 521,963	\$ 497,058
<b>Total Budget</b>							
<b>As a Percent</b>							

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## NYS OSC Debt Limit

- NYS limits the amount of bonds and debt a municipality has out at any point in time.
- The maximum limit we can bond to is \$62 million. We currently have \$7 million in applicable bonds, meaning we have \$55 million available to use before reaching the maximum.

Computation of Debt Limit and Calculation of Net Indebtedness  
(As of September 29, 2022)

Fiscal Year Ended December 31:	Taxable Assessed Valuation	State Equalization Rate	Taxable Full Valuation
2018	\$700,508,192	89.00%	\$787,087,856
2019	700,156,667	87.00%	804,777,778
2020	698,764,513	81.00%	862,672,238
2021	694,776,851	73.00%	951,749,111
2022	695,217,910	67.00%	1,037,638,672
Total	<u>\$3,489,424,133</u>		<u>\$4,443,925,655</u>
Average Five-Year Full Valuation			\$888,785,131
Debt Limit: 7% of Full Valuation			\$62,214,959
Inclusions:			
Bonds			\$10,956,000
Bond Anticipation Notes			0
EFC Grid Notes			<u>2,326,779</u>
Total Inclusions			<u>\$13,312,779</u>
Exclusions:			
Water <sup>2</sup>			\$4,970,000
Budgeted Appropriations <sup>2</sup>			545,000
Sewer <sup>3</sup>			<u>766,000</u>
Total Exclusions			<u>\$6,281,000</u>
Total Net Indebtedness <sup>4 &amp; 5</sup>			<u>\$7,031,779</u>
Net Debt-Contracting Margin			\$55,183,180

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## What is Council's Involvement with Bonds?

- The Common Council can approve of projects (either individually or as a package) via a bond ordinance.
- A bond ordinance authorizes the City to incur future debt. It does not mean we immediately receive cash. Rather, we can hold onto this authorization and 'go out to bond' when we need a cash flow.
- Typically, we bond once we have a compiled set of multiple projects.
- Once a bond has been authorized, the Treasurer has the discretion to take out short term financing (a BAN) for up to two years before we formally bond.

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## Future Anticipated Bonding Timeline

- With our 2014 deficit bond concluding with last payments in FY 2024, our budgeted requirements for bonding will decrease quite significantly beginning in FY 2025.
- The City can either plan for more capital projects to be bonded (which would ideally keep debt payments flat with minimal impact to the tax rate) or the City can plan for a tax rate reduction (or a combination of both options!).



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## ~Bond and Debt Takeaways~

- Municipalities assume both short and long term debt depending on the current financial need.
- The City of Lockport currently contributes annual appropriations to pay for five on-going bond payments with some obligations occurring until 2050.
- Of the current bonds, two will be completed by 2025.
- Council should be aware of the tax rate implication of the projects they authorize to bond for as well as the decision to not bond.

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**City Of Lockport**

**Safety Committee Agenda**

February 2<sup>nd</sup>, 2023

**Lunch will be provided by Evans**

Introduce any new attendees

Claim Frequency and Severity Charts

NYMIR Learn University Online Training

Safe Driving Resources

Slip and Fall Prevention Courses

Department Safety Issues

Upcoming safety initiatives, new ways/ideas to increase awareness

**Next Meeting Thursday March 2<sup>nd</sup> 11:30 AM**

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October 17, 2022

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

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

Douglas E. Goodfriend

E dgoodfriend@orrick.com

D +1 212 506 5211

F +1 212 506 5151

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

**Discussion  
Draft**

Re: City of Lockport, Niagara County, New York  
Purchase of a Fire-Fighting Vehicle - \$1,717,191 Serial Bonds  
Orrick File: 42446-2-701

Dear Tim, Sue and Sarah:

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

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

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

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

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

With best wishes,

Very truly yours,

*Douglas*

Douglas E. Goodfriend

DEG/zmt  
Enclosures

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

4146-2613-3824.1

**BOND ORDINANCE**

At a regular meeting of the Common Council of the City of Lockport, Niagara County, New York, held at City Hall, One Locks Plaza, in said Lockport, New York, on the 8th day of February, 2023, at \_\_\_\_\_ o'clock P.M., Prevailing Time.

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

PRESENT:

ABSENT:

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

BOND ORDINANCE DATED 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:

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

The ordinance was thereupon declared duly adopted.

\* \* \* \* \*



## CERTIFICATION

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

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

- 1) That a meeting of the Issuer was duly called, held and conducted on the 8<sup>th</sup> day of February, 2023.
- 2) That such meeting was a special regular (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer  
this \_\_\_\_\_ day of February, 2023.

\_\_\_\_\_  
City Clerk

(CORPORATE SEAL)

## LEGAL NOTICE OF ESTOPPEL

The bond ordinance, a summary of which is published herewith, has been adopted on February 8, 2023, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Lockport, Niagara County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

Dated: Lockport, New York,

February 8, 2023.

\_\_\_\_\_/s/ Sarah K. Lanzo

City Clerk

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 FIREFIGHTING VEHICLE, IN AND FOR SAID CITY.

<b>Specific object or purpose:</b>	Purchase of a fire-fighting vehicle w/apparatus and equipment
<b>Period of probable usefulness:</b>	20 years
<b>Maximum estimated cost:</b>	\$1,717,191
<b>Amount of obligations:</b>	\$1,717,191 bonds
<b>SEQRA status:</b>	Type II Action

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**apolichette@lockportny.gov**

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**From:** cityclerk@lockportny.gov  
**Sent:** Thursday, February 2, 2023 2:25 PM  
**To:** Abbey Polichette  
**Subject:** FW: [EXTERNAL] RE: Niagara Co. Hazard Mitigation Plan: Revisions to Draft Plan  
**Attachments:** NC HMP 2022 Draft Resolution - City of Lockport.docx; NC HMP 2022 Draft Resolution - City of Lockport.pdf

Resolution – 020823.10

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**From:** Brian Conley [mailto:bwconley@buffalo.edu]  
**Sent:** Thursday, February 2, 2023 11:33 AM  
**To:** bsmith@lockportny.gov; cdimmick@lockportny.gov; jdool@lockportny.gov; mroman@lockportny.gov; mlawson@lockportny.gov; spump@lockportny.gov; cityclerk@lockportny.gov  
**Cc:** 'Jonathan F Schultz' <Jonathan.Schultz@niagaracounty.com>  
**Subject:** RE: [EXTERNAL] RE: Niagara Co. Hazard Mitigation Plan: Revisions to Draft Plan

Hello all –

We are following up on the resolution to adopt the Niagara County 2022 Hazard Mitigation Plan. Every jurisdiction in the County must pass a resolution adopting the plan in order to maintain eligibility for federal Hazard Mitigation Grant Program funding, which could be critical the next time a hazard occurs.

**Please work with your council to adopt the attached draft resolution at your next meeting, or as soon as possible. The resolution must be adopted ASAP** to be sure the plan is approved before FEMA's new HMP guidelines go into effect this April.

Please let us know when you'll be able to pass the resolution and return a signed copy to us (electronic copies by email are fine).

See below for some process background that may help you present the resolution to your council members. More details can be found in this [press release](#), and on the plan [website](#).

Background on the Niagara County 2022 Hazard Mitigation Plan Adoption Resolution

The Niagara County Department of Emergency Services, working with the public, local municipalities, and the University at Buffalo Regional Institute, completed an update of the Niagara County Hazard Mitigation Plan (HMP) in 2022. Every five years, Niagara County's Hazard Mitigation Plan (HMP) must be updated and approved by FEMA in order for the County and its towns, cities, and villages to be eligible for FEMA hazard mitigation grants, which would be critical in the event of a hazard. The Niagara County HMP was last updated in 2017.

The NYS Department of Homeland Security and Emergency Services (DHSES) recently completed their review of the plan and the plan is being submitted to FEMA for final approval. Local municipalities are asked to formally adopt the plan to ensure that all local governments are eligible for hazard mitigation funds and are working together to mitigate hazards and address pressing concerns.

Please do not hesitate to reach out to me by phone (716-946-5022) or email with any questions. Thank you again for your assistance with the Niagara County 2022 HMP.

Brian  
**Brian Conley**  
Senior Planner

**ADOPTION RESOLUTION SAMPLE  
Niagara County 2022 Hazard Mitigation Plan**

City of Lockport  
One Locks Plaza, Lockport, New York 14094  
(716) 439-6676

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.

ADOPTED this XXth day of January, 2023 at the meeting of the City of Lockport Common Council.

\_\_\_\_\_  
Mayor Michelle Roman

\_\_\_\_\_  
City Clerk Pauk K. Oates