

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

April 12, 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.

**Minutes Correction – March 22, 2023:**

**032223.10**

By Alderman Lupo:

WHEREAS the City of Lockport is the successor in interest to the Lockport Urban Renewal Agency, and its Urban Renewal Plan (the Plan) that was adopted by the Common Council on February 20, 1963 and revised in June 1964; and

WHEREAS the Plan placed covenants, conditions, restrictions and right of reverter upon all properties within its footprint; and

WHEREAS, the Plan included within its scope certain real property located at 60 Market Street, Lockport, New York, owned by Korff Incorporated; and

WHEREAS the City transferred the property at 60 ~~Main~~ Market Street, Lockport to Korff Incorporated in 1963, subject to the Plan for a period of forty (40) years; and

WHEREAS Korff Incorporated now wishes to transfer said property without the encumbrances of covenants, conditions, restrictions and right of reverter of the Plan; and

WHEREAS Korff Incorporated now wishes to transfer title to 60 ~~Main~~ Market Street, Lockport free and clear of any encumbrances from the Plan,

NOW be it resolved that the Mayor, subject to approval by the Corporation Counsel, is hereby authorized to enter into a Release and Termination with Korff Incorporated for any remaining encumbrances that the Plan might otherwise impose on the property.

Seconded by Alderman Kantor and adopted. Ayes 5.

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Swanson-Gellerson, the minutes of the Regular Meeting of March 22, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the existing building located at 135 Charlotte Street to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May 1<sup>st</sup> to October 31<sup>st</sup>.

The Mayor asked the City Clerk if any petitions or communications relative to said Special Use Permit have been received.

03/07/2023 Jeff Tracy, Lockport Planning and Zoning Board – the board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

3/29/2023 Elizabeth M. Allore, 50 Hillcrest Drive, Lockport NY – appointed to the part time Dog Control Officer for the City of Lockport Police Department effective March 2, 2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

11/04/2022 Michael Barlett, 18 Bright Street, Unit 2, Lockport, NY – appointed to the Assessment Review Board effective November 4, 2022. Said term expires on September 30, 2027.

Received and filed.

**FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Reviewed by the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

**Notice of Complaint:**

- 03/25/2023 202 Cottage Street – tree
- 03/26/2023 144 Waterman Street – trees
- 03/26/2023 225 Lock Street - tree
- 03/27/2023 200 Cottage Street – tree

03/30/2023 20 Cleveland Place - tree

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

## MOTIONS & RESOLUTIONS

### 041223.2

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>
Dennis McNamara	20	Chief Operator Filtration
Kristin M. Schubring	15	Principal Account Clerk
Mark J Haenle II	15	Tree Trimmer
Michael P. Stroud	5	Police Officer

Seconded by Alderman Lupo and adopted. Ayes 6.

### 041223.3

By Alderman Kantor:

Resolved, that a public hearing be held at the Common Council Meeting of April 26, 2023 starting at approximately 6:30 P.M. relative to a request for a Special Use Permit made by Nussbaumer & Clarke, Inc to utilize single-family dwelling while simultaneously operating an industrial use permit, and be it further

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

Seconded by Alderman Devine and adopted. Ayes 6.

### 041223.4

By Alderman Swanson-Gellerson:

Whereas, the mission of Cure SMA (Spinal Muscular Atrophy) is to lead the way in eradicating a leading genetic cause of death for infants; and

Whereas, a fundraiser has been organized that will include a walk aimed at helping to raise money for Cure SMA, in honor of a local child who suffers from the disease; and

Whereas, the fundraiser will include the walk, and a Kid's Zone with family-friendly activities; now, therefore, be it

Resolved, that pursuant to their request, Cure SMA is hereby granted permission to hold, "Bella's Walk for Cure SMA" at Widewaters Park at Nelson Goehle Marina on Sunday, August 13, 2023, from 10am until 4pm, subject to Cure SMA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Lupo and adopted. Ayes 6.

**041223.5**

By Alderman Kantor:

Whereas, the United States Department of Agriculture currently has projects surveying the presence of invasive pests, the European Cherry Fruit Fly and the Box Tree Moth, in host trees and plants in Niagara County; now, therefore be it

Resolved, that pursuant to their request to eradicate these invasive pests in the City of Lockport, the USDA Invasive Insect Survey Project is hereby granted blanket permission to place traps in host plants on City of Lockport properties and roadside rights of way, in parks, and in cemeteries. Said permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

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 Beakman and adopted. Ayes 6.

**041223.6**

By Alderman Lupo:

**Lockport City Common Council  
Videoconferencing Policy**

The Lockport City Common Council may, in its discretion, use videoconferencing to conduct Common Council and Committee of the Whole meetings, and any other meetings needed to conduct regular and special business.

The Common Council has the authority to determine whether videoconferencing may be utilized under the following circumstances:

1. Common Council Aldermen, and the Mayor, must be physically present at any regular or special meeting, or committee meeting, unless an Alderman or the Mayor is unable to attend due to extraordinary circumstances, including, but not limited to: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Alderman's or Mayor's physical attendance at such meeting.
2. A quorum of Aldermen must be present, in person, in the same physical location or locations where the public can attend. In the event that no "in person" quorum is reached, the Aldermen appearing by videoconferencing shall not be permitted to vote at said meeting. No Alderman appearing virtually shall be considered in establishing a quorum. Once an "in person" quorum is reached, the Alderman attending by videoconference may fully participate in said meeting, and vote upon any resolutions presented.
3. Except during executive session, the Public shall be permitted to attend the meeting virtually and participate, if applicable, in the event videoconferencing is utilized.
4. The public notice for said meeting shall inform the public that videoconferencing will be utilized with the virtual link and physical location of the meeting.

5. All resolutions and any relevant documents, with the exception of privileged or protected documents, will be made available to the public on the City website prior to said meeting.

6. Any meeting that utilizes videoconferencing shall be recorded and said recording must be posted on the City's website for public viewing within five (5) business days of the conclusion of said meeting. Said recording shall remain available to the public to view for a minimum of five years thereafter. Upon request, the recording of said meeting shall be transcribed.

The Lockport Common Council shall conspicuously post this Videoconferencing Policy on the City website.

The Lockport Common Council shall, in the minutes of each meeting, keep record of any Alderman that participated remotely, pursuant to section 106 of Public Officers Law.

This policy shall be suspended, and the limitations therein shall not apply, in the event that the New York State Governor, or the President of the United States, declares a State of Emergency affecting public assembly or public meetings.

Alderman Beakman	YES
Alderman Devine	NO
Alderman Fogle	NO
Alderman Swanson-Gellerson	YES
Alderwoman Kantor	NO
Alderwoman Lupo	YES

The Local Law was thereupon declared duly adopted.

Seconded by Lupo and adopted. Ayes 3; Alderman Beakman, Swanson-Gellerson and Lupo voted yes. Nays 3. Alderman Devine, Fogle and Kantor voted no. Mayor Roman voted in the affirmative. Local Law is thereupon declared adopted.

#### **041223.7**

By Alderman Beakman sponsored as amended:

A Local Law to amend Section 183.23 under Article III –Parking, Standing and Stopping– of the Lockport Municipal Code

Section 183.23 relative to overnight parking on city streets shall be amended in the following manner:

Section 183.23(E)

- I. Overnight parking shall be permitted on all streets not subject to noparking restrictions pursuant to Section C-183.24 from April 15th of each year to November 1st of each year.
- II. Only 2-axle non-commercial passenger vehicles and motorcycles, properly registered and insured, may remain on a city street overnight during this period. No vehicle shall

be permitted to stand for a continuous 48-hour period during the months set forth above.

- III. The Highways and Parks Department shall have the ability to designate certain streets for no parking during periods of street cleaning and/or paving, by notices posted in advance.
- IV. The ban on overnight parking within the city limits will remain in effect for the following streets and thoroughfares:
  - a. Main Street/East Avenue from Transit to Washburn Street
  - b. Walnut Street from Transit to Washburn Street.
  - c. West Genesee Street and West Avenue from the city line to Transit
- V. The restrictions on parking for buses and delivery vehicles set forth in §183-23(D) shall remain in full force and effect during this period.

Alderman Beakman	YES
Alderman Devine	YES
Alderman Fogle	YES
Alderman Swanson-Gellerson	YES
Alderwoman Kantor	YES
Alderwoman Lupo	YES

The Local Law was thereupon declared duly adopted.

**041223.8**

By Alderman Fogle:

Whereas, the Federal American Rescue Plan of 2021 (ARPA) provided Coronavirus Local Fiscal Recovery funding to the City of Lockport with a total allocation of \$2,082,557.84,

Whereas, resolution 081821.4 authorized \$1,007,632 in various projects to be funded with said funds, including a sewer vacuum (\$377,527), two street sweepers (totaling \$417,440), a Bandit 18XP Drum Chipper (\$55,313) minus the trade in value of the City's Morbark M15RX Chipper (\$18,500), and a 12-ton truck (\$175,852),

Whereas, due to supply chain and ordering issues, the order for the 12-ton truck (as a 2022 T480 base) could not be completed,

Whereas, a revised quote from the original company (still on Onondaga pricing agreement contract #8996) for a 2024 T480 base and equipment is now \$41,429 higher than originally budgeted,

Whereas, the City still maintains \$279,426 in unallocated ARPA funds,

Now therefore be it resolved, that the City is authorized to enter into a revised purchasing agreement with Kenworth and Viking and that that the FY 2023 General and Capital fund budget is amended as follows to recognize the extended use of ARPA funding:

**Revenue**

Increase

A.0000.34089	Federal Revenue	\$41,429
H212.5110.32801.A	Interfund from General	\$41,429

Expenditures

Increase		
A.9901.59000.H	Interfund Transfer	\$41,429
H212.5110.52420	Machinery and Heavy Equip.	\$41,429

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Beakman:

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

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

**041223.9**

By Alderman Swanson-Gellerson:

Resolved, pursuant to internal control measures outlined by the New York State Comptroller’s Office, the City of Lockport establishes an Audit Committee Policy as follows:

**City of Lockport NY - Audit Committee Policy**

The Audit Committee is composed of financial professionals in the community who are tasked with oversight of the City of Lockport’s financial reporting, management capability, and independent third party audit.

**Purpose and Mission Statement**

A decade ago, the City experienced significant financial distress that required the City to undergo NYS Financing Deficit and annual budgetary review by the NYS Comptroller’s Office (NYS OSC). This strain was caused by mismanagement of funds, lack of cohesive budget and planning, a delinquent RFP process, and a weak system of financial reporting and management. Continuous years of budgetary deficits and diminishing fund balances had caused a cash flow shortage that required NYS intervention and funding to resolve.

The City has since made strides to mitigate financial managerial risk and its impact on taxpayers. Though careful planning, budgeting, and accounting, the City has managed to build a strong and robust fund balance in recent years with an increasing cash flow to support operations. While effort has been made into improving our financial conditions and capabilities, there is always room for both improvement as well as oversight to ensure that all measures possible are being taken to ensure no such mismanagement occurs again.

The mission of the Audit Committee is to ensure that the financial management and auditing capabilities are sufficient to fit the ever-changing needs of the City.

**Responsibilities**

- Review financial data and reports to identify any substantive trends or concerns that may be overlooked.
- Make recommendations on methods to improve financial data, reporting capabilities, accessibility, and internal controls.
- Review City-made corrective-action-plans (CAPs) and ensure that curative action is being done to minimize future audit findings.
- Ensure that a logical methodology is being used in the contracting and RFP (request for proposal) process / selection of the 3<sup>rd</sup> party auditor.
- Meet with third party auditor to independently review management letter and financial statements.

### **Composition of the Committee and Selection of Members**

The audit committee shall be established appointed by the Mayor. The audit Committee shall consist of at least three members of the public who are independent of City operations. Audit committee members shall be prohibited from being an employee of the City. In addition, audit committee members shall not engage in any private business transactions with the City or receives compensation from an entity that has material business relationships with the City.

It is the expectation that all members on the audit committee shall possess or obtain a basic understanding of governmental financial reporting and auditing.

### **Meetings and Materials**

The audit committee will meet with City officials (typically the Mayor, Treasurer, and Finance Director) three times per year. Once a year, around May, the audit committee members will meet with the third party auditor independent of City officials in order to ask questions and discuss areas of concern with the auditors directly. These four meetings will be documented with meeting minutes that are to be provided to the City Clerk. These quarterly meetings may occur digitally or via phone calls as well as in-person.

Additional meeting may be required to adequately fulfill all of the responsibilities as defined in this policy. Independent communication between the committee members for more frequent review of data is optional.

Materials to be reviewed will primarily consist of:

- Data on the City's Online Open Financial Portal (<https://lockportny.gov/lockports-open-financial-data-portal/>) which includes balance sheets, budget statements, cash/metric/utility benchmarking, and more.
- Current and prior year financial statements and management letters, obtained on the City's Finance Department website (<https://lockportny.gov/departments/finance-department/>).
- Other data, reports, and policies published on the City's Finance Department website (<https://lockportny.gov/departments/finance-department/>).
- Internal monthly finance update reports, to be provided by the Finance Director via email.
- On an annual basis, the third party auditor will provide the audit committee members a draft copy of the upcoming audit findings and financial statements for their review.



- Other materials may be requested to the Finance Director and Treasurer as required.

### Committee Expectations and Outputs

Once a year, the committee is responsible for putting together a report addressed to the Mayor that identifies areas of concern / possible improvement as defined in the areas of responsibilities in this policy. Both the minutes and the report will be published online to the City of Lockport’s Committees and Boards webpage (<https://lockportny.gov/list-of-committeesboard/>).

This policy supersedes any resolutions regarding this committee.

Seconded by Alderman Kantor and adopted. Ayes 6.

### 041223.10

By Alderman Lupo:

Whereas, the City published an RFP to collect bids for website maintenance, hosting, and social media management on March 9, 2023 with a due date of March 24, 2023;

Whereas, the City Clerk, in coordination with the City’s Network Coordinator and Finance Director, have reviewed said bid submissions and have recommended to pursue a contract with North Shore Solutions;

Whereas the General Fund FY 2023 Operating Budget does not contain the required amount of funding necessary to continue operations of the website;

Now therefore be it resolved that the Mayor is hereby authorized to enter into a purchasing contract with North Shore Solutions and that the FY 2023 General Fund budget is amended as follows:

#### Expense

Increase			
A.1680.54075	Maintenance and Service Contracts		\$3,500
Decrease			
A.1900.54775	Contingency		\$3,500

Seconded by Alderman Devine and adopted. Ayes 6.

### 041223.11

By Alderman Beakman:

**WHEREAS**, in the past few years, the State Legislature has made several changes to the criminal laws including changes to monetary bail policies, age of maturity for criminal convictions, discovery and disclosure requirements imposed on the prosecution, and adjustments to the parole process; and

**WHEREAS**, the intent of bail reform was to respond to legitimate concerns relating to the disparity between low income and minority populations being unfairly and unjustly impacted by a monetized bail system. While the intent behind bail reform was to address the disparities,

there have been unexpected negative ramifications to same, and we want to ensure the safety of our community; and

**WHEREAS**, many of these changes have resulted in increased crime across New York State as many repeat offenders are released from police custody without bail during the pretrial period; and

**WHEREAS**, the State's bail reforms have eliminated the ability of judges to set monetary bail for many categories of criminal offenders, and many defendants are released without any option to impose bail, thereby allowing non-violent suspects, including repeat offenders, back in public shortly after arrest; and

**WHEREAS**, in addition, speedy trial and discovery reforms were also imposed on courts and District Attorney's offices across the state, which has led to summary dismissals and standing prosecutorial policies electing not to prosecute entire categories of crimes due to the lack of manpower and related inability to comply with the new laws; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

(1) The City of Lockport Common Council urges the New York State Legislature and Governor Kathy Hochul to modify the bail reform laws to allow judges to have more discretion to set monetary bail, and to modify the regulations on speedy trial and discovery reforms; and

(2) That certified copies of this resolution be forwarded by the City Clerk to Senator Rob Ort, Assemblyman Michael Norris, Governor Kathy Hochul, and any other elected official deemed necessary and proper.

Seconded by Alderman Kantor and adopted. Ayes 6.

**041223.12 - WITHDRAWN**

**041223.13**

Alderman Lupo:

**RESOLVED**, that the City of Lockport applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") under Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the South Street Neighborhood Project;

**RESOLVED**, that City of Lockport is authorized and directed to accept these grant funds in an amount not to exceed \$450,000.00 for the project described in the grant application;

**RESOLVED**, that City of Lockport is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such South Street Neighborhood Project;

**RESOLVED**, that City of Lockport is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded

public access covenant, conservation easement, and/or preservation covenant; and

**RESOLVED**, that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the Mayor.

Seconded by Alderman Fogle and adopted. Ayes 6.

**041223.14**

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 8<sup>th</sup> through September 11<sup>th</sup>, 2023 from 5:30 p.m. to 8:30 p.m., (Memorial Day and Labor Day Super Cruise begin at 4:00 p.m.) and be it further

Resolved, that said permission includes the following:

- (1) Vendors who have paid a fee to the Optimist Club will be allowed to sell during the cruises. No other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property
- (2) The show area shall include Ida Fritz Park and the city rights of way on West Avenue, Hawley Street, and Park Avenue
- (3) Barricades on West Avenue and Park Avenue at Hawley Street to North Transit Street, and Hawley Street between Park Avenue and West Avenue

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, subject to the approval of the Corporation Counsel; and be it further

Resolved, that the Director of Streets, Parks and Water Distribution is hereby authorized and directed to arrange for delivery of barricades, traffic cones, street closed signs and extra picnic tables to the area prior to the events; and be it further

Resolved, that the City of Lockport hereby prohibits entry of all bicycles, skateboards, and dogs to Ida Fritz Park on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Beakman and adopted. Ayes 6.

**041223.15**

By Alderman Swanson-Gellerson:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Lockport Little Loop Football for use of Exchange Field for their 2023 season.

Seconded by Alderman Kantor and adopted. Ayes: 6.

**041223.16 –**

By Alderman Beakman:

Whereas by Resolution 022223.12 the Common Council approved the use of two (2) 30-yard dumpsters at 13 West Main Street during a demolition and construction project through the end of April 2023, and

Whereas the demolition/construction project is not yet complete; now therefore be it Resolved, that pursuant to its 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 or in the alley to the east of 13 West Main Street whenever possible through November 2023. 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

Seconded by Alderman Lupo and adopted. Ayes: 6.

**041223.17**

By Alderman Devine:

Resolved that the Mayor and the Common Council do hereby extend condolences to the family of Josh Richie, a former Heavy Equipment Operator with the City of Lockport employed from 2021 - 2023, who recently passed away.

Seconded by Alderman Lupo and adopted. Ayes 6.

**041223.18**

**ADJOURNMENT**

At 7:11 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 26, 2023.

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

SARAH K. LANZO  
City Clerk