

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

Palace Theatre

Regular Meeting  
Official Record

January 1, 2022  
11:00 A.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Fogle, Kantor, and Pasceri.  
Alderman Devine was absent.

By Alderman Fogle:

Resolved, that the Rules & Orders governing Common Council meetings be and the same are hereby waived for this meeting.

Seconded by Alderman Kantor and adopted. Ayes 5.

**INVOCATION – Pastor Kiner**

**OFFICIAL SWEARING IN CEREMONY**

**Conducted by the Honorable Judge Thomas M. DiMillo**

**MAYOR'S UPDATE**

**010122.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of December 15, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE CITY CLERK**

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

**NOTICE OF CLAIM**

12/16/21      Kristina M. Harris, 8 Bristol Avenue, Lockport, NY

## **NOTICE OF SUMMONS**

12/21/21 Jerry Nichols, 13200 Hemlock Ridge Road, Albion, NY  
12/28/21 Mary Beaudoin, 794 East High Street, Apt. B, Lockport, NY

Referred to Corporation Counsel

## **NOTICE OF COMPLAINT**

12/15/21 532 High Street – tree  
12/16/21 863 Willow Street – tree  
12/16/21 159 Prospect Street – tree  
12/16/21 121 Olcott Street – tree  
12/16/21 172 Erie Street – tree  
12/17/21 143 Waterman Street – tree  
12/21/21 392 Washburn Street – tree  
12/27/21 55 Weld Street – tree

Referred to the Director of Highways and Parks

## **MOTIONS & RESOLUTIONS**

### **010122.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on January 3, 2022 as follows:

General Fund	Fund A	\$90,915.25
Water Fund	Fund FX	\$20,589.58
Sewer Fund	Fund G	\$14,588.46
Capital Projects	Fund H	\$95,537.19
Self Insurance	Fund MS	\$40.00
Community Dev.	Fund CD	\$20,000.00
Refuse	Fund CL	\$279.23
Payroll	Pay Date 12/2	\$677,485.71

Seconded by Alderman Fogle and adopted. Ayes 5.

### **010122.3**

## **ADJOURNMENT**

At 11:15 A.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, January 26, 2022.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

January 26, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE – STATE OF THE CITY ADDRESS**

**RECESS**

Recess for public input.

**012622.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of January 1, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

1/5/22 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments:

**For the term of one year expiring on December 31, 2022.**

President of Common Council  
Corporation Counsel  
Deputy Corporation Counsel  
Deputy Corporation Counsel  
Traffic Advisory Committee  
Niagara Community Action Program

Paul Beakman  
Laura Miskell Benedict  
Jason Cafarella  
Patricia McGrath  
Patricia McGrath  
John Lombardi, III

**2022 Common Council Standing Committees:**

**Finance Committee** - Alderman Beakman, Chairman

Members: Aldermen Barnard, Devine, Fogle, Kantor, Pasceri  
City Treasurer, Staff Accountant, Director of Finance

**Public Health & Safety Committee** - Alderman Barnard, Chairman

Members: Fire Chief, Police Chief, and Chief Building Inspector, Aldermen Beakman, Devine, Fogle, Kantor, Pasceri

**Highways & Parks Committee** - Alderman Pasceri, Chairman

Members: Aldermen Barnard, Beakman, Devine, Fogle, Kantor  
City Engineer, Director of Streets and Parks

**Water & Sewer Committee** - Alderman Devine, Chairman

Members: Aldermen Barnard, Beakman, Fogle, Kantor, Pasceri  
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water, Water Distribution Supervisor

**Youth Committee** - Alderman Kantor, Chairman

Members: Alderman Barnard, Beakman, Devine, Fogle, Pasceri

**Personnel Committee** - Alderman Beakman Chairman

Members: Aldermen Barnard, Devine, Fogle, Kantor, Pasceri  
City Clerk, Personnel Officer

**Washington Hunt Committee** - Mayor Roman, Chairman

Members: Alderman Devine, Corporation Counsel Laura Miskell Benedict

**For their term of office:**

Police Board

Alderman Mark Devine

Fire Board

Alderman Kitty Fogle

Community Cable Commission

Alderman Mark Devine

**License Revocation Board** - Alderman Kantor

Members - Chief Building Inspector +

**Tree Advisory Committee-(Ad-Hoc)** - Alderman Beakman, Chairman

Received and filed.

1/1/22 John Lombardi III, 329 Chestnut Street, Lockport, NY – reappointed as the City of Lockport representative for NIACAP effective January 1, 2022.

1/3/22 Kathryn Fogle, 101 Nicholls Street, Lockport, NY – reappointed to the Youth Board effective January 1, 2022. Said term expires December 31, 2024.

1/3/22 Demetrius Grant, 102 Bridlewood Drive, Lockport, NY – reappointed to the Youth Board effective January 1, 2022. Said term expires December 31, 2024.

1/3/22 Anita Mullane, 93 Lindhurst Drive, Lockport, NY – appointed to the Police Board effective January 1, 2022. Said term expires December 31, 2022.

1/3/22 Sienna R. Marren, 183 Willow Street, Lockport, NY – appointed to the Fire Board effective January 1, 2022. Said term expires December 31, 2025.

1/5/22 Greg Zakrezewski, 5715 Royalton Center Road, Gasport, NY 14067 – reappointed to the Plumbing Board effective January 1, 2022. Said term expires December 31, 2024.

1/10/22 Cheryl L. Brown, 422 West Caledonia Street, Lockport, NY – reappointed to the Police Board effective January 1, 2022. Said term expires December 31, 2025.

1/10/22 Andrew D. Harris, 83 Prentice Street, Lockport, NY – appointed to Municipal Worker for the City of Lockport Parks Department effective January 1, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

1/10/22 Nicholas D. Rubert, 182 Irving Street, Lockport, NY – appointed to Public Works Supervisor for the City of Lockport Highway & Parks Department effective December 30, 2021. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

1/10/22 Jessica E. Stopa, 6109 East Lake Road, Burt, NY 14028 – appointed to Assistant Chief Operator for the City of Lockport Wastewater Treatment Plant effective December 30, 2021. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

1/12/22 Mark A. Cocco, 21 Allen Street, Lockport, NY – appointed to Municipal Worker for the City of Lockport Highway & Parks Department effective January 7, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Services Rules and Regulations.

1/12/22 Sarah K. Lanzo, 129 Beattie Avenue, Lockport, NY – reappointed to the Building and Grounds Accessibility Committee effective January 1, 2022. Said term expires December 31, 2023.

1/14/22 John F. Swan, 28 Maple Street, Lockport, NY – reappointed to the Parks Board effective January 12, 2022. Said term expires January 12, 2026.

1/19/22 John F. Swan, 28 Maple Street, Lockport, NY – reappointed to the Buildings and Grounds Accessibility Committee effective January 1, 2022. Said term expires December 31, 2023.

Received and filed.

1/13/22 Mayor Michelle M. Roman – recommendation that Mark S. Devine, 110 Corinthia Street, Lockport, NY be appointed to the Lockport Community Cable Commission.

1/12/22 Mayor Michelle M. Roman – recommendation that Thomas E. Lupo, 17 Bobolink Lane, Lockport, NY be appointed to the Lockport Community Cable Commission.

Referred to the Committee of the Whole.

**Resignation:**

10/3/21 Marietta Schrader, 32 Gaffney Road, Lockport, NY, resignation from the Board of Directors of the Niagara County Department of Health, effective immediately.

Received and filed.

**FROM THE CITY CLERK**

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

**Communications:**

9/29/21 Chris Parada, Executive Director-Historic Palace Theatre – request permission to conduct the annual L10 Run on Feb. 12, 2022.

10/25/21 Maureen Miller, Director/Co-Owner, Soccer Shots Buffalo – request permission to use Altro Park for their upcoming 2022 season.

Received and filed.

**Notice of Claim:**

12/30/21 Mary S. Jacka, 160 John Street, Lockport, NY

1/3/22 Anthony Stashak, 275 Locust Street and 205 Lock Street, Lockport, NY

1/7/22 Garry Thurston, 76 North Adam Street, Lockport, NY

1/7/22 Joan C. Bower, 37 Oliver Street, Lockport, NY

1/20/22 John Taylor, 726 East Avenue, Lockport, NY

Referred to the Corporation Counsel.

**Notice of Complaint:**

1/14/22 Joan Simmons, 38 Maple Street – tree

Referred to the Director of Streets and Parks

**MOTIONS & RESOLUTIONS**

**012622.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on January 27, 2022 as follows:

**2021**

General Fund	Fund A	\$171,405.88
Water Fund	Fund FX	\$120,963.82
Sewer Fund	Fund G	\$103,320.68
Capital Projects	Fund H	\$899,391.23
Self-Insurance	Fund MS	\$54,921.69
Community Dev.	Fund CD	\$17,500.00
Refuse & Recycle	Fund CL	\$257.62

**2022**

General Fund	Fund A	\$360,186.17
Water Fund	Fund FX	\$15,614.90
Sewer Fund	Fund G	\$14,049.22
Capital Projects	Fund H	\$33,250.00
Self-Insurance	Fund MS	\$150,827.60
Worker's Comp	Fund S	\$13,925.00
Refuse & Recycle	Fund CL	\$89,305.62

Payroll Pay Dates 12/16 & 12/30 \$1,006,041.14

Seconded by Alderman Pasceri and adopted. Ayes 6.

**012622.3**

By Alderman Fogle:

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>
Carol K. Noon	20	Sr. Lab Tech WWTP
Aaron K. Belling	15	Police Officer

Julie K. Snyder	15	Police Officer
Tina L. Plunkett	15	Crossing Guard
Roxane S. Swan	15	Crossing Guard
Robert J. Woods	5	Heavy Equip. Operator

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **012622.4**

By Alderman Beakman:

Resolved, that pursuant to the recommendation of the City Treasurer and Director of Finance, the Manufacturers & Traders Trust Company, J. P. Morgan Chase & Co. Bank and Key Bank, be designated as depositories of City funds for fiscal year 2022, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman Devine 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 Fogle and adopted. Ayes 6.

#### **012622.5**

By Alderman Fogle:

Resolved, that the following Rules and Orders of the Common Council are hereby adopted:

#### **RULES AND ORDERS OF THE COMMON COUNCIL**

1. **Roll Call** - At the hour appointed for the meeting of the Council, the Mayor shall take the chair and direct a call of the members of the Council, and the Clerk shall note the absentees. Upon the appearance of a quorum, the Mayor shall call the members to order. If a quorum be not present, they shall send for absent members. Following shall be the

#### **ORDER OF BUSINESS**

- a. Reading of minutes. Reading and approval of the minutes preceding meeting; but a majority of the members present may approve of, or dispense with, the reading of the minutes of any previous meeting.
- b. Communications from the Mayor.
- c. Communications and reports of officers of the corporation.
- d. Petitions and remonstrances.
- e. Reports of Standing Committees, in the order named in rule.
- f. Reports of Special Committees.
- g. Committee of the Whole.
- h. Executive business.



- i. Motions, resolutions and notices.
- j. Unfinished business.

#### **DUTIES OF THE MAYOR AS PRESIDING OFFICER**

2. **The Mayor, as presiding officer, shall possess the powers and perform the duties as herein prescribed:**
  - a. They shall preserve order and decorum.
  - b. Question of Order. They shall decide all questions of order, subject to appeal of the Council. On every appeal they shall have the right in his/her place to assign his/her reason for his/her decision; but any member may state the grounds for his/her appeal.
  - c. Appointment of Committees. He/she shall appoint all committees except where the council shall otherwise order.
  - d. Temporary Chairman. He/she may substitute any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment of the Council, except by special consent of the Council.
  - e. Committee of the Whole. When the Council shall be ready to go into Committee of the Whole, he/she shall name a chairman to preside therein.
  - f. Privileges of the floor. He/she shall have the right to invite to the floor of the Council such persons as he/she shall deem deserving of the privilege; but the right of admission under such invitation shall not extend beyond the day on which it shall be given.
3. **While a question is being put** - While the presiding officer is putting a question, no member shall walk across or out of the room; nor in such case, or when a member is speaking, shall entertain any private discourse, nor, while a member is speaking, shall pass between him and the chair.
4. **Speaking** - Every member, when he/she speaks, shall, from his/her chair, address the presiding officer as Mr. /Madam Mayor, or proper title and shall not proceed until recognized by the presiding officer; and no member shall speak more than twice to the same question, nor more than five minutes each time at the same meeting, without requesting and receiving the consent of a majority of the members present, by a roll call vote.
5. **Speaker recognized** - When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.
6. **Call to order** - Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated at the request of the presiding officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.
7. **Vote** - Every member shall vote when a question is stated from the chair, unless excused by the Council; and every member voting shall be in his/her place.
8. **Petitions, etc.** - Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he/she shall first endorse on the petition or paper the substance thereof.

9. **Motions or Resolutions** - No motion or resolution shall be debated or put until seconded. No member shall make or second a motion or resolution except he/she request recognition from his/her chair for that purpose; and when seconded the motion or resolution shall be stated distinctly by the presiding officer, before being put or debated. No motion or resolution shall be presented for action unless it has been reviewed by Corporation Counsel and submitted in writing to the Clerk by noon of the Wednesday preceding the Common Council meeting, or unless by prior authorizations of the Mayor, City Clerk, and City Attorney and then by consent of two-thirds of the whole number of the Council. Resolutions submitted for consideration may go to the appropriate committee prior to submission. A motion or resolution referred to any committee may be recalled from that committee at any subsequent Council meeting by vote of a majority of the whole number of the Council. If any motion or resolution referred to a committee shall not have been reported out within forty-five days of the time when it was referred, then the sponsor of the motion or resolution may have it brought out for Council consideration without any committee report. Any motion or resolution may be withdrawn at any time before decision, commitment or amendment by unanimous consent.
10. **Ayes and noes** - If any member require it, the ayes and noes upon any question shall be taken and entered upon the minutes of the Council. In taking the same, the names of members shall be taken alphabetically.
11. **Appointment of committees** - All committees shall be appointed by the presiding officer, unless otherwise specially directed by the Council, in which case they shall be appointed by ballot.

#### **PRIVILEGED QUESTIONS**

12. **Order of motions** - When a question is pending, no motion shall be received, except as hereinafter specified; which motion shall have preference in the order stated:
  - a. For an adjournment of the Council.
  - b. A call of the Council.
  - c. To lay on the table.
  - d. For the previous question.
  - e. To postpone indefinitely.
  - f. To postpone to a day certain.
  - g. To refer to the Committee of the Whole.
  - h. To refer to a standing committee.
  - i. To refer to a special or select committee.
  - j. To amend.
13. **Non-debatable motions** - A motion to adjourn, lay on the table, or for the previous question, shall be decided without amendment or debate; and all questions of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone or to refer, shall preclude all debate of the main question.
14. **Reconsideration** - A motion for reconsideration if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.

15. **Executive business** - Executive business shall be governed by Chapter 511 of the Laws of 1976.
16. **Concerning applicant for office** - All information, or any remarks by any member concerning the character or qualifications of any person whose name shall be before the council for an appointment to any office, shall be kept secret, and all proceedings and things of the Council, or any member thereof, in secret session, shall be kept secret until the Council shall remove all injunctions to secrecy.
17. **Divisions of questions** - If any question contains several distinct propositions, it may be divided by the chair.
18. **Reading of paper** - Any member may have any paper in possession of the council read, upon request, unless the same shall be objected to by some other member; and then the question shall be determined by a vote of a majority of the whole council, without debate.
19. **Speaking to question** - After the roll-call upon any question has commenced, no member shall speak to the question except to explain his/her vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.
20. **Committee's Report** - No report shall be received from any committee unless the committee, or a quorum thereof, shall have met and considered the matter in a regular or special meeting of the committee.
21. **Robert's Rule of Order** - Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order. The Corporation Counsel shall preside as the Parliamentarian at all meetings. (Amended 4/2/14)
22. **Standing Committees** - The following standing committees shall be appointed by the Mayor at the commencement of the session, or as soon thereafter as may be practicable:

FINANCE COMMITTEE – to consist of Common Council members as appointed by the Mayor, and ex-officio members: City Treasurer and Director of Finance.

PUBLIC HEALTH & SAFETY – to consist of Common Council members as appointed by the Mayor and ex-officio members: Police Chief, Fire Chief, and Chief Building Inspector.

HIGHWAYS & PARKS - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

WATER & SEWER - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

YOUTH – to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer.

PERSONNEL – to consist of Common Council members as appointed by the Mayor and ex-officio member: City Clerk and Personnel Officer.

WASHINGTON HUNT - to consist of three members: Mayor and two aldermen as appointed by the Mayor.

The Common Council President shall be qualified to sit as a member of any standing committee whenever his/her presence will enable such committee to reach a quorum for the transaction of business.

23. **Changing of Rules** - No standing rule or order of the council shall be amended, repealed, rescinded, changed or superseded, except by a vote of two-thirds of the whole council, nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by a two-thirds consent of the whole council.
24. **Regular Meetings:**
  - a. The regular meeting of the Council shall be held on the second and fourth Wednesday of each month, except when otherwise directed by resolution of the Common Council. The hour of the meeting shall be 6:30 P.M., and if a quorum shall not be present at 7:00 P.M., the Common Council shall stand adjourned. The Committee of the Whole shall meet one half hour prior to the start of the regularly scheduled Common Council meetings.
  - b. The Committee of the Whole work sessions shall be held at 6:00 P.M. on the second and fourth Wednesday of each month, preceding the Council meeting, or any other day and time if so directed by the President of the Common Council.
25. **Business of Special Meeting** - It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, unless by unanimous consent of all members present.
26. **Regular Committee Meetings** - The standing committees shall have regular meetings for the transaction of committee business.
27. **Report of Committees** - It shall be the duty of the committees to report on every subject referred to them, within two weeks from the time of such reference, unless the time shall have been extended by the council.
28. **General rules and regulations for the letting of contracts for materials, supplies, equipment or public works projects (including local public improvements).**
  - I. After any materials, supplies, equipment or public works project shall have been ordered, the Common Council shall, at the time of adopting the ordinance therefor, or at any time thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received.
  2. All notices shall be given by the City Clerk by publishing same in the official paper of this city.

3. Notices for the receiving of proposals shall be of the following form - the blanks therein to be filled at the time of publication as necessities require: NOTICE TO BIDDERS City Clerk's Office, Lockport, New York Sealed proposals shall be received by the undersigned at his office, Lockport Municipal Building, One Locks Plaza, Lockport, NY until (day), (date), at (time) for in accordance with the specifications made therefor and obtainable at the (appropriate City office). Proposals must be for the amount in gross and include everything connected with the proposed materials, supplies, equipment or public works project being bid. Each proposal must be accompanied by a certified check or bid bond in an amount equal to ten percent of the bid. The Common Council hereby reserves the right to reject any or all proposals. By order of the Common Council of the City of Lockport, N.Y. \_\_\_\_\_ City Clerk

4. No proposal after time expires. After the time in said notice specified for the reception of proposals shall have expired no further proposals for the work specified therein shall be received; and each and every plan and specification therein published shall be particularly and strictly observed by all concerned.

5. Proposals to be guarded. The City Clerk shall receive all proposals at his office in this City, and shall carefully guard and preserve the same unopened; he shall not permit either or any of them to be taken from his custody until such time and in such manner as the Common Council may order and direct.

6. Clerk to open. The Clerk shall publicly open and read the bids on the date and at the time specified in the Notice to Bidders.

7. Clerk to report to Council. The City Clerk shall submit a summary of those bids received and opened to the Common Council at its first regular meeting thereafter, under the order of "unfinished business."

8. Recess to examine. The Mayor may thereupon declare a recess, stating the duration thereof, in order that the members of the Council may critically examine each proposal.

9. Action on proposals. Upon re-assembling, the Common Council shall consider said proposal, and shall without adjournment take some action in relation thereto, either by accepting the proposal of the lowest responsible bidder, or by rejecting all bids, or by referring the same to some proper committee.

10. To again advertise. In case all bids are rejected, the Common Council shall again direct the publication of a notice to bidders, similar in all respects to that first advertised, and shall so continue to advertise for, receive and consider proposals for said items until by a vote of a majority of the council, a contract is finally awarded, except, however, in cases where the Common Council shall reconsider its action requiring such work to be performed by contract.

11. Certified Check or Bid Bond. Each proposal shall be accompanied by a certified check or bid bond in a sum not less than ten percent of the amount of the proposal. In the event the successful bidder fails to enter into contract within five days after being notified by the City Clerk, the check will be forfeited.

12. The Common Council reserves the right to reject any or all proposals.

29. **Two-thirds vote to repeal** - No legislative ordinance, act or resolution passed during any previous meeting of the current term of this council, shall be amended, repealed, rescinded, changed or superseded, in whole or in part, except by two-thirds vote of the whole Council.
30. **Recess for public input** - Those desiring to speak at Common Council meetings may do so during the recess for public input following the Mayor's Update, and after adjournment. The first instance shall be limited to matters regarding City business on the Agenda; the second instance shall be to address matters concerning the general welfare of the City.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **012622.6**

By Alderman Kantor:

Resolved, that pursuant to their request, the Historic Palace Theatre is hereby granted permission to conduct the 50<sup>th</sup> annual L10 Run from 9am until 12:30pm on Saturday, February 12, 2022. The race route will require closing East Avenue between Elm and Charles Streets; closing Elm Street for the finish of the race; and, disrupting traffic flow on Market Street. Permission is granted subject to approval of the race route by the Police Chief and subject to the Historic Palace Theatre filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that permission is granted to place two portable toilets in the parking lot at Nelson Goehle Widewaters Marina for the runners' convenience, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for salting the streets in the City's portion of the race route if necessary, and to deliver barricades, cones, and "street closed" signs as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **012622.7**

By Alderman Beakman:

Whereas, the City of Lockport adopted by Resolution 112018.11 an Employee Handbook on November 20, 2019; and

Whereas, that included in the Employee Handbook were certain mandatory subjects of bargaining that were improperly unilaterally imposed by the City; and

Whereas, certain unions had filed labor charges against the City for the implementation of the Employee Handbook; and

Whereas, the City's Corporation Counsel has resolved the litigation and negotiated a revised Employee Handbook with the subject Unions; now, therefore, be it

Resolved, that the City of Lockport hereby adopts and approves the Employee Handbook as revised and authorizes the Mayor to implement the same.

Seconded by Alderman Fogle and adopted. Ayes 5. Nays 1. Alderman Devine voted no.

**012622.8**

By Alderman Kantor:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring and Summer Soccer Program on Saturdays at Altro Park beginning April 23, 2022 through September 3, 2022, subject to Soccer Shots Buffalo filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

**012622.9**

By Alderman Devine:

Whereas, the City of Lockport Police Department participates in joint enforcement activities with the Federal Drug Enforcement Agency and the Niagara County Drug Task Force; and

Whereas, the City of Lockport Police Department receives, from time to time, funds generated from these joint enforcement activities which are to be used for the purchase, maintenance, and/or replacement of capital equipment within the Police Department; and

Whereas, the City must amend its 2022 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the use of funds for payment of a forensic scanner lease; now, therefore, be it

Resolved, that the 2022 General Fund Budget is hereby amended as follows:

Increase:

Expense:	A.3120.54515 Special Supplies	\$10,633.43
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Revenue:	A.3120.34389 Other Federal Public Safety	\$10,633.43
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Seconded by Alderman Kantor and adopted. Ayes 6.

**012622.10**

By Alderman Kantor:

Resolved, that pursuant to their request, Happily Running, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on the weekends of January 29 and 30 and August 13 and 14, 2022, for the annual Winter and Summer Beast of Burden Ultra Marathons. Said permission is subject to Happily Running, LLC 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 the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot, and be it further

Resolved, that said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Beakman and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **012622.11**

By Alderman Beakman:

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

Resolved, that the City of Lockport does hereby adopt the following budget modification policies and procedures:

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

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

- To approve requests for the transfer of funds, not to exceed \$25,000, within and between the contractual, capital, and benefit expense items of a department budget, provided said administrative transfers do not exceed total appropriations for the departmental budget as adopted or amended by the City Council.
- To approve requests for the transfer of funds, not to exceed \$25,000, within the Personal Services account or from Personal Services to Equipment and Contractual, provided said authority is further limited to modifications for



temporary, overtime and/or shift differential appropriations, which shall not result in the creation of permanent full time or part-time positions.

**Guideline #3:** For individual amendments ranging from **\$25,001 to \$50,000** (in which the Department Head can identify excess funds to match the requested increase), the Department Head will provide to the Director of Finance the attached Budget Amendment Worksheet. In this event, the Director of Finance in concurrence with the Mayor, shall have the authorization:

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

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

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

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

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Devine and adopted. Ayes 6.

**012622.12**

By Alderman Beakman:

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

Resolved, that the City of Lockport does hereby adopt the following fund balance policies and procedures:

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

**Guideline #2 – General Fund:** The City shall maintain a minimum unrestricted fund balance in the General Fund equal to 17% of the following year's General Fund budgeted expenditures to be used for cash flow purposes, to cover unanticipated expenditures of a non-recurring nature, to meet unexpected increases in service delivery costs and/or to cover unexpected revenue shortfalls. These funds are used to avoid cash flow interruptions, generate interest income, and to avoid the need for short-term borrowing. Each year, the City shall budget an operating budget contingency of not less than 1.25% of all budgeted General Fund expenditures

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

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

**Guideline #5 – Internal Service Funds:** To ensure adequate maintenance reserves, cash flow balancing requirements, and legal restrictions, the Self-Insurance Funds shall maintain a cash balance equal to the unpaid claim reserves payable amount on its balance sheet, as defined by

the independent actuary plus 10% of the annual department operating budgets within the fund. Net position within the fund should not fall below zero.

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

Seconded by Alderman Barnard and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Devine and adopted. Ayes 6.

### **012622.13**

By Alderman Beakman:

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

Resolved, that the City of Lockport does hereby adopt the following investment policies and procedures:

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

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

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

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

**Guideline #4 - Prudence:** All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Lockport to govern effectively. Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence discretion

and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

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

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

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

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

- By a pledge of "eligible securities" with an aggregate "market value" as provided by GML #10, equal to the aggregate amount of deposits from the categories designated in Guideline 13 of this policy.
- By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- By an eligible surety bond payable to the City of Lockport for an amount at least equal to 100% of the aggregate amount of deposits and agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, and who has met with the requirements of the State Comptroller's office. (#3 added 01/04/95)

**Guideline #9 – Safekeeping and Collateralization:** Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities

are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment to the City of Lockport or its custodial bank.

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

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

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

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

**Guideline #11 – Authorized Financial Institutions and Dealer:** The financial institutions so

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

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

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

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

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities

**Guideline #13 – Schedule of Eligible Securities:**

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.
- (iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

- (iv) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (v) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (viii) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (ix) Zero coupon obligations of the United States government marketed as "Treasury strips".

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

Seconded by Alderman Kantor and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **012622.14**

By Alderman Beakman:

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

Resolved, that the City of Lockport does hereby adopt the following procurement policies and procedures:

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

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

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

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

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

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

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

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

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



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

- Emergencies, as defined by General Municipal Law Section 53 (4);
- Sole source situations;
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods purchased from another governmental agency;
- Goods purchased at auction;
- Goods purchased through a New York State and/or County contract (needs approval with a Council Resolution when substituting for the sealed bidding procedures).

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

**Guideline #8:** This policy shall be reviewed annually by the City of Lockport Common Council.

Seconded by Alderman Fogle and adopted. Ayes 6.

#### **012622.15**

By Alderman Devine:

Whereas, the American Rescue Plan Act of 2021 (ARPA) provided the City with \$1,037,044.91 in FY 2021 funding with an additional funding amount of \$1,037,044.91 anticipated to be released in the summer of FY 2022, and

Whereas, resolution 111721.21 authorized the Raw Water Pumping Station Emergency Generator project, totaling \$800,000, with a potential grant from NYSEFC of \$480,000 and a local match (of intended ARPA funds) for the remaining \$320,000, and

Whereas, the City's engineering firm has recommended to begin preliminary design work to ensure a more efficient and effective timeline once ARPA and /or other grant funds are released; now, therefore, be it

Resolved, that the Council hereby appropriates the FY 2022 anticipated ARPA funds in the amount of \$320,000 with an additional ARPA contingency appropriation of \$480,000 (for a total of \$800,000) in the event that other grant opportunities do not materialize.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **012622.16**

By Alderman Fogle:

Resolved, that pursuant to the recommendation of Mayor Roman, Mark S. Devine, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a two-year term expiring on December 31, 2023.

Seconded by Alderman Barnard and adopted. Ayes 5. Alderman Devine abstained.

**012622.17**

By Alderman Fogle:

Resolved, that pursuant to the recommendation of Mayor Roman, Thomas E. Lupo, Lockport, NY is hereby reappointed to the Lockport Community Cable Commission effective January 1, 2022, with said term to expire December 31, 2024.

Seconded by Alderman Barnard and adopted. Ayes 6.

**012622.18**

By Alderman Fogle:

Whereas, the City of Lockport Fire Department is interested in purchasing a used ambulance from Harris Hill Volunteer Fire Company in Williamsville for use as a utility vehicle for LFD, and

Whereas, the vehicle is a 1999 Ford E450 Braun Ambulance with 30,000 miles and 3,730 engine hours, and

Whereas, the purchase price offered for said vehicle is \$5,000; now, therefore, be it

Resolved, that the Common Council hereby authorizes the department to purchase the used vehicle, and also amends the General Fund budget as follows:

Expenditures

Decrease

A.1900.54775	Contingency	\$5,000
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Increase

A.3410.52070	Public Safety Equipment	\$5,000
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Seconded by Alderman Beakman and adopted. Ayes 3. Nays 3. Aldermen Barnard, Kantor and Pasceri voted no. Mayor Roman voted in the affirmative. Motion passed.

**012622.18A**

By Alderman Kantor:

Resolved, that the request for a special use permit made by Adam Linderman to harbor pigeons on the property located at 25 Orchard Street, situated in an R-3 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Pasceri. Ayes 0. Nays 6. Motion failed.

**012622.19**

## **ADJOURNMENT**

At 7:42 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 9, 2022.

Seconded by Alderman Pasceri and adopted. Ayes 6.

PAUL K. OATES

City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 9, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**020922.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of January 26, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

2/2/22 Rodney J. Livergood, 5338 Ernest Road, Lockport, NY – appointed to Streets Crew Leader for the City of Lockport Highway and Parks Department effective February 4, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

2/7/22 Chase M. Valery, 137 Garden Street, Lockport, NY – appointed to Heavy Equipment Operator for the City of Lockport Highways and Parks Department effective February 8, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

2/7/22 Kristopher W. Pratt, 5789 Campbell Boulevard, Lockport, NY 14094 – appointed to Public Works Supervisor for the City of Lockport Water Distribution Department effective February 7, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

2/9/22 John C. McArdle, 6735 Tonawanda Creek Road, Lockport, NY 14094 – appointed to Public Works Mechanic for the City of Lockport Highways and Parks Department effective February 4, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

2/7/22 Roxanne M. Devine, 114 Maple Street, Lockport – appointed to the Zoning Board effective January 1, 2022. Said term expires on December 31, 2024.

Received and filed.

### **FROM THE CITY CLERK**

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

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

12/21/21 Ed Sandusky, Vice President of Optimist Club of Lockport – request permission to conduct the 46<sup>th</sup> annual Lockport Optimist Outdoor Arts & Crafts Festival on June 25<sup>th</sup> & 26<sup>th</sup>, 2022.

1/1/22 Heather M. McKeever, Executive Director of WNY Cystic Fibrosis Foundation – request permission to use the pavilion at Widewaters for the organization’s ‘Great Strides’ walk on May 14<sup>th</sup>, 2022.

Received and filed.

2/9/22 Paul K. Oates, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of February in observance of Presidents’ Day:

Monday, February 21<sup>st</sup>

There will be no change in the garbage pickup schedule.

Referred to the media.

**Notice of Claim:**

2/3/22 Amanda Gorko, 329 East Avenue, Lockport

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**020922.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on February 10, 2022 as follows:

**2021 Expenses**

General Fund	Fund A	\$7,815.68
Sewer Fund	Fund G	\$286,315.25

**2022 Expenses**

General Fund	Fund A	\$199,334.89
Water Fund	Fund FX	\$17,925.75
Sewer Fund	Fund G	\$12,290.09
Capital Projects	Fund H	\$6,137.59
Self-Insurance	Fund MS	\$150.00
Worker’s Comp	Fund S	\$99,653.00
Refuse & Recycle	Fund CL	\$87,510.45

Payroll	Pay Dates 1/13 & 1/27	\$1,188,673.79
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Seconded by Alderman Pasceri and adopted. Ayes 6.

**020922.3**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Thomas A. Cinelli	25	Firefighter
James B. Keleher Officer	25	Municipal Training
Joshua Stadlmeir Worker	15	Sewer Maintenance
Christopher J. Walker Worker	15	Water Meter Service
Wade M. Andes	5	Parks Maintainer
Richard T. Gowanlock	5	Firefighter
Timothy C. Lundquist	5	Fire Captain
Adam M. Turton	5	Fire Captain
Joshua R. Wolck	5	Fire Captain
Lisa A. Burrzano Clerk	5	Tax Enforcement

Seconded by Alderman Fogle and adopted. Ayes 6.

#### **020922.4**

By Alderman Fogle:

Whereas, the boat stewards of the WNY Partnership for Regional Invasive Species Management (PRISM) have performed voluntary boat inspections to remove visible aquatic plants and animals from all types of water craft, and

Whereas, the removal of these plants and animals helps prevent the transport and spread of aquatic invasive species, and

Whereas, WNY PRISM has conducted its boat steward program in Lockport for the past three years and wishes to do so again this summer, and

Whereas, the stewards will also be responsible for public education and distribution of educational materials; now, therefore, be it

Resolved, that pursuant to their request, WNY PRISM is hereby granted permission to have watercraft inspection stewards at launches at Nelson C. Goehle Wide Waters Marina during the upcoming season. Stewards will work Thursday through Sunday and holidays, 7am until 5:30pm, from Memorial Day weekend through Labor Day weekend. Said permission is subject to WNY PRISM filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **020922.5**

By Alderman Pasceri:

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 19, 2022 from 11am 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 19th for said event, with a rain date of Saturday, March 26th; 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

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **020922.6**

By Alderman Fogle:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 46<sup>th</sup> Annual Lockport Optimist Outdoor Arts and Crafts Festival on June 25<sup>th</sup> and 26<sup>th</sup>, 2022 from 10:00 A.M. until 5:00 P.M. (street closing from 8:00 A.M. until 7:00 P.M.) with the following provisions:

- (1) The Lockport Optimist Club shall issue exhibitor's permits to arts and crafts exhibitors, vendors and peddlers, and to insure public safety and order and to avoid overcrowding of the exhibit areas, no other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property, and the Lockport Optimist Club shall enforce this ban with the cooperation of the Lockport Police Department.
- (2) The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers in and around the show area not possessing an exhibitor's permit.
- (3) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street and Market Street from Main Street north to Chestnut Street.

- (4) The Lockport Optimist Club shall file 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 and Parks is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is granted the Optimist Club to use the Police Garage for storage of a golf cart overnight on Friday and Saturday night, June 24<sup>th</sup> and 25<sup>th</sup> subject to the approval of the Chief of Police, and be it further

Resolved, said permission is subject to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing and COVID-19 regulations.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **020922.7**

By Alderman Kantor:

Resolved, that pursuant to their request, the Cystic Fibrosis Foundation is hereby granted permission to use the pavilion at Nelson C. Goehle Park for their annual 'Great Strides' walk event on Saturday, May 14, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

By Alderman Devine:

Resolved, that the reading of the foregoing resolution—with the exception of the first 'resolved' and subsequent event list—be and the same is hereby waived.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **020922.8**

By Alderman Kantor:

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

- **Lockport Community Farmers Market (hereafter, LCFM):** May 7th and May 21st, 10am - 2pm
- **Rock the Locks! Concert Series:** Friday, June 3rd, July 1st, August 5th, and September 2nd between 4 and 8 pm.
- **LCFM Saturdays:** June 4th - October 22nd, 9am - 2pm
- **Sunday Family Funday:** June 19th, July 17th, August 21st, and September 18th from 11am - 3pm.
- **Cycle the Erie Canal 2022:** Sunday, July 3rd between 9:30 and 11:30am
- **LCFM Wednesdays:** July 6th - September 28th, 2pm - 6pm
- **Trunk or Treat:** October 29th or 30th from 4pm - 6pm.



- **Wine and Agriculture Tour-** requesting the limited use of Canal Street as pick-up and drop-off locations for these tours; and be it further

Resolved, LMS is granted access to electricity at the light posts, in addition to the gazebo, and that the city will install outdoor extension cords at each junction box beginning May 1<sup>st</sup>, 2022 through October 31<sup>st</sup>, 2022, for use in all LMS events; and be it further

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

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

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

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

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

Resolved, that LMS is hereby granted permission to host Locktoberfest on Saturday, October 1st, 2022 from 9am – 5pm on Canal Street, in the pocket park, and the adjoining parking lot, the extent to be determined by the city, and that said event include the following:

- Street barricades for the closure of Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city; preparation and set up from September 30th at 9pm through Sunday, October 2nd at 9am
- Permission for vendors and restaurants to set up in the parking lot off Canal Street and access electricity from the light post
- Permission to conduct the sale of alcoholic beverages from an enclosed and enforced beer tent at the festival as part of fundraising for LMS (tentative addition to festival), provided that necessary licenses are obtained from other governmental authorities
- Hosting a potential 'makers market' in conjunction with a city-wide sidewalk sale on Sunday, October 2nd, 2022; and be it further

Resolved, that LMS will adhere to any and all Executive Orders by the New York State Governor, and any and all Local Laws and Regulations, with regard to social distancing, mask-wearing, and COVID-19 regulations during the operation of these events; and be it further

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

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

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

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **020922.9**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Darwyn 'Larry' Coons, a retired City of Lockport Assistant Fire Chief who worked at LFD from 1971-2002, who recently passed away.

Seconded by Alderman Beakman and adopted. Ayes 6.

#### **020922.10**

By Alderman Fogle:

Resolved, that pursuant to his request, Charles Bell, 4 Lock Street is hereby granted permission to place a dumpster in the city right-of-way, from February 10<sup>th</sup> through February 12<sup>th</sup>, 2022, for the duration of a renovation project. Said permission is subject to Charles Bell filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**020922.11**

By Alderman Pasceri:

Whereas, the City of Lockport FY 2022 appropriated operating budget has a Municipal Worker (AFSCME grade 3) assigned to A.5110 Street Maintenance; and

Whereas, said position will be vacant and the Mayor wishes to alter the position title to Mechanic (AFSCME grade 12) to better fit the needs of the City; now, therefore, be it

Resolved, that the City of Lockport FY 2022 Appropriated budget's personnel detail is hereby altered to reflect this change and the General Fund is amended as follows:

### Expenses

#### Decrease

A.1900.54775	Contingency	\$7,505
A.5110.51010	Full Time Wages	\$34,936
A.5110.58010	FICA	\$2,467
A.5110.58020	Worker's Compensation	\$3,520
A.5110.58040	Medical Insurance	\$19,022
A.5110.58050	Retirement	\$3,741

#### Increase

A.1640.51010	Full Time Wages	\$41,923
A.1640.58010	FICA	\$2,673
A.1640.58020	Worker's Compensation	\$3,520
A.1640.58040	Medical Insurance	\$19,022
A.1640.58050	Retirement	\$4,053

Seconded by Alderman Fogle and adopted. Ayes 6.

**020922.12**

By Alderman Beakman:

Whereas, the Director of Finance has reviewed open purchase orders and encumbrances which could not be completed in FY 2021 because of the timing of the expenditure, and

Whereas, of these encumbrances, a select number have been recommended to carry into FY 2022 because of special circumstances (equipment production delay, insurance recovery efforts, etc.) and are attached to this resolution; now, therefore, be it

Resolved, that the FY 2022 operating budget is hereby amended to reflect the increase in encumbered funds in the amount of:

General Fund Balance:	\$35,980.34
Water Fund Balance:	\$45,651.16
Sewer Fund Balance:	\$37,250.86
Sewer Fund Insurance Recoveries:	\$121,095.67

Seconded by Alderman Devine and adopted. Ayes 6.

**020922.13**

By Alderman Pasceri:

Whereas, on January 21, 2022, the City of Lockport Civil Service Commission approved the new job specification for “Director of Streets, Parks and Water Distribution”; and

Whereas, the “Director of Streets, Parks and Water Distribution” supervises, oversees and directs the staff and day to day operations of the Streets, Equipment Maintenance, Parks, Building Maintenance, Street Lighting, Municipal Water and Sewer, and responsible for the overall administration of the same; and

Whereas, the new job specifications are attached and incorporated hereto; and

Whereas, the position “Director of Streets, Parks and Water Distribution” shall be classified within the Public Works Department and shall be a competitive position; and

Whereas, the “Director of Streets, Parks and Water Distribution” is a job title that falls within the City of Lockport Department Heads Union; and

Whereas, the City and the Department Heads Union reached a Memorandum of Understanding regarding the incorporation of the “Director of Streets, Parks and Water Distribution” into the Union; now, therefore, be it

Resolved, that the City of Lockport hereby acknowledges and approves the new job title “Director of Streets, Parks and Water Distribution”; and be it further

Resolved, that the City of Lockport approves the Memorandum of Understanding incorporating the job title “Director of Streets, Parks and Water Distribution” into the Department Heads Union at a grade 8.

Seconded by Alderman Devine and adopted. Ayes 6.

**020922.14**

By Alderman Kantor:

Resolved, that pursuant to their request, Lock City Circus is hereby granted permission to use city bleachers for the Lock City Circus charity performance to be held February 25<sup>th</sup> & 26<sup>th</sup>, 2022 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 Barnard and adopted. Ayes 6.

**020922.14A**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of John R. Reid III, City of Lockport 5<sup>th</sup> Ward alderman and Common Council president for 1994-95, who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**020922.15**

## **ADJOURNMENT**

At 7:38 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 23, 2022.

Seconded by Alderman Pasceri and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 23, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

### **Minutes Correction – February 9, 2022:**

2/7/22 Roxanne M. Devine, 114 Maple Street, Lockport – appointed to the Zoning Board effective January 1, 2022 ~~Said term expires on December 31, 2024~~ **to fill the unexpired term of Thomas Hull. Said term expires November 15, 2022.**

**022322.1****APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of February 9, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR****Appointments:**

2/16/22 Willfrederick Volmy, 324 Church Street, Lockport, NY 14094 – appointed to Senior Water and Sewer Maintenance Worker for the City of Lockport Water Distribution Department effective February 18, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Received and filed.

**FROM THE CITY CLERK**

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

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

2/14/22 Brian J. Hutchison, attorney at law – notice of condition of city streets regarding ice and snow removal.

Referred to the Corporation Counsel.

**Notice of Claim:**

2/16/22 Robin Andrews, 342 Green Street, Lockport, NY  
Referred to the Corporation Counsel.

**Notice of Complaint:**

2/16/22 265 Pine Street – tree  
Referred to the Director of Streets, Parks and Water Distribution

**MOTIONS & RESOLUTIONS****022322.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on February 24, 2022 as follows:

General Fund	Fund A	\$153,461.22
Water Fund	Fund FX	\$30,818.74
Sewer Fund	Fund G	\$26,415.55
Capital Projects	Fund H	\$15,561.28

Refuse Fund	Fund CL	\$478.49
Health Insurance	Fund MS	\$75,639.80
Community Dev.	Fund CD	\$16,500.00
Payroll	Pay Date 2/10	\$487,921.16

Seconded by Alderman Fogle and adopted. Ayes 6.

### 022322.3

By Alderman Pasceri:

Whereas, the Department of Finance has completed a review of all open capital projects, and

Whereas, all completed projects have been identified, associated account balances verified, and budgetary balances resolved (see attachment included), and

Whereas, closure of all completed projects with outstanding funds require Council approval to move excess funds to original funding sources, and

Whereas, capital projects requiring additional funds because of reductions in revenues or unrealized funding must have funds supplied from the 2021 operating budget; now, therefore, be it

Resolved, that the following capital project be closed, the account balance be transferred to the original funding source or from operating sources, and all related budgets be closed:

PROJECT	FUNDING SOURCE	SPONSOR FUND	SURPLUS/(DEFICIT)
H184 Raw Water	Bonds	Debt Service	\$ 53,284.71
H193 WW System - Grant	Operating	Sewer	\$ (11,971.41)
H198 Equity Improvement	Operating	General	\$ 67,000.00
H192 WW Clarifier	Bonds	Debt Service	\$ 128,500.00
H197 Tree Inventory	Operating	General	\$ 22,820.00

Seconded by Alderman Devine and adopted. Ayes 6.

### 022322.4

By Alderman Fogle:

Whereas, through resolution 111721.3, the Council directed the City Treasurer to transfer funds from under expended appropriations accounts to over expended accounts in the 2021 General, Water, Sewer, and Refuse Fund budgets, and to appropriate fund balance to the extent necessary to balance the budgets; and furthermore, report to the Common Council on those accounts having had transfers, and

Whereas, the City Treasurer and the Director of Finance have prepared and posted the necessary budgetary amendments to balance the budgets for 2021, with the adjustments recorded having been attached to this resolution; now, therefore, be it

Resolved, that the 2021 General Fund, Water, Sewer and Refuse Budgets are hereby amended.

Seconded by Alderman Devine and adopted. Ayes 6.

**022322.5**

By Alderman Kantor:

Whereas, the City of Lockport completed a Community Needs Assessment through the New York State Office of Community Renewal, and

Whereas, the Community Needs Assessment recommended an action plan that identified the need to offer grants to homeowners for making significant housing improvements, and

Whereas, the New York State Office of Community Renewal offers a Home Improvement Program through the Affordable Housing Corporation that offers grants for significant housing improvements, and

Whereas, the City of Lockport applied for and was awarded a \$500,000 grant through the Office of Community Renewal for a Home Improvement Program, with \$50,000 in Administrative/Operating Expenses, now, therefore, be it

Resolved, that the Director of Community Development is hereby authorized and directed to prepare bid specifications for the Affordable Housing Corp. Grant Program management and delivery services to implement the City of Lockport home improvement program, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Fogle and adopted. Ayes 6.

**022322.6**

By Alderman Devine:

Whereas, the City of Lockport, pursuant to Agreement dated December 17, 1969, and multiple amendments thereto, accepted sewage from the Town of Lockport sewage collector system, located in certain areas of the Town, and

Whereas, the City and Town entered into a new Agreement dated August 6, 2003, running from January 1, 2002 through December 31, 2006, and

Whereas, the City and Town entered into an extension of said Agreement dated August 6, 2003, running from January 1, 2007 through December 31, 2008, and

Whereas, the parties entered into renewals of said contract for an additional period of two years through December 31, 2010, and through December 31, 2012, and for a period of five years from January 1, 2015 through December 31, 2018, and

Whereas, the parties again extended the sewer contract for an additional period from January 1, 2019 through December 31, 2021, for the sum of \$637,660.00 per year; and

Whereas, the parties wish to renew said Agreement dated August 6, 2003 for an additional two years while the City investigates and analyzes the inflow from Town sewer pipes; now, therefore, be it

Resolved that the Mayor be and is hereby authorized and directed to renew the August 3, 2003 sewer contract for an additional period from January 1, 2022 through



December 31, 2022, at an increased rate of three percent (3%), and from January 1, 2023 through December 31, 2023 at an additional increase of two and one-half percent (2 ½ %).

Seconded by Alderman Barnard. Ayes 6.

**022322.7**

By Alderman Beakman:

Whereas, on resolution 042016.4 dated April 20, 2016, the Common Council authorized the Mayor to enter into a contract with Nussbaumer and Clarke, Inc. to provide General Engineering Support Services on as-needed or “on-call” basis; and

Whereas, per Engineering Department request, Nussbaumer & Clarke, Inc. has submitted a proposal to amend the original contract dated April 20, 2016 for supporting the City as Retained Engineer for Fiscal Year 2022; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign an amendment to the original contract between the City and Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**022322.8**

By Alderman Barnard:

Whereas, the City of Lockport Police Department participates in joint enforcement activities with the Federal Drug Enforcement Agency and the Niagara County Drug Task Force; and

Whereas, the City of Lockport Police Department receives, from time to time, funds generated from these joint enforcement activities which are to be used for the purchase, maintenance and/or replacement of capital equipment within the Police Department; and

Whereas, the Police Department has identified the need to improve their communication room; now, therefore, be it

Resolved, that the 2022 General Fund Budget is hereby amended as follows:

Increase:

Expense: A3120.54515 Special Supplies	\$11,724.01
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Revenue: A.3120.34389 Other Federal Public Safety	\$11,724.01
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Seconded by Alderman Pasceri and adopted. Ayes 6.

**022322.9**

**ADJOURNMENT**

At 6:49 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 9, 2022.

Seconded by Alderman Pasceri and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 9, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, and Kantor. Pasceri was absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**030922.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of February 23, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Resignation:**

3/3/22 Anna McCann, submitted resignation from the Audit Committee effective February 14, 2022.

Received and filed.

**Appointments:**

3/1/22 Erick M. Hinton, 12 Vine Street, Lockport, NY 14094 – appointed to Sign Maintenance Worker for the City of Lockport Highways & Parks Department effective

February 22, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

3/3/22 Adam J. Heiman, 64 Rogers Avenue, Lockport, NY 14094 – appointed to Public Works Mechanic for the City of Lockport Highways & Parks Department effective March 7, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

3/7/22 LauraLee B. Zagarrigo, 514 High Street, Lockport, NY 14094 – appointed to Senior Account Clerk for the City of Lockport City Clerk Department effective March 7, 2022. Said appointment is provisional and subject to the City of Lockport Civil Service Rules and Regulations.

Received and filed.

**Commissioner of Deeds:** For the term of two years expiring on December 31, 2023.

1. Annie Coburn-Cane, 99 Lake Street, Wilson, NY 14172
2. James P. Majka, 4213 Washington Street, Niagara Falls, NY 14305
3. James Sacco, 6944 Creekview Drive, Lockport, NY 14094
4. Zachary Parker, 114 Niagara Street, Lockport, NY 14094
5. Nicole Cafarella, 826 James Avenue, Niagara Falls, NY 14305
6. Jason Zona, 3927 Washington Street, Niagara Falls, NY 14303
7. William D. Kennedy II, 2239 Forest Avenue, Niagara Falls, NY 14301
8. Andrew G. Rosenberg, 242 Genesee Street, Lockport, NY 14094
9. Lawrence Eggert, 194 Independence Drive, Lockport, NY 14094
10. Christopher Robbins, 534 College Avenue, Niagara Falls, NY 14305
11. Austin J. Tylec, 121 Center Avenue, North Tonawanda, 14120
12. Susan Dunford, 6762 Bear Ridge Road, Lockport, NY 14094
13. Gail Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
14. Debra Allport, 161 Lincoln Avenue, Lockport, NY 14094
15. Jay Krull, 71 Lakeview Parkway, Lockport, NY 14094
16. Margaret Lupo, 17 Bobolink Lane, Lockport, NY 14094
17. Ezra Scott Jr., 1735 Caravelle Drive, Apt. A5 Niagara Falls, NY 14304
18. Thomas E. Arida, 1394 Birch Drive, North Tonawanda, NY 14120
19. Kathy L. O'Keefe, 27 Windsor Street, Lockport, NY 14094
20. Sarah K. Lanzo, 129 Beattie Avenue, Lockport, NY 14094

Received and filed.

#### **FROM THE CITY CLERK**

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

#### **Communications:**

2/14/22 Roger J. Cordle, VFW #2535 Commander – request permission to conduct 5K run and 1-Mile walk on Saturday, March 19<sup>th</sup>, 2022.

2/21/22 Allison Bolt, Special Events Coordinator, Niagara Hospice – request permission to hold the 9th Annual Hospice Gran Fondo Bike Ride on Saturday, August 6<sup>th</sup>, 2022.

2/22/22 Pastor Terry Bryant, God's Voice Ministries, 266 Pine Street, Lockport – request permission to conduct the 'Community In Unity' event at Altro Park on Saturday, August 13<sup>th</sup>, 2022.

2/25/22 Katarina Manuse, YMCA Buffalo Niagara – request permission to hold free fitness classes at Goehle Marina Park from June 2<sup>nd</sup>-September 1<sup>st</sup>, 2022.

3/2/21 Taren J. LaGamba, Director WNY Historic Parks Assoc. Inc. requests permission to submit an application to the 2022 Wm. G. Mayne Jr. Grant Fund, in the amount of \$4,200, on the City's behalf.

Referred to Committee of the Whole.

**Notice of Claim:**

3/3/22 Viola, Cummings & Lindsay, LLP on behalf of Margaret Cooper, 288 Willow Street #63, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**030922.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on March 10, 2022 as follows:

General Fund	Fund A	\$146,893.43
Water Fund	Fund FX	\$34,971.27
Sewer Fund	Fund G	\$30,654.67
Capital Projects	Fund H	\$43,453.85
Refuse & Recycle	Fund CL	\$274.35
Payroll	Pay Date 2/24	\$483,040.85

Seconded by Alderman Fogle and adopted. Ayes 5.

**030922.3**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport.

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
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Seconded by Alderman Barnard and adopted. Ayes 5.

**030922.4**

By Alderman Kantor:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to erect a banner at least 17' from the ground on East Avenue at Davison Road to promote their, "American Craftsmen" event, which will be held Saturday, June 4<sup>th</sup> and Sunday, June 5<sup>th</sup>, 2022. Banner is to be erected for a minimum of one week prior to the event dates based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50 for the banner to be erected, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city crews to erect the banner.

Seconded by Alderman Fogle and adopted. Ayes 5.

**030922.5**

By Alderman Beakman:

Resolved, that pursuant to their request, the VFW Post 2535, organizers for a Leprechaun 5K run and Leprechaun-in-training 1 mile walk are hereby granted permission to conduct the run and walk on Saturday, March 19, 2022 starting at 9:00 am, subject to the VFW filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and subject to approval of the race route by the Police Chief, 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 to said area prior to the event.

Seconded by Alderman Barnard and adopted. Ayes 5.

**030922.6**

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 9<sup>th</sup> through September 12<sup>th</sup>, 2022 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:

- (3) 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

- (4) The show area shall include Ida Fritz Park and the city rights of way on West Avenue, Hawley Street, and Park Avenue
- (5) 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 Kantor and adopted. Ayes 5.

#### **030922.7 Annual Hospice Gran Fondo Bike Ride - WITHDRAWN**

#### **030922.8**

By Alderman Fogle:

Resolved, that pursuant to their request, God's Voice Ministries Church is hereby granted permission to hold their, "Community In Unity" event in Altro Park on Willow Street, with use of the pavilion, on August 13, 2022, from 12 noon until 6 p.m., and be it further

Resolved, that permission is additionally granted to have music, games and food trucks. Said permission is subject to the Church filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured prior to the event.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **030922.9**

By Alderman Kantor:

Resolved, that pursuant to their request, the YMCA of Buffalo Niagara, is hereby granted permission to conduct the "Fitness in the Parks" program at Nelson C Goehle Marina Park, Mondays and Thursdays beginning June 2, 2022 until September 1, 2022, with all classes free and open to members of the community. Said permission is subject to the YMCA of Buffalo Niagara filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 5.

**030922.10**

By Alderman Devine:

Resolved, that Taren LaGamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2022 William G. Mayne, Jr. Grant Fund for a grant to be used for community enhancement.

Seconded by Alderman Fogle and adopted. Ayes 5.

**030922.11**

By Alderman Devine:

Whereas, the City of Lockport Police Department participates in joint enforcement activities with the Federal Drug Enforcement Agency and the Niagara County Drug Task Force; and

Whereas, the City of Lockport Police Department receives, from time to time, funds generated from these joint enforcement activities which are to be used for the purchase, maintenance and/or replacement of capital equipment within the Police Department; and

Whereas, the City must amend its 2022 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the need to purchase holsters under NYS contract PC-69044; now, therefore, be it

Resolved, that the 2022 General Fund Budget is hereby amended as follows:

Increase:

Expense: A3120.54515 Special Supplies	\$7,050
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Revenue: A.3120.34389 Other Federal Public Safety	\$7,050
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Seconded by Alderman Kantor and adopted. Ayes 5.

**030922.12**

By Alderman Fogle:

Whereas, the Division of Public Works has requested a John Deere Loader in their FY 2022 capital request list to be used for snow plowing, leaf pickup, and other departmental functions; and

Whereas, in order to mitigate a production price increase of 5%, the acting Director of Streets, Parks and Water Distribution has recommended pursuing a five-year lease-to-own contract that would obligate a 3% interest rate at the current production rate; and

Whereas, said lease contract has annual payments of \$62,804 beginning in FY 2023 (with the ability to be paid off early with CHIPs funding), and is purchased via NYS OSG Contract PC-69403; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a lease contract, attached hereto, with John Deere Financial.

Seconded by Alderman Devine and adopted. Ayes 5.

**030922.12A**

By Alderman Beakman:

Whereas, the City of Lockport has identified the need to pave East Avenue from Washburn Street to Cleveland Place; now, therefore, be it

Resolved, that the Director of Engineering is authorized and directed to prepare and issue a Request for Proposals (RFP) for the paving of East Avenue; and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Fogle and adopted. Ayes: 5.

By Alderman Devine:

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

Seconded by Alderman Fogle and adopted. Ayes 5.

**030922.12B**

By Alderman Devine:

Whereas, packaging and printed paper, which includes plastic, steel, aluminum, and glass containers, boxboard, cardboard and cartons, and newsprint and magazines, constitutes approximately 40 percent of the materials by weight managed by municipalities and solid waste authorities in New York State; and

Whereas, local municipal governments in New York State are required to fund the management of discarded consumer packaging and printed paper and to take responsibility for achieving waste diversion goals, which is an unfunded mandate; and

Whereas, the value of recyclable materials does not cover the cost to collect, sort, process, and market these items, causing recycling system ratepayers to pay tens of millions of dollars annually to manage their recycling programs while the State loses an estimated 860,000 tons of potentially recyclable materials to trash each year; and

Whereas, such costs to the City of Lockport and recycling system ratepayers in 2021 are estimated at over \$300,000; and

Whereas, the State's current recycling system places unreasonable burdens on local governments to collect, manage, and market recyclable materials, when it is the consumer brand owners who have control over which materials are placed on the market; and

Whereas, some packaging now includes combinations of materials that make recycling impractical; and

Whereas, costs paid by citizens and local governments to manage packaging and printed paper are, in effect, subsidies to producers that enable and encourage producers to design packaging and printed paper materials without regard to end-of-life management; and



Whereas, producers have little incentive to design packaging or printed paper to minimize waste, reduce toxicity, or maximize recyclability, creating a supply chain disconnect with environmentally sound, end-of-life management of these consumer materials; and

Whereas, Extended Producer Responsibility (“EPR”) is an environmental policy approach in which producers (brand owners and importers) accept responsibility for the management of post-consumer products and packaging so those who produce these materials help bear the costs of recycling; and

Whereas, EPR programs for packaging and printed paper have existed for up to 30 years in all EU member states, across Canada, and other parts of the world, achieving recycling rates for packaging and printed papers upwards of 70 percent; and

Whereas, enacting EPR for packaging and printed paper could significantly increase recycling rates for residential materials, reduce consumer confusion and contamination in recycling streams, create green sector jobs, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions by over 2.3 million metric tons annually; and

Whereas, New York State Governor Kathy Hochul has proposed a 2022-23 Executive Budget that includes Part RR, which would establish an EPR system for consumer packaging and printed paper and require producers to reimburse municipalities for recycling the packaging and printed paper they introduce into the marketplace; and

Whereas, Governor Hochul’s proposal would incentivize producers to:

- Reduce packaging waste;
- Make it easier to recycle the material they generate;
- Invest in modernizing local recycling infrastructure across New York State;
- Ensure that all New Yorkers have access to recycling and upgrade recycling infrastructure to achieve higher recycling rates; and
- Provide clear, consistent consumer education, resulting in less confusion for residents and minimizing contamination in the recycling stream.

Whereas, EPR can work in tandem with and supplement New York State’s Returnable Container Act; and

Whereas, when producers are responsible for ensuring their materials are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design for reduction, recyclability, and reduced toxicity; now, therefore, be it

Resolved, that the City of Lockport urges Governor Kathy Hochul and the New York State Legislature to enact an EPR program for packaging and paper products; and be it further

Resolved, that the City of Lockport shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

Seconded by Alderman Fogle and adopted. Ayes 5.

**030922.13**

**ADJOURNMENT**

At 7:57 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 23, 2022.

Seconded by Alderman Devine and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 23, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**032322.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of March 9, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE CITY CLERK**

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

**Communications** (which have been referred to the appropriate City officials)  
3/17/22 Paul K. Oates, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of April in observance of Good Friday:

Friday, April 15<sup>th</sup>

There will be no change in the garbage pickup schedule.

Referred to the Media.

**Notice of Complaint:**

3/16/22 17 Remick Pkwy – tree  
3/18/22 88 Center Street – trees  
3/22/22 202 East Avenue – tree

Referred to the Director of Streets and Parks.

**Notice of Special Franchise Assessment Complaint:**

3/17/22 (Pursuant to New York Real Property Tax Law section 610) Eversheds Sutherland LLP, FBO Time Warner of Buffalo, 7820 Crescent Executive Drive, Charlotte, NC

Referred to the Corporation Counsel.

**Notice of Claim:**

3/15/22 & 3/21/22 E. A. Granchelli, Developer, 36 Pine Street, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**032322.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on March 24<sup>th</sup>, 2022 as follows:

General Fund	Fund A	\$163,095.13
Community Dev.	Fund CD	\$20,000.00
Water Fund	Fund FX	\$106,264.42
Sewer Fund	Fund G	\$62,853.03
Capital Projects	Fund H	\$155,693.91
Refuse Fund	Fund CL	\$85,623.81
Self Insurance	Fund MS	\$1,560.90

Worker's Comp	Fund S	\$8,920.00
Payroll	Pay Date 3/10	\$502,104.37

Seconded by Alderman Fogle and adopted. Ayes 6.

### **032322.3**

By Alderman Pasceri:

Resolved, that the Corporation Counsel is hereby authorized and directed to amend Local Law #1 – 1962, amended by Local Law #1 – 1963, relative to Section C-370a of the City Charter—the opening of streets; and be it further

Resolved, that a public hearing be held at the Common Council meeting of April 13, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Barnard and adopted. Ayes 6.

### **032322.4**

By Alderman Barnard:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Hospice to conduct the 9th Annual Hospice Gran Fondo Bike Ride, on Saturday, August 6<sup>th</sup>, 2022 beginning at 7 a.m., subject to approval of the race route by the Police Chief; and be it further

Resolved, permission include the barricading of West Jackson Street to through traffic, from Plank Road to Niagara Street, from 10am until 1pm; 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, cones and 'street closed' signs as required; and be it further

Resolved, that Niagara Hospice send a letter to affected residents informing them of the race and the closure of West Jackson to through traffic; and be it further

Resolved, that Niagara Hospice file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

### **032322.5**

By Alderman Devine:

Whereas, General City Law 20(3) authorizes the City to accept donations from individuals or organizations, and to use said donations per the restrictions placed on them by the donor, regardless of minimum value; now, therefore, be it

Resolved, that the Mayor and Common Council do hereby extend thanks and appreciation to West Falls Fire Company, through West Herr Automotive, for the donation of a used ambulance to the Lockport Fire Department.

Seconded by Alderman Beakman. Ayes 3. Nays 3. Aldermen Barnard, Kantor and Pasceri voted no. The Mayor voted in the affirmative. Motion passed.

**032322.6**

By Alderman Devine:

Whereas, the City Council passed Resolution 120419.7 in December 2019, sponsored by Alderman Oates and seconded by Alderman Abbott, wherein the Council approved a contract between the City and GAR Associates, LLC, for an Equity Improvement Project for assessments on properties in the City; and

Whereas, said Resolution approved the contract for GAR Associates, LLC, Williamsville, to be paid \$400,000, paid over a three year time period; and

Whereas, said project was not identified in the capital budget or the 2019 General Fund Budget and necessitates the amendment of both, including the use of contingency to fund the first year; and

Whereas Alderman Oates also sponsored Resolution 070120.6 in July 2020, seconded by Alderman Abbott, which amended the FY 2020 General Fund and Capital Fund budgets to pay for said contract; and

Whereas GAR Associates have performed and completed the 3 year Reassessment on City properties, and have presented their findings on same to City officials; and

Whereas the Council believes that it is in the City's best interest to hold the findings in abeyance for one year and delay the implementation of the reassessments until April 1, 2023; now, therefore, be it

Resolved, that the Reassessment completed by GAR Associates, at the expense of \$400,000, shall not be implemented until April 1, 2023; and be it further

Resolved, that the appropriate City Departments shall take all necessary steps to implement the reassessment effective April 1, 2023.

Seconded by Beakman. Ayes 2. Nays 4. Aldermen Barnard, Fogle, Kantor and Pasceri voted no. Motion failed.

**032322.7**

By Alderman Pasceri:

Whereas, Lockport Community Services, Inc. has secured a \$300,000 challenge grant from the Ralph C. Wilson Foundation, and additional funding totaling \$250,000 from the Grigg Lewis Foundation, the John R. Oshei Foundation, Geico, community funding, and other sources; and

Whereas, the City of Lockport (City) has identified the need to make improvements at the Railyard Skate Park at Outwater Park; and

Whereas, the Skate Park has a projected completion date of December 1, 2022; now, therefore, be it

Resolved, that the City's Consulting Engineer, Nussbaumer & Clarke, Inc., is authorized and directed to prepare and issue a Request for Proposals (RFP) for Design/Build services related to improvements at the Skate Park; and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Devine and adopted. Ayes: 6.

**032322.8**

By Alderman Kantor:

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 2022 season.

Seconded by Alderman Pasceri and adopted. Ayes: 6.

**032322.9**

By Alderman Kantor:

Whereas, in FY 2021, the City of Lockport partnered with Lockport Main Street (LMS) and the Verizon Media Community Benefit Fund to secure grant funds for downtown beautification projects; and

Whereas, LMS has secured \$14,000 in grant funds for the City of Lockport and wishes to partner again for the 2022 fiscal year to continue downtown beautification projects (which includes the purchase of trees, benches, waste and recycling receptacles, and flower pots/landscaping); now, therefore, be it

Resolved, that the FY 2022 Appropriated General Fund Budget is hereby altered to incorporate these new revenues/expenditures:

Revenues:

Increase

A.8510.32705	Gift and Donations	\$14,000
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Expenditures:

Increase

A.8510.54515	Special Supplies	\$14,000
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Seconded by Alderman Pasceri and adopted. Ayes 6.

**032322.10**

**ADJOURNMENT**

At 7:38 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 13, 2022.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 13, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**041322.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Pasceri, the minutes of the Regular Meeting of March 23, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending section C-370a of the City Charter, Relative to the Opening of Streets.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

3/23/22 Kyle Lambalzer, 623 Locust Street, Lockport, NY 14094 – recommendation to Public Health Director Daniel J. Stapleton that Lambalzer be appointed to the Niagara County Board of Health to fill the unexpired term of Marietta Schrader.

3/28/22 Clayton C. Dimmick, 12 Grosvenor Street, Lockport, NY 14094 – appointed to Director of Streets, Parks, & Water Distribution for the City of Lockport effective March 28, 2022. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

3/29/22 Gerald DeFlippo, 4815E Cambridge Drive, Lockport, NY 14094 – appointed to the City of Lockport Housing Authority effective April 26, 2022. Said term expires on April 26, 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. Referred to the Finance Committee.

### **Communications:**

3/25/22 Larry McKenzie, WNY Hydrocephalus Association – request permission to hold a drive-thru chicken barbeque fundraiser at Outwater Park on May 28, 2022

3/29/22 Nick Kalbfliesh, Lockport Professional Firefighters – request permission to use the Outwater Park softball diamond on Tuesdays during the summer to participate in the Niagara County Firefighters Softball League

3/30/22 Katie Constantino, Catholic Charities – request permission to conduct a “Healthy Baby Festival” at Altro Park on August 1, 2022

4/4/22 Jason Dool, Inferno Baseball, Inc. – request permission to use the Outwater Park softball diamond during the 2022 season

Referred to the Committee of the Whole.

4/6/22 Paul K. Oates, City Clerk – notification of bids received on April 6, 2022 for the East Avenue Pavement Rehabilitation Project.



The following bid proposals for the above referenced were received and opened on April 6, 2022:

4 <sup>th</sup> Generation Construction Niagara Falls, NY	\$318,100
Mark Cerrone, Inc. Niagara Falls, NY	\$376,560
Edbauer Construction West Seneca, NY	\$365,717
Milherst Construction, Inc. Clarence Center, NY	\$332,580
Occhino Corporation West Seneca, NY	\$365,985
Scott Lawn Yard, Inc. Niagara Falls, NY	\$398,540

Referred to Committee of the Whole

**Notice of Complaint:**

3/23/22	187 Olcott Street – trees
3/23/22	197 Olcott Street – tree
3/28/22	170 Monroe Street – trees
3/28/22	62 Hyde Park – tree
3/30/22	110 Garden Street – tree
4/1/22	270 Niagara Street – tree
4/5/22	251 Caledonia Street – tree
4/6/22	109 John Street - tree

Referred to the Director of Streets and Parks

**Notice of Claim:**

3/31/22	Judie Tedesco, 395 S. Transit Street, Lockport, NY
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Referred to Corporation Counsel

**Notice of Summons and Complaint:**

3/22/22	Zhane Y. Strong v. the City of Lockport
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Referred to Corporation Counsel

## MOTIONS & RESOLUTIONS

### 041322.2

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 14, 2022 as follows:

General Fund	Fund A	\$201,466.30
Water Fund	Fund FX	\$44,229.60
Sewer Fund	Fund G	\$47,908.66
Capital Projects	Fund H	\$34,431.47
Self-Insurance	Fund MS	\$76,875.50
Worker's Comp	Fund S	\$7,500.00
Refuse & Recycle	Fund CL	\$89,704.32

Payroll	Pay Date 3/24	\$496,880.62
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Seconded by Alderman Fogle and adopted. Ayes 6.

### 041322.3

By Alderman Devine:

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 Fogle and adopted. Ayes 6.

### 041322.4

By Alderman Devine:

Resolved, that pursuant to the request of Amanda Cline, 232 Ohio Street, permission is hereby granted to the residents of Ohio Street to barricade Ohio from Rene Place to Park Avenue on July 23<sup>rd</sup>, 2022, from 5-11pm for a block party, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**041322.5**

By Alderman Kantor:

Whereas, the City of Lockport (City) owns and operates a Wastewater Treatment Plant producing biosolids which are currently managed at the City's compost facility; and

Whereas, due to the capacity and age of the facility, the City desires to consider alternative offsite methods to manage a portion or all of the biosolids; now, therefore, be it

Resolved, that the City's Consulting Engineer, Nussbaumer & Clarke, Inc. is authorized and directed to prepare and issue a Request for Bids for hauling and disposal of Biosolids from the City's Wastewater Treatment Plant, and be it further

Resolved, that upon receipt of said Request for Bids, the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Barnard and adopted. Ayes: 5. Ald.Devine voted no.

**041322.6**

By Alderman Pasceri:

Resolved, that pursuant to their request, Thunderwolves Baseball, LLC is hereby granted permission to use the baseball field at Outwater Park for their 2022 Youth Baseball Tournaments, subject to approval of the schedule by the Highways & Parks Department, for games to be played between May 27<sup>th</sup> and July 31<sup>st</sup>, 2022, and be it further

Resolved, that Thunderwolves Baseball, LLC file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

**041322.7**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted to the WNY Shelby and Mustang Club to conduct the Nickel City Mustang Roundup Car Cruise and Parade on Saturday, July 30<sup>th</sup>, 2022, and be it further

Resolved, permission includes the barricading of Market Street from Union Street to Exchange Street, from 6 p.m. until 10 p.m., 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, cones and 'street closed' signs as required, and be it further

Resolved, that the WNY Shelby and Mustang Club file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

**041322.8**

By Alderman Devine:

Whereas, Resolution 121521.8 authorized the use of \$13,800 from the H204 capital water infrastructure improvement fund to be used for replacement hardware for the pump computer connections; and

Whereas, it has come to the attention of the Chief Water Treatment Plant Operator that two more drives have broken, and are beyond repair and must be replaced; now, therefore, be it

Resolved, that the City is authorized to utilize an additional \$4,020 from Moley Magnetics Incorporated for said additional equipment to be funded from the H204 capital project funds (FX infrastructure improvements).

Seconded by Alderman Kantor and adopted. Ayes 6.

**041322.9**

By Alderman Pasceri:

Resolved, that pursuant to their request, the MUNY Buffalo Men's Senior Baseball League ('MSBL') is hereby granted permission to use the baseball diamond at Outwater Park for their 2022 practices and home games, subject to approval of the schedule by the Highways & Parks Department, and MSBL filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

**041322.10**

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Professional Fire Fighters Association is hereby granted permission to use the softball field at Outwater Park for the 2022 Niagara County Fire Fighters Softball League season, subject to approval of the schedule by the Highways & Parks Department, for seven games to be played between May 3<sup>rd</sup> and July 26<sup>th</sup>, 2022, and be it further

Resolved, that the LPFFA file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

**041322.11**

By Alderman Fogle:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Peacemakers to conduct an Easter egg hunt, rain or shine, on Saturday, April 16th, 2022 beginning at 11am, at Outwater Park, and be it further

Resolved, that permission is subject to Lockport Peacemakers 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 to the area prior to the event, and be it further.

Resolved, that the City stage be made available to the event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**041322.12**

By Alderman Barnard:

Resolved, that pursuant their request, Catholic Charities of Buffalo, NY is hereby granted permission to hold a free 'Healthy Baby Festival' to celebrate World Breastfeeding Week at Altro Park on August 1, 2022 from 11 a.m. – 1 p.m. Permission is subject to Catholic Charities filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**041322.13**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to WNY Hydrocephalus Association to conduct a drive-thru chicken barbeque fundraiser, on Saturday, May 28th, 2022 from 9am until 4pm, in the Outwater Park parking lot, and be it further

Resolved, that permission is subject to WNY Hydrocephalus Association 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 traffic cones to the area prior to the event.

Seconded by Alderman Barnard and adopted. Ayes 6.

**041322.14**

By Alderman Pasceri:

Resolved, that the bid proposal of Belmont Housing, received on March 25, 2022 for program delivery services for the completion of the City's Home Improvement Program under the administration of the New York State Affordable Housing Corporation, be accepted in the amount of up to \$4,100 per residence.

Seconded by Alderman Devine and adopted. Ayes 6.

**041322.15**

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Belmont Housing for program delivery services for the completion of the City's Home Improvement Program

under the administration of the New York State Affordable Housing Corporation at a cost of up to \$4,100 per residence.

Seconded by Alderman Devine and adopted. Ayes 6.

**041322.16**

By Alderman Beakman:

Whereas, East Avenue (NY 31) in the City of Lockport (City) is designated by the New York State Department of Transportation (NYSDOT) as a Touring Route; and

Whereas, the City has determined that East Avenue is in need of pavement restoration between Washburn Street and Cleveland Place; and

Whereas, the City has received funding from NYSDOT to make improvements to designated Touring Routes; and

Whereas, the City issued a Notice to Bid for interested contractors for the East Avenue Pavement Restoration Project and subsequently received and publicly opened and read bids at the Municipal Building on April 6, 2022 at 2 pm as follows;

CONTRACTOR	4 <sup>th</sup> Generation Constructi on	Milherst Constructio n, Inc.	Edbauer Constructio n	Occhino Corp.	Mark Cerrone, Inc.	Scott Lawn Yard, Inc.
TOTAL BID AMOUNT	\$318,100.00*	<b>\$332,580.00</b>	\$365,717.00	\$365,985.00	\$376,560.00	\$398,540.00

And

Whereas, the City Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) reviewed the contractor bids and determined that the bid submitted by 4<sup>th</sup> Generation Construction is incomplete and recommends that their bid be rejected; and

Whereas, Nussbaumer has determined that Milherst Construction, Inc. has submitted the lowest complete and responsible bid and recommends that the City award the contract to Milherst Construction, Inc., for a total amount of \$332,580.00; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Milherst Construction, Inc., 10025 County Rd, Clarence Center, NY 14032, in the amount of \$332,580.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Barnard and adopted. Ayes 6.

**041322.17**

By Alderman Beakman:

Whereas, §183-23 of the Lockport Municipal Code bans overnight parking on city streets between the hours of 2 a.m. and 6 a.m. unless the vehicle owner has received a special parking permit from the City; and

Whereas, the restriction on parking has caused many residents hardship while being of minimal benefit during the warmer months when snow plows do not present a specific need for the good of the City; and

Whereas, the Traffic Advisory Committee has studied the issue and recommends that the Common Council consider a modification to the ban on overnight parking on a trial basis; now, therefore, be it

Resolved, that a moratorium shall be placed on enforcement of City Ordinance §183-23 for a period commencing immediately and ending on November 1, 2022, subject to the following restrictions:

- I. Only 2-axle passenger vehicles and motorcycles, properly registered and insured, may remain on a city street overnight during the period in question.
- II. 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.
- III. 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
- IV. The restrictions on parking for buses and delivery vehicles set forth in §183-23(D) shall remain in full force and effect during the period covered by the moratorium.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **041322.18**

By Alderman Devine:

Resolved, that pursuant to their request, Inferno Baseball Inc. is hereby granted permission to use the softball field at Outwater Park for both practice and games during the 2022 season, subject to approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that Inferno Baseball Inc. file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **041322.19**

By Alderman Fogle:

Whereas, by resolution 082119.10 the City of Lockport entered into an agreement with Davey Resource Group, Inc. of Kent, Ohio to conduct a tree inventory and prepare a community forestry management plan; and

Whereas, the city appropriated \$18,000 in the 2022 General Fund Budget to conduct a GIS-based inventory update; and

Whereas, the city desires to complete said update in late spring or early summer when the trees are budding or getting leaves; and

Whereas, Davey Resource Group, Inc. are proprietary to the city's Tree Inventory software; now, therefore, be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Davey Resource Group, Inc. to conduct a Tree Inventory Update project of the maintained trees and stumps found along public rights-of-way and in public parks and properties, and utilize budgeted funds in A.8730.54055.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**041322.19A**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Charles S. Sobieraski, a retired City of Lockport Police Officer, who served the department for 35 years from 1955-1990, who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 6.

**041322.19B**

By Alderman Fogle:

Resolved, that pursuant to their request, Towne Housing Real Estate, 885 Niagara Street, Buffalo, NY, is hereby granted permission to place a dumpster in the city right-of-way at 38 John Street, from Thursday, April 14 through Friday, April 15, 2022, for the duration of their renovation project. Said permission is subject to Towne Housing Real Estate filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

**041322.20**

**ADJOURNMENT**

At 7:52 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 27, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

PAUL K. OATES  
City Clerk



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

Lockport Municipal Building

Regular Meeting  
Official Record

April 27, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**042722.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of April 13, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

Received and filed.

**FROM THE CITY CLERK**

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

**Communications:**

4/20/22 Joseph P. Hogan, Associated General Contractors of NYS, expressing concern with the RFP of Design/Build Services for the Rail Yard Skate Park.

Referred to Committee of the Whole.

**Notice of Claim:**

2/28/22 Donald C. Hall, Jr., 69 Regent Street, Lockport, NY  
4/18/22 Christina Coyle-Lenz, 376 High Street, Lockport, NY  
4/19/22 Nicholas Troy OBO the estate of Judith DeStefano, 541 Prospect Street,  
Lockport, NY  
4/20/22 Elizabeth Czaplicki, 165 North Adam Street, Lockport, NY

Referred to the Corporation Counsel.

**Notice of Complaint:**

4/14/22 395 North Transit Street – tree  
4/25/22 236 Irving Street – tree

Referred to the Director of Streets and Parks

**MOTIONS & RESOLUTIONS****042722.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 28, 2022 as follows:

General Fund	Fund A	\$115,696.14
Water Fund	Fund FX	\$43,963.63
Sewer Fund	Fund G	\$55,805.34
Self-Insurance	Fund MS	\$76,376.20
Refuse & Recycle	Fund CL	\$489.38
Payroll	Pay Date 4/7	\$487,278.77

Seconded by Alderman Barnard 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 Fogle and adopted. Ayes 6.

**042722.3**

By Alderman Devine:

**City of Lockport****Local Law No. 1 of the year 2022**

A LOCAL LAW Amending The Opening Of Streets Section C-370a of the Lockport City Code.

Be it hereby enacted by the City Council of the City of Lockport as follows:

**SECTION C-370a. RELATIVE TO THE OPENING OF STREETS**

1. It shall be unlawful for any person, firm, company or corporation to tap or otherwise alter any water or sewer facilities, or to cause any water or sewer facilities to be installed within the street rights-of-way of the City of Lockport, without first obtaining a permit, signed by the City Engineer and the Superintendent of Streets, allowing such tapping, alteration or installation.
2. The applicant shall file with the City Engineer an application for permit, in form as follows:

Permit No. \_\_\_\_\_  
City of Lockport, New York  
Department of Public Works  
Application for Permit for  
Water Service and Sewer Service  
Involving Street Openings

To City Engineer

City of Lockport, New York

Application is hereby made by the undersigned, whose residence or principal place of business is located at \_\_\_\_\_ to \_\_\_\_\_ on or across a city thorough-fare, located at \_\_\_\_\_ in accordance with details of work and pursuant to the conditions and regulations, whether general or special, which are hereto attached or hereinafter set forth; all forming a part hereof. This applicant will obtain any other consents or permits that may be necessary to accomplish the purposes set forth herein. We have on file with Department of Public Works, public liability insurance, Policy No. \_\_\_\_\_ which expires \_\_\_\_\_ 20 \_\_\_\_\_.

Dated:

By:

(Name of applicant)

(Title, if signed by a representative)

3. In the event that a permit is granted to the applicant, said permit shall refer to this local law, and shall read in form as follows:

Permit For Water Service - Sewer Service  
Involving A Street Opening

Permission is hereby granted to \_\_\_\_\_ (hereinafter referred to as "permittee"), whose residence or principal place of business is at \_\_\_\_\_, to proceed as set forth and represented in the foregoing application and at the particular location described therein, in accordance with details of work hereto attached and pursuant to Local Law No. 1 for the year 1962, and to any special conditions which are hereinafter set forth; all forming a part hereof, to wit:

Special Conditions

Dated: \_\_\_\_\_ New York this day of \_\_\_\_\_ 20 \_\_\_\_\_.

City Engineer:

By:

Superintendent of Streets:

By:

In consideration of the granting of the within permit, the undersigned hereby accepts the same subject to the restrictions and regulations therein described.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Signature of applicant

By

(Title if signed by a representative)

Inspected for compliance with Plumbing Code and regulations and conditions set forth in permit, and for compliance with regulations and conditions affecting sewers.

Plumbing Inspector:

Inspected for compliance with regulations and conditions affecting streets.

Superintendent of Streets:

4. Work under a permit shall be commenced within 10 days from date of permit and continued in an expeditious manner, unless extension of this period is approved by the City Engineer or his authorized representative.
5. All locations shall be approved by the City Engineer or his authorized representative.
6. The permittee shall erect and maintain suitable guardrails or barricades for the protection of the public around all trenches or other openings from the time the opening is first begun until it has been completely

and properly back-filled, except that whenever the city shall undertake to backfill any opening the responsibility of the permittee under this paragraph shall terminate as soon as the city has actually begun to backfill the opening. All such guardrails and barricades shall be suitably lighted by flares or red lights at night.

7. The work shall be carried on in such fashion that not more than 25 linear feet of trench remains open at the end of any day's work.
8. Manhole frames and covers shall be of an approved type and weight and set in a workmanlike manner, flush with the surface of the pavement.
9. All surplus earth and rubbish shall be cleaned up and removed from the right-of-way upon completion of the work and the right-of-way shall be left in a neat and orderly condition.
10. All openings in any unpaved portion of the street shall be backfilled by the permittee, using materials which were removed, all to the satisfaction of the City Engineer or his authorized representative. All sod removed to make the opening shall be properly replaced when the opening is filled.
11. All openings in any paved portion of the street shall be backfilled and repaved by the City of Lockport at the expense of the permittee, using approved run-of-bank gravel or run-of-crusher stone, properly tamped, and paving material the same as or equivalent to that removed in making the opening, and the new paved area shall be properly extended beyond the edges of the opening in accordance with good road building and repaving practices.
12. When more than one line, service or connection is being placed in one opening, the permittee shall perform all backfilling necessary to accomplish the placing of the various lines, services or connections, using approved run-of-bank gravel or run-of-crusher stone, properly tamped.
13. On any lateral trench excavation and parallel thereto, the edge of the trench shall not be closer than five feet to the edge of the pavement except upon written authorization of the City Engineer or his authorized representative.
14. Any and every injury to or disturbance of the street or any part of the street right-of-way or any structure or facility located in the right-of-way caused by any act done or omitted during the course of the work authorized by a permit shall be repaired and restored by the permittee at his own expense and in accordance with instructions of the City Engineer or his authorized representative, unless the City Engineer, or his

authorized representative, shall determine that such repair and restoration should be accomplished by the city in which case the cost of such repair and restoration shall be paid by the permittee. If any of the repair and restoration work performed by the permittee in accordance with the provisions of this paragraph is not satisfactory to the City Engineer or his authorized representative, such work may be replaced by the city, either by its own employees or by contract, and the cost of such replacement shall be paid by the permittee.

15. A permit shall not be assigned or transferred without the written consent of the City Engineer or his authorized representative.
16. The work authorized by a permit shall be performed under the supervision and to the satisfaction of the City Engineer or his authorized representative.
17. The said permittee shall be responsible for all damages, resulting from bodily injury, including death, and/or property damage due to activities of the permittee, its contractors, subcontractors of either or both, agents or employees in connection with any act or omission hereunder; and shall indemnify and save harmless the city and/or the Common Council and/or the City Engineer and his representatives and employees from claims, suits, actions, damages and costs of every name and description, arising out of or resulting from any act or omission hereunder; including the cost of defending against the same.
18. Unless expressly waived by the City Engineer, the permittee shall furnish with the foregoing application a policy of protective liability insurance issued to and covering the liability of the City of Lockport and/or the City Engineer of the City of Lockport with respect to all operations under this permit by the permittee or by anyone acting by, through or for the permittee, including omissions and supervisory acts of the city. The limits of liability in such policy shall be not less than \$100,000 for all damages arising out of bodily injury, including death at any time resulting therefrom, sustained by one person in any one accident and subject to that limit for each person, not less than \$300,000 for all damages arising out of bodily injury, including death at any time resulting therefrom, sustained by two or more persons in any one accident, and not less than \$25,000 for all damages arising out of injury to or destruction of property in any one accident, and subject to that limit per accident, not less than \$50,000 for all damages arising out of injury to or destruction of property during the policy period; such policy shall state that it will not be changed or canceled until 10 days' written notice has been given to the City Engineer.

19. The enumeration in a permit of the kind and amount of insurance shall not abridge, diminish or affect the permittee's legal responsibilities for the consequences of accidents arising out of or resulting from the operations of the permittee under this permit.
20. A bond in the amount of \$25,000 shall be filed by each applicant for a street opening permit before any such permit shall be issued to him and such bond must be in force and on file in the office of the City Engineer before any such permit is issued. The said bond shall be deemed to include and be used as security that every part of the right-of-way disturbed by the work will be restored to its original condition at the expense of the permittee as soon as the work has been completed, said restoration to occur no later than seven (7) days of completion of the work, and shall remain in full force and effect for a period of three (3) years subsequent to the date of completion of the last work performed under such a permit during the stated term of the bond.
21. The City Engineer reserves the right to at any time revoke or annul a permit should the said permittee fail to comply with the terms and conditions on which it is granted.
22. Traffic shall be maintained by the permittee on the affected section of the street or sidewalk while the work is in progress and until its final completion and the permittee shall place and maintain proper barricades, lights and other reasonable safety precautions.
23. The permittee shall certify that it has secured compensation for the benefit of and will keep insured during the performance of the above-described work, such employees as are required to be insured, by the provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof, known as the Workmen's Compensation Law.
24. In the event of an emergency which arises while the office of the City Engineer is closed, and requires immediate opening for repair work, such emergency opening may be made upon a temporary authorization by the City Engineer or his duly authorized representative, for such purpose, on condition that a formal application for a regular permit shall be filed as soon thereafter as the office of the City Engineer, or his duly authorized representative, is open for business.
25. The City Engineer, his duly authorized representative, or any representative designated for the purpose of granting a temporary emergency authorization for street openings may, in his discretion, refuse to issue any

permit or temporary authorization to any applicant who is in default in the performance of any duty or responsibility under any previous permit or authorization.

26. Local laws numbered 7 and 8 for the year 1960, and entitled: "A Local Law of the City of Lockport, New York, in Relation to Establishing Requirements for Sewer Service" and "A Local Law for the City of Lockport, New York, in Relation to Establishing Requirements for Water Service" are hereby repealed; provided, however, that any liens created thereunder shall not be affected.
27. Penalties. Any person, firm, company or corporation violating any of the provisions of this local law shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$1,500 or by imprisonment for not exceeding 30 days, or both such fine and imprisonment.

This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Seconded by Alderman Fogle. A roll call vote was taken which resulted as follows:

Alderman Barnard	VOTING	Yes
Alderman Beakman	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Fogle	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Pasceri	VOTING	Yes

The Local Law was thereupon declared duly adopted.

#### **042722.4**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Navy Marine Club, 37 Park Avenue, Lockport, to barricade Park Avenue at the eastern end of Ida Fritz Park and at the corner of Park Avenue and Hawley Street on Saturday, August 13<sup>th</sup>, 2022, for their annual picnic, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.



Seconded by Alderman Barnard and adopted. Ayes 6.

**042722.5**

By Alderman Fogle:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter 125 of the City Code regarding Noise, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, May 11th, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

**042722.6**

By Alderman Fogle:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter A-192, Section 40-a of the City Code with respect to the definition of Master Plumber, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, May 11th, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**042722.7**

By Alderman Fogle:

Whereas, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program and the Green Infrastructure Grant Program (GIGP) to make streetscape and storm water management improvements (improvements) along Pine, South and Washburn Streets; and

Whereas, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) has completed detailed design plans and contract documents for the improvements; and

Whereas, the City desires to issue a public request for qualified bidders to construct the improvements; now, therefore, be it

Resolved, that Nussbaumer shall prepare and furnish to the City Clerk a Notice to Bidders for construction of the improvements and upon receipt and review, the City Clerk shall advertise the Notice to Bidders in the City's official newspaper.

Seconded by Alderman Barnard and adopted. Ayes 6.

**042722.7A**

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council Meeting of May 11, 2022 starting at 6:30 P.M. relative to a request for a Special Use Permit made by Sean Wirth, to harbor 6-8 hen chickens at 67 Rochester Street, situated in an R-1 Zone, and be it further

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

**042722.8**

**ADJOURNMENT**

At 6:43 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 11, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 11, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**051122.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of April 27, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending Section 125 of the City Code-Noise.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending Chapter A-192, Section 40-a of the City Code-Master Plumber.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING**

The Mayor announced a public hearing on a Special Use Permit to harbor hen chickens at 67 Rochester Street.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

5/3/22 Jeff Tracy, Lockport Planning and Zoning Board—it was the determination of the Board to not recommend the request to the Council.

Recess for public input.

The Mayor closed the public hearing.

### **FROM THE CITY CLERK**

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

#### **Communications:**

5/11/22 Paul K. Oates, City Clerk – notification of bids received on May 6, 2022 for the Railyard Skate Park Project.

The following bid proposal for the above referenced was received and opened on May 6, 2022:

Grindline Skateparks, Inc.	\$550,000
Seattle, WA	

Referred to Committee of the Whole

5/9/22 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of May in observance of Memorial Day.

Monday, May 30<sup>th</sup>

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the Media.

4/20/22 Vanessa Bates-Mixson, Community Health Center of Buffalo, Inc., requesting permission to close Heritage Court to traffic on August 8<sup>th</sup> for a National Health Center Week celebration.

4/20/22 Cand'ese White, Healthy Families Niagara, requesting permission to hold a free, 'Baby Expo' at Ida Fritz Park on June 29<sup>th</sup>.

5/2/22 Rebecca Rowe, Lock City Moose Lodge #617, requesting permission to close Monroe Street at Jackson Street for a Community Vendor Fair on May 21<sup>st</sup>, 2022.

5/5/22 Daniel Colpoys, Mental Health Association in Niagara County, requesting permission to conduct Compeer Niagara 2022 summer program at Rogers Park.

Referred to Committee of the Whole.

**Notice of Claim:**

5/6/22 Chris Fava, 720 10<sup>th</sup> Street, Apt. 904, Niagara Falls, NY  
 5/6/22 Security Mutual Insurance Company – Subrogation for Glenn Ferry, 21  
 Outwater Drive, Lockport, NY

Referred to the Corporation Counsel.

**Notice of Complaint:**

4/25/22 159 Washington Street – tree  
 4/29/22 Locust Street – potholes  
 5/3/22 174 Spalding Street – tree  
 5/3/22 107 Adam Street – tree  
 5/4/22 133 Irving Street – tree

Referred to the Director of Streets and Parks

**MOTIONS & RESOLUTIONS****051122.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on May 12, 2022 as follows:

General Fund	Fund A	\$117,816.47
Water Fund	Fund FX	\$36,385.30
Sewer Fund	Fund G	\$53,521.65
Capital Projects	Fund H	\$461,420.64
Self-Insurance	Fund MS	\$1,552.30
Refuse & Recycle	Fund CL	\$105,281.65

Payroll	Pay Date	4/21	\$486,947.23
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Seconded by Alderman Pasceri and adopted. Ayes 6.

**051122.3**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Mark F. Sobieraski	25	Municipal Worker-Public Works
Jennifer G. Wochna	5	Sr. Account Clerk-City Clerk's Office

Seconded by Alderman Kantor and adopted. Ayes 6.

**051122.4**

By Alderman Devine:

Resolved, that the City Clerk is hereby authorized and directed to forward a communication to the Lockport City School District requesting permission to conduct the fireworks display at Aaron Mossell Junior High School, and be it further

Resolved, that the fireworks display shall be conducted on Monday, July 4, 2022, with the rain date being Tuesday, July 5, 2022

Seconded by Alderman Barnard and adopted. Ayes 6.

**051122.5 – Award bid-Rail Yard Skate Park Project – WITHDRAWN**

**051122.6**

By Alderman Pasceri:

Whereas, the Community Health Center, 38 Heritage Court, is holding its yearly celebration of, “National Health Center Week” with an event Tuesday, August 8, 2022; and

Whereas, the event will promote community health education and awareness, and will feature testing, screenings, and vaccines; and

Whereas, back to school supplies, raffles, family-oriented activities and prizes will be offered at no cost; now, therefore, be it

Resolved, that pursuant to their request, permission is hereby granted to the Community Health Center of Lockport to barricade Heritage Court, with designated parking in the lot for Heritage Court Plaza businesses, on Tuesday, August 8, 2022 from noon until 4pm for a healthcare event; and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Fogle and adopted. Ayes 6.

**051122.7**

By Alderman Fogle:

Whereas, Pinnacle Community Services, formerly Family & Children’s Service of Niagara, conducts a Healthy Families Niagara program; and

Whereas, the program’s goal is to prevent child abuse and neglect through supporting positive parent-child interactions, the health and development of families and children, and self-sufficiency; and

Whereas, one of their community events to educate new families to the program is a “Baby Expo” that provides the opportunity to learn about the resources offered by area agencies that provide services to expectant and parenting families, and features prizes, demos, and mini workshops; now, therefore, be it

Resolved, that pursuant to their request, Pinnacle Community Services is hereby granted permission to hold a free, “Baby Expo” at Ida Fritz Park on Wednesday, June

29, 2022 from 11am until 2pm, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 6.

**051122.8**

By Alderman Fogle:

Resolved, that the request for a special use permit made by Sean Wirth to harbor 6-8 hen chickens, located at 67 Rochester Street, situated in an R-1 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

No appreciable change in traffic.

No outside storage of materials.

Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Devine and adopted. Ayes 6.

**051122.9 – Authorize transfer of 50 Elmwood Ave from GLDC to city for Mossell Park – WITHDRAWN**

**051122.10**

By Alderman Beakman:

Whereas, the NYS Tax Law §1202-t authorizes municipalities in Niagara County to collect a hotel occupancy tax for the purpose of promoting tourism, and

Whereas, the City has addressed the distribution of hotel occupancy tax revenue in Local Law 4 of 2020; and

Whereas, the City of Lockport has historically paid out its net revenues from the hotel occupancy tax to multiple non-profit groups, and

Whereas, the City and Greater Lockport Development Corporation (GLDC) have held preliminary discussions about the consolidation of funding from the hotel occupancy tax with GLDC, and

Whereas, GLDC has declared its willingness to assume responsibility for distribution of funds to those projects that have previously been funded directly from the City, including the Lockport Visitor Center, the Locks Heritage District Corporation (LHDC), and Lockport Main Street, Inc.(LMS) and

Whereas, the LHDC, LMS and the Niagara County Historical Society on behalf of the Lockport Visitors Center will consent to the termination of current agreements with the City and establishment of new agreements with GLDC prior to the execution of a final agreement; now, therefore, be it

Resolved, that the net revenue from the hotel occupancy tax previously retained by the City shall now be remitted to GLDC upon execution of an agreement that transfers to GLDC all responsibility for tourism funding; and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to enter into an agreement with GLDC to effectuate this transfer of revenue and responsibility.

Seconded by Alderman Fogle and adopted. Ayes 6.

**051122.11**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert L. Pass, a retired City of Lockport second ward alderman, who served four terms from 1974-1981, who recently passed away.

Seconded by Alderman Kantor and adopted. Ayes 6.

**051122.12**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted Lock City Moose Lodge 617 to barricade Monroe Street at Jackson Street on Saturday, May 21, 2022, for a vendor fair, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Barnard and adopted. Ayes 6.

**051122.13**

By Alderman Kantor:

Whereas, Compeer Niagara is a non-profit, volunteer-based program of the Mental Health Association in Niagara County, serving both children and adults who have a mental health diagnosis and limited social supports; and

Whereas, Compeer Niagara's programs are successful in improving the quality of life for participants through social inclusion, friendship, and fun; and

Whereas, Compeer Niagara wishes to offer outdoor programming over the summer break, providing supervision and activities for youth on a "drop in" basis; now, therefore, be it

Resolved, that pursuant to their request, Compeer Niagara is hereby granted permission to conduct a summer program for the public at Rogers Park on Tuesdays, beginning July 5 until August 30, 2022, from 9am until 3:30pm, and be it further

Resolved, said permission is subject to Compeer Niagara filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.



**051122.13A**

By Alderman Barnard:

Resolved, that pursuant to their request, 15U AnJo Bombers are hereby granted permission to use the baseball diamond at Outwater Park for games the weekends of May 14th & 15th and May 20th & 21st, subject to the approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that said permission is subject to 15U AnJo Bombers filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**051122.14**

**ADJOURNMENT**

At 7:22 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 25, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 25, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of May 11, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR****Appointments:**

05/20/22 William M. Thomson, 820 Pasadena Avenue, Niagara Falls, NY appointed Commissioner of Deeds to fill the unexpired term of Nicole Cafarella. Said term expires December 31, 2023.

Received and filed.

**FROM THE CITY CLERK**

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

**Communications:**

5/17/22 Yvonne S. Michaels, KeyBank Branch Manager, 150 Main Street – request permission to park the bank's KeyBus in the spaces on Elm Street alongside the bank on June 2, 2022 from 10am-2pm.

5/19/22 Paul K. Oates, City Clerk – notification of bids received on May 19, 2022 for Wastewater Treatment Plant Sludge Hauling and Disposal.

The following bid proposals for the above referenced were received and opened on May 19, 2022:

Denali Water Solutions	1-year	\$468,000
Russellville, AR	3-years	\$1,431,000
Modern Disposal	1-year	\$219,000
Model City, NY	3-years	no bid

Referred to Committee of the Whole

**Notice of Claim:**

5/15/22 Angelo J. Nunnari, 419 Hawley Street, Lockport, NY  
 5/16/22 Kevin M. Ritz, 207 Continental Drive, Lockport, NY  
 5/19/22 Kelly Corrieri, 4500 Candlewood Drive, Lockport, NY  
 5/19/22 Walsh Roberts & Grace, LLP on behalf of John R. Finegan, 29 Juniper Street, Lockport, NY

Referred to the Corporation Counsel.

**Notice of Complaint:**

5/10/22        24 Nicholls Street – tree  
5/24/22        390 Willow Street – trees

Referred to the Director of Highways, Parks and Water Distribution

**MOTIONS & RESOLUTIONS**

**052522.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on May 26, 2022 as follows:

General Fund	Fund A	\$92,598.33
Water Fund	Fund FX	\$14,428.19
Sewer Fund	Fund G	\$95,441.58
Capital Projects	Fund H	\$1,102,715.71
Self-Insurance	Fund MS	\$75,323.20
Refuse & Recycle	Fund CL	\$194.38
Payroll	Pay Date 5/5	\$507,894.23

Seconded by Alderman Barnard and adopted. Ayes 6.

By Alderman Barnard:

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

Seconded by Alderman Devine and adopted. Ayes 6.

**052522.3**

By Alderman Fogle:

**City of Lockport  
Local Law No. 2 of the year 2022.**

**A LOCAL LAW to amend Section 125 of the Lockport City Code - Noise**

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

Section 125 of the Lockport City Code is hereby amended by deleting the same in its entirety and substituting therefore a new Section 125 to read as follows:

**Chapter 125. Noise Control**

## **§ 125-1. Policy.**

It is hereby declared to be the policy of the City of Lockport to prevent excessive, unnecessary, or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting, and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Lockport and its inhabitants.

## **§ 125-2. Definitions.**

Unless otherwise indicated by context, the following terms and phrases shall mean:

- A. AMBIENT NOISE LEVEL — The sound pressure level of the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, and/or the A-weighted sound pressure level exceeded 90% of the time based on a minimum period of 10 minutes.
- B. AUTHORIZED EMERGENCY VEHICLE — Every ambulance, police vehicle, fire vehicle and civil defense emergency vehicle.
- C. A-WEIGHTED SOUND LEVEL — The sound pressure level measured by the use of an instrument with the metering characteristics and the A-weighting frequency response prescribed for sound level meters. The level so read is designated "dBA."
- D. CONSTRUCTION — Any activity necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property, including but not limited to the related activity such as line clearing, grading, earth moving, excavating, blasting, filling and landscaping, but not including agriculture.
- E. DAYTIME — The time from 7:00 a.m. to 9:00 p.m., except on Fridays and Saturdays when the evening hours shall be 11:00 p.m.
- F. DECIBEL (dB) — The practical unit of measurement for sound pressure level; the number of "decibels" of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [20 micro pascals]; abbreviated "dB."
- G. EMERGENCY — A public calamity, utility services failure or an exposure of any person or property to actual or imminent danger.
- H. IMPULSIVE SOUND — A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.

- I. MOTOR VEHICLE — Every vehicle operated or driven upon the public highway which is propelled by any power other than muscular power, except electrically driven invalid chairs being operated or driven by an invalid, vehicles which run only upon rails or tracks and snowmobiles.
- J. MUFFLER — A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from a sound source and effective in reducing noise.
- K. NIGHTTIME — That part of a twenty-four-hour time interval which is not otherwise defined as daytime.
- L. NOISE DISTURBANCE — Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.
- M. PERSON — Includes the singular and plural and shall also mean and include an individual, association, partnership, business, corporation, club, society, union, lessor, lessee, property owner, tenant or any other form of association or organization.
- N. PUBLIC HIGHWAY — Any highway, road, street, avenue, alley, public place, public driveway, or any other public way.
- O. PUBLIC SPACE --- Any real property or structure thereon that is owned, leased, or controlled by the City of Lockport.
- P. REAL PROPERTY BOUNDARY — An imaginary line exterior to any structure along the ground surface which separates the real property owned by one person from that owned by another person and the vertical extension of such line.
- Q. SOUND LEVEL — The quantity in decibels measured by a sound-level meter satisfying the requirements of American National Standards specification for sound-level meters. "Sound level" is the frequency- weighted sound pressure level obtained with the standardized dynamic characteristic "fast" or "slow" and weighting (a), (b) or (c); unless indicated otherwise, the A-weighting is understood.
- R. SOUND-LEVEL METER — An instrument, including a microphone, an amplifier, an output meter, and frequency waiting networks, for the measurement of sound levels.
- S. UNREASONABLE NOISE — Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether "unreasonable noise" exists in a given situation include, but are not limited to, the following:
  - a) The volume of the noise.
  - b) The intensity of the noise.
  - c) Whether the nature of the noise is usual or unusual.

- d) Whether the origin of the noise is usual or unusual.
- e) The volume and intensity of the background noise, if any.
- f) The proximity of the noise to residential sleeping facilities.
- g) The nature and zoning district of the areas within which the noise emanates.
- h) The time of the day or night the noise occurs.
- i) The time duration of the noise.
- j) Whether the sound source is temporary.
- k) Whether the noise is continuous or impulsive.

### **§ 125-3. Prohibitions.**

- A. General prohibitions. No person shall make, continue or cause or permit to be made, verbally or mechanically, any unreasonable noise. Noncommercial public speaking and public assembly activities conducted on any public space or public highway shall be exempt from the operation of this section.
- B. Animals. No person shall own, possess or harbor any animal or bird which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this ordinance, a "barking dog" may be defined as a dog that barks continuously for 10 minutes or intermittently for 30 minutes.
- C. Burglar alarms. No owner of a building or of a motor vehicle shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within 15 minutes of its being activated.
- D. Sound reproduction. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
  - (1) Between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday in such a manner as to create unreasonable noise across a real property boundary.
  - (2) In such a manner as to create unreasonable noise at 50 feet from such a device, when operated in or on a motor vehicle on a public highway or in a

boat in public waters.

- . (3) In such a manner as to create unreasonable noise to any person other than the operator of the device, when operated by any passenger on a common carrier.

E. Air-conditioning and air-handling devices.

- . (1) No person shall operate or permit to be operated an air-conditioning or air-handling device, including a heat pump, which exceeds the maximum sound level limitations provided in this section: in residential areas, continuous sound levels measured at the property line of 75 dBA.
- . (2) The provisions of this section shall not apply if the sound from the air conditioner or air-handling device produces less than an increase of five dBA in the sound level that exists in the absence of such sound.

F. Emergency warning devices. No person shall operate or cause to be operated by emergency warning device, except:

- . (1) To give notice of a warning of an emergency.
- . (2) On an authorized emergency vehicle when such vehicle is engaged in emergency operation, provided that such device shall not be operated so as to create unreasonable noise or for a period of time longer than is necessary to respond to such emergency.
- . (3) When such device is under test.

G. Loading and unloading. No person shall load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday of the following day in such a manner as to cause an unreasonable noise across a residentially real property boundary, except as permitted by (Exceptions subsection G).

H. Domestic power tools. No person shall operate or permit to be operated any

power tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn or garden tools, mowers, tractors, leaf blowers or gatherers, or similar devices, when used outdoors in a residentially zoned district between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday

- I. Modification of noise control devices. No person shall operate or permit to be operated any device that has been modified so as to cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.
- J. Squealing tires. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- K. Sound signal devices. No person shall operate or cause to be operated any sound signal device so as to create unreasonable noise, except:
  - . (1) As required by the Vehicle and Traffic Law of the State of New York.
  - . (2) To give notice of the time to start and stop work.
  - . (3) As attendant to religious activities.
- L. Construction. No person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person, in a manner as to cause unreasonable noise during nighttime hours. The provisions of this section shall not apply to the following: (1) Emergency work and safety and protective devices. (2) Domestic power tools subject to (Prohibitions subsection H).
- M. Places of public entertainment. No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in which the sound level is equal to or exceeds 100 dBA for more than 60 seconds at the location of the spectators.
- N. Churches, courts, hospitals, and schools. No person shall create or permit the creation of any unreasonable noise through the use of any device on any street, sidewalk, or



public place adjacent to any church, court or school while such church, court or school is in use, or adjacent to any hospital at any time, provided that signs are displayed so as to identify such church, court, hospital or school.

**§ 125-4. Maximum sound levels by receiving land use categories.**

A. It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound pressure level measured in dBA's which exceed the limits set forth for the receiving land use category in Table 1 when measured receiving land use.

**Table 1**

**MAXIMUM PERMISSIBLE SOUND LEVELS BY  
RECEIVING LAND USE CATEGORY  
(dBA)**

<b>Sound Source Land Use Category</b>	<b>Time Period</b>	<b>Residential</b>	<b>Business</b>	<b>Industrial</b>
<b>Residential (R-1, R-2, R-3, B-1)</b>				
Sunday-Thursday	7 am to 9 pm	55-120	75-130	80-140
Sunday-Thursday	9 pm to 7 am	*55	75	80
Friday & Saturday	7 am to 11 pm	55-120	75-120	80-140
Friday & Saturday	11 pm to 7 am	*55	75	80
<b>Business (B-2, B-3, B-4, B-5)</b>				
Sunday-Thursday	7 am to 9 pm	60-120	75-130	80-140
Sunday-Thursday	9 pm to 7 am	*60	75	80
Friday & Saturday	7 am to 11 pm	120	130	140
Friday & Saturday	11 pm to 7 am	*60	75	80
<b>Industrial</b>				

(I-1, I-2, I-3)

Sunday-Thursday	7 am to 9 pm	65-120	75-120	80-140
Sunday-Thursday	9 pm to 7 am	*60	75	80
Friday & Saturday	7 am to 11 pm	65-120	65-120	80-140
Friday & Saturday	11 pm to 7 am	*60	75	80

Ranges are from allowable Ambient noise levels (continuous duration) to the highest decibels allowable for Impulse noises (short durations). Continuous noise or ambient noise is the all-encompassing noise associated with a given environment. Impulse noises are noises of short duration.

\*Exemptions: Air Conditioning Units operating above the permissible 55-60dBAs installed prior to this law will be “grandfathered” in.

B. The restrictions set forth in this section shall not apply to alarms as defined in (Prohibitions Subsection C and F) of this chapter.

#### **§ 125-5. Motor vehicles on public rights-of-way.**

No person shall operate a motor vehicle or combination of vehicles on a public right-of-way at any time in such a manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in the New York State Vehicle and Traffic Law. This includes the operation of a vehicle without an adequate muffler or exhaust system to prevent any unreasonable noise in violation of the Vehicle and Traffic Law § 375, Subdivision 31.

#### **§ 125-6. Exceptions.**

The requirements, prohibitions and terms of this ordinance shall not apply to:

- A. Any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- B. The operation of any vehicles or equipment when responding to an emergency or a declared state of emergency (i.e., civil defense, storm).
- C. Those activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to

parades, fireworks displays and public cosponsored boat races and events.

- D. The production of music in connection with a military or civic parade, funeral procession, or religious ceremony; any musical performance conducted under consent of municipal authority.
- E. Sounds emanating from any publicly sponsored and/or authorized sporting, entertainment, or other public event.
- F. Snow removal equipment.
- G. Businesses approved by zoning or variances that must conduct loading and unloading operations between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday.

#### **§ 125-7. Authority to grant exceptions and variances.**

The Zoning Board of Appeals shall have the authority to grant special variances, issue temporary permits and suspend any of the provisions of this ordinance upon such conditions and for such time as it shall deem fit to best serve the public health and welfare and the quality of life in the City of Lockport.

#### **§ 125-8. Enforcement; standards.**

- A. The provisions of this ordinance shall be enforced by the Police Department of the City of Lockport and/or the Department of Building Inspections of the City of Lockport and it shall have the power to:
  - (1) Order any person to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this ordinance.
  - (2) Seal any device, after obtaining the proper judicial order, which causes or is maintained or operated so as to cause a violation of any provision of this ordinance.
  - (3) Issue appearance tickets for violation of any provision of this ordinance.
- B. A sound-level meter conforming to the American National Standards Institute (ANSI)

Type II standards shall be used and shall be calibrated prior to use. The calibrator shall be calibrated at least annually.

**§ 125-9. Penalties for offenses.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a violation and subject to a fine of not more than \$250 or imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**§ 125-10. Severability.**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction the remaining provisions of the ordinance shall not be invalidated.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Barnard. A roll call vote was taken which resulted as follows:

Alderman Barnard	VOTING	Yes
Alderman Beakman	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Fogle	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Pasceri	VOTING	Yes

The Local Law was thereupon declared duly adopted.

**052522.4**

By Alderman Devine:

**City of Lockport  
Local Law No. 3 of the year 2022.**

**A LOCAL LAW to amend Section A192 of the Lockport City Code - Plumbing Rules And Regulations**

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

Section A192-40(a) of the Lockport City Code is hereby amended by deleting the same in its entirety and substituting therefore a new Section A192-40(a) to read as follows:

§ A192-40(a). Master plumber. When used in this article, the words "Chief Plumbing Inspector" shall mean a person who has taken and passed the Master Plumbers test given by the City of Lockport and who holds the Practical Master Plumber license for the City of Lockport as appointed by the Plumbing Board. There shall be only one inspector who holds a Practical Master Plumber's license in the City of Lockport appointed as "Chief Plumbing Inspector" by the Plumbing Board.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Beakman. A roll call vote was taken which resulted as follows:

Alderman Barnard	VOTING	Yes
Alderman Beakman	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Fogle	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Pasceri	VOTING	Yes

The Local Law was thereupon declared duly adopted.

**052522.5**

By Alderman Devine:

Whereas, the Lockport Police Department has experienced unforeseen costs in the special supplies line item that have exceeded this year's budgeted allocation for the purchase of noise meters; and

Whereas, continued maintenance of programs and operations will require additional funding in this year's budget, estimated at around \$2,100 in additional funds; now, therefore, be it

Resolved, that the Common Council hereby amend the General Fund budget to reflect this need:

Expenditures:

Decrease		
A.1900.54775	Contingency	\$2,100
Increase:		
A.3120.54515	Special Supplies	\$2,100

Seconded by Alderman Beakman and adopted. Ayes 6.

#### **052522.6**

By Alderman Kantor:

Whereas, resolution #020922.8, adopted by the Common Council at their February 9, 2022 meeting, gave permission to Lockport Main Street, Inc. (hereafter, 'LMS') to hold a series of events throughout the year; and

Whereas, permission was granted to LMS to conduct the sale of alcoholic beverages at both the Lockport Food Fest on August 14<sup>th</sup>, and Locktoberfest on October 1<sup>st</sup>; and

Whereas, LMS now desires to serve beer, wine and cider at their 'Rock the Locks' concert series beginning in June; and

Whereas, LMS has already provided the City Clerk's office with a Certificate of Insurance, naming the City of Lockport as additional insured, for its 2022 events; and

Whereas, LMS is responsible for obtaining necessary licenses from other governmental authorities for the sale of alcoholic beverages; now, therefore, be it

Resolved, that Lockport Main Street, Inc. is hereby granted permission to conduct the sale of alcoholic beverages from an enclosed and enforced beer tent at its 2022 'Rock the Locks' concert series.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **052522.7**

By Alderman Pasceri:

Whereas, the Greater Lockport Development Corporation and its subsidiary, 210 Walnut Street, LLC, desire to donate land located at 50 Elmwood Avenue in the City of Lockport for the creation of a playground; and

Whereas, the City by Resolution 071917.11, applied for a \$450,000 grant from the New York State Office of Parks, Recreation and Historic Preservation, for the development of such a playground, which grant was subsequently awarded to the City: and

Whereas, the Common Council, by Resolution 041818.5, dedicated the playground to be developed to the memory of Aaron Mossell, a leader in school integration locally and nationally; and

Whereas, the State Department of Environmental Conservation has reviewed and approved the remediation work supervised by TurnKey Environmental Group, LLC to prepare the property for the intended use; and

Whereas, all parties are prepared to move forward with this project; now, therefore, be it

Resolved, that the City of Lockport accepts the property known as 50 Elmwood Avenue for development as the Aaron Mossell Playground; and be it further

Resolved, that the Mayor is authorized, subject to Corporation Counsel approval, to sign all necessary documentation to effectuate the transfer.

Seconded by Alderman Fogle and adopted. Ayes 6.

**052522.8**

By Alderman Pasceri:

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to sell via online auction, to the highest bidders, used vehicles and surplus equipment supplies, including 2008 Ford F-350 pickup, two (2), 2008 Elgin road sweepers, 2003 Freight utility vehicle, 2003 Chevy utility van, 2009 Ford F-550 bucket truck, 1993 International dump truck, 2011 Chevy Tahoe, 1995 Ingersoll Rand ST-60 roller, 1982 Ingersoll Rand air compressor, various city street signs, and miscellaneous obsolete traffic signals; and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Kantor and adopted. Ayes 6.

**052522.9**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of William Villella, a retired City of Lockport firefighter, who served the department between 1966 and 1992, who recently passed away.

Seconded by Alderman Beakman and adopted. Ayes 6.

**052522.10**

By Alderman Kantor:

Whereas, the NYS Department of Transportation has awarded the City of Lockport \$702,866.98 in CHIPS funding, \$195,191.08 in PAVE NY funding, \$132,782.79 in EWR funding, and \$837,869.70 in Touring funding for a total of \$1,868,710.55 in FY 2022 funds; now, therefore, be it

Resolved, that the FY 2022 Capital Fund budget is amended to add the remaining balances as follows:

Revenue:

Increase

H082.5112.33501	Consolidated Highway Aid	\$1,030,840.85
H208.5112.33501	Consolidated Highway Aid	\$837,869.70

Expense:

Increase

H082.5112.52450	Infrastructure – Roads	\$1,030,840.85
H208.5112.52450	Infrastructure – Roads	\$837,869.70

Seconded by Alderman Pasceri and adopted. Ayes 6.

**052522.11**

By Alderman Pasceri:

Whereas, the NYS Department of Transportation has awarded the City of Lockport a total of \$1,868,710.55 in FY 2022 funds; and

Whereas, the Director of Highways, Parks, and Water Distribution has recommended utilizing a portion of said funds for the purchase of a 2021 John Deere 310L Backhoe Loader via Sourcewell Contract 032119-JDC; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to enter into a purchasing agreement under State bid with John Deere to purchase said piece of equipment for a total price of \$120,222.08.

Seconded by Alderman Devine and adopted. Ayes 6.

**052522.12 – Budget Amendment Re: LFD Remodeling Project – WITHDRAWN**

**052522.13**

By Alderman Beakman:

Whereas, the existing contract with Municipal Solutions, Inc., dated May 8, 2020, is up for renewal for an additional 24 months with minimal contract changes (no alterations to fee schedules for Bond Anticipation Notes and Serial Bonds, and a \$3 hourly rate increase to \$145); now, therefore, be it

Resolved, that Mayor Roman is hereby authorized to execute an agreement with Municipal Solutions, Inc., retroactive to May 8, 2022, for an additional 24-month period, subject to Corporation Counsel review.

Seconded by Alderman Kantor and adopted. Ayes 6.

**052522.14**

**ADJOURNMENT**

At 6:54 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 8, 2022.

Seconded by Alderman Pasceri and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting



Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**060822.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of May 25, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

5/26/22 William Agronin, 11 Berkley Drive, Lockport, NY – re-appointed as a member of the Civil Service Commission. Said term expires on May 31, 2028.

Received and filed.

**FROM THE CITY CLERK**

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

**Communications:**

5/11/22 Justin P. Rogers, Fair Director, Cornell Cooperative Extension, Niagara County – request permission to erect a banner across East Avenue to promote the 2022 Niagara County Fair, from July 27<sup>th</sup> thru August 7<sup>th</sup>.

5/23/22 Beth Ann Banks, Festival Director, Niagara Celtic Heritage Society, Inc. – request permission to erect a banner across East Avenue to promote the 2022 Niagara Celtic Heritage Festival & Highland Games, from September 1<sup>st</sup> thru September 18<sup>th</sup>.

6/8/22 Paul K. Oates, City Clerk – notification of bids received on June 1, 2022 for the Phase I Streetscape Green Infrastructure Improvements project.

The following bid proposals for the above referenced were received and opened on June 1, 2022:

4 <sup>th</sup> Generation Construction, Inc.	\$1,857,000 base bid
Niagara Falls, NY	<u>\$384,000 alternates</u>
	\$2,241,000 base w/alternates

Referred to Committee of the Whole

**Notice of Complaint:**

6/3/22 36 Pine Street – potholes

Referred to the Director of Highways, Parks and Water Distribution

**MOTIONS & RESOLUTIONS**

**060822.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on June 9, 2022 as follows:

General Fund	Fund A	\$112,017.46
Water Fund	Fund FX	\$44,430.66
Sewer Fund	Fund G	\$46,884.05
Capital Projects	Fund H	\$22,722.00
Self-Insurance	Fund MS	\$4,680.00
Refuse & Recycle	Fund CL	\$497.71

Payroll	Pay Date	5/19	\$488,988.19
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Seconded by Alderman Pasceri and adopted. Ayes 6.

**060822.3**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Chad E. Ruchala	25	Firefighter

Seconded by Alderman Devine and adopted. Ayes 6.

#### **060822.4**

By Alderman Beakman:

Whereas, the City Council passed Resolution 120419.7 in December 2019, approving a contract between the City and GAR Associates, LLC for an Equity Improvement Project for assessments on properties in the City; and

Whereas, said resolution approved \$400,000 to be paid over a three-year time period; and

Whereas the Council believes it to be the most cost effective and in the best interest of the City to maintain a 100% equalization rate every year; now, therefore, be it

Resolved, that an annual expense line be included in the City budget to perform and maintain yearly assessments at a 100% equalized assessment rate; and be it further

Resolved, that the Mayor is authorized to execute an agreement with GAR Associates, LLC for a yearly Equity Improvement Project.

Seconded by Alderman Fogle and adopted. Ayes 6.

#### **060822.5**

By Alderman Kantor:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Sunday, July 3, 2022, commencing at 7pm at Veteran's Memorial Park, west on East Avenue to the Big Bridge, subject to the approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk; and be it further

Resolved, that the parade line will be assembled at East Avenue and LeVan Avenue; and be it further

Resolved, that temporary no-parking signs be placed on the north and south side of East Avenue for the parade; and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman Fogle and adopted. Ayes 6.

#### **060822.6**

By Alderman Kantor:

Resolved, that pursuant to their request, Cornell Cooperative Extension, Niagara County is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2022 Niagara County Fair. Banner

is to be erected from July 27 thru August 7, 2022 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Cornell Cooperative Extension, Niagara County filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **060822.7**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted Cornerstone Arena to barricade Grigg Lewis Way from Elm Street to just past the labeled pedestrian crosswalk, from 5-10pm, on July 14th, July 21st, July 28th and August 4th, 2022, for their Sunset Concert Series; and be it further

Resolved, that said permission include use of the City parking lot area from Elm Street to the crosswalk/road closure area on those dates; and be it further

Resolved, that Cornerstone Arena staff will provide barrier tape to enclose the area for concert seating and provide access for cars to exit the parking area from day-shift parking; and be it further

Resolved, that permission is subject to Cornerstone Arena 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 Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said events; and be it further

Resolved, that the City stage be made available to the events.

Seconded by Alderman Fogle and adopted. Ayes 6.

#### **060822.8**

By Alderman Pasceri:

Whereas, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program for \$1,095,000, the Green Infrastructure Grant Program (GIGP) for \$1,500,000, and Community Development Block Grant (CDBG) Program for \$172,000 to make streetscape and storm water management improvements along Pine, South and Washburn Streets (Project); and

Whereas, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) completed detailed design plans and contract documents for the improvements; and

Whereas, the City issued a Notice to Bid for interested contractors for the Project and subsequently received and publicly opened and read bids at the Municipal Building on June 1, 2022 at 2 pm as follows;

<b>CONTRACTOR</b>	<b>4<sup>th</sup> Generation Construction</b>
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<b>TOTAL BID AMOUNT</b>	<b>\$2,241,000.00</b>
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And

Whereas, Nussbaumer reviewed the contractor bids and has determined that 4<sup>th</sup> Generation Construction, Inc. has submitted the lowest complete and responsible bid and recommends that the City award the contract to 4<sup>th</sup> Generation Construction, Inc., for a total amount of \$2,241,000; now, therefore, be it

Resolved, that the capital project budget is updated to reflect the estimated project cost of \$2,767,000, which now includes committed DRI funds; and be it further

Resolved, that the Mayor is authorized to execute an Agreement with 4<sup>th</sup> Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304, in the amount of \$2,241,000.00 contingent upon legal review and review by the funding agencies.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **060822.9**

By Alderman Beakman:

Whereas, the City of Lockport (City), applied for and has received a Canalway Grant via the New York Consolidated Funding Application (CFA) for the Lowertown Loop Phase 1 Project (Project); and

Whereas, the City has received an Executed Agreement from the New York State Canal Corporation (Canal Corporation), a subsidiary of the New York Power Authority, for \$150,000 of the estimated project cost of \$300,000, which includes Professional Engineering and Grant Support Services; and

Whereas, Nussbaumer & Clarke, Inc. (Nussbaumer), assisted the City with the preparation of the successful grant application, is on the City's pre-qualified list of engineering service providers, and submitted a proposal dated June 3, 2022 in accordance with the City's agreement with Canal Corporation for a fee not-to-exceed \$30,000; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Nussbaumer & Clarke, Inc., 80 Main St. Unit A, Lockport NY 14094 for a not-to-exceed fee of \$30,000 per their proposal dated June 3, 2022, contingent upon legal review.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **060822.10**

By Alderman Devine:

Resolved, that resolution #041322.18 adopted by the Common Council at their April 13, 2022 meeting, granting Inferno Baseball Inc. permission to use the softball field at Outwater Park during the 2022 season for both practice and games, be and the same is hereby rescinded.

Seconded by Alderman Fogle and adopted. Ayes 1 (Devine). Nays 5. Motion failed.

**060822.11 – Grant Permission to Inferno Baseball Inc. use of Outwater Park softball field – WITHDRAWN**

**060822.12**

By Alderman Pasceri:

Resolved, that pursuant to their request, the Niagara Celtic Heritage Society, Inc. is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2022 Niagara Celtic Heritage Festival & Highland Games. Banner is to be erected from September 1 thru September 18, 2022 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to the Niagara Celtic Heritage Society, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman Kantor and adopted. Ayes 6.

**060822.13**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway to barricade said street on June 25, 2022, with a rain date of June 26, 2022, for a block party, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades, picnic tables and refuse containers to the area prior to said event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**060822.14**

By Alderman Fogle:

Whereas, an Ad Hoc Ambulance Committee convened to review the City's ambulance service options; and

Whereas, in April, 2022, a Request for Proposals was issued seeking bids on ambulance service from private ambulance companies; and

Whereas, the City has recently procured two ambulances and one fly car; now, therefore, be it

Resolved, that the City of Lockport retain the professional services of a certified public accounting firm, for a thorough financial analysis and review of each ambulance option available, and that said firm reports its findings to the Common Council.

Seconded by Alderman Barnard and adopted. Ayes 6.

**060822.15 – Grant Revocable Permit to Amanda Gorko for a fence at 329 East Avenue – WITHDRAWN**

**060822.16**

By Alderman Beakman:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a local law relative to roll-off containers, and be it further

Resolved, that a public hearing be held at the Common Council meeting of June 22, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Fogle and adopted. Ayes 6.

**060822.17**

By Alderman Devine:

Whereas, Community Services has obtained grant money and donations for the creation of a Skateboard park in the City of Lockport to replace the current skate park located at Outwater park ("the Park") and wishes to commence with the creation and development of the Lockport Skateyard Project ("the Project") as soon as practicable; and

Whereas, the total cost for the Project is expected to be \$550,000 and Lockport Community Services has funds which include \$500,000 to develop and construct the Project, and an additional \$50,000 to complete certain greenscape elements to complement the Project; and

Whereas, the City does not have the funds available to make improvements to the current park, nor the expertise, time or resources to manage and oversee the park, and therefore does hereby agree to allow access to the Outwater park land for the purpose of improvement and/or construction of the Project for the benefit of City residents; and

Whereas, GLDC has agreed to manage and oversee the Project on behalf of the City and Community Services and the three parties will enter into an Agreement for same; now, therefore, be it

Resolved, that the Council hereby permits the Mayor to enter into a contract with the GLDC and Lockport Community Services for the creation and development of the Lockport Skateyard, subject to approval by Corporation Counsel.

Seconded by Pasceri and adopted. Ayes 6.

**060822.18**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Michael J. Randall, a retired City of Lockport firefighter, who served the department between 1968 and 1996, who recently passed away.

Seconded by Alderman Beakman and adopted. Ayes 6.

**060822.18A**

By Alderman Fogle:

Whereas, the City of Lockport has a proposed Shared Services Agreement with Niagara Aquatics Club, Inc., a non-profit organization, at specified times throughout the day when the Community Pool is open; and

Whereas, the proposal would allow Niagara Aquatics Club, Inc. to have exclusive access to the Community Pool to conduct lessons for its members and practice for its swim team at specified times set forth in the proposed Agreement and to assist with learn-to-swim sessions in exchange for the opportunity; and

Whereas, the City has agreed to grant a revocable license to access the Community Pool during said designated times during the summer season; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the Mayor to enter into said agreement with Niagara Aquatics Club, Inc. for the 2022 summer pool season, upon approval of the Corporation Counsel.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**060822.19**

## **ADJOURNMENT**

At 8:41 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 22, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

June 22, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, and Kantor.

## **INVOCATION**



## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

### **Minutes Correction – June 8, 2022:**

#### **060822.10**

By Alderman Devine:

Resolved, that resolution #041322.18 adopted by the Common Council at their April 13, 2022 meeting, granting Inferno Baseball Inc. permission to use the softball field at Outwater Park during the 2022 season for both practice and games, be and the same is hereby rescinded.

Seconded by Alderman Fogle and adopted. Ayes 1 (Devine). Nays 5. Motion failed.

#### **062222.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of June 8, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending the City Code relative to Roll-Off Containers.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

6/10/22                      Brian C. Winslow, 79 Ontario Street, Lockport, NY 14094 – appointed to Building Inspector for the City of Lockport Building Inspection Department effective June 6, 2022. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

6/10/22 Tyler L. Alexander, 101 South Bristol Street, Lockport, NY 14094 – appointed to Municipal Worker for the City of Lockport Wastewater Department effective June 10, 2022. Said appointment is subject to the City of Lockport Municipal Civil Service Rules and Regulations.

6/10/22 Robert M. Lawson, 94 Prentice Street, Lockport, NY 14094 – appointed to Public Works Supervisor (Water) for the City of Lockport Water Distribution Department effective June 13, 2022. Said appointment is provisional and subject to the City of Lockport Civil Service Rules and Regulations.

Received and filed.

### **FROM THE CITY CLERK**

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

**Communications:** (which have been referred to the appropriate City officials)  
6/9/22 Deborah A. Coder, Assistant Superintendent for Finance and Management Services for Lockport City School District, confirming the Board of Education approved the City's use of the athletic field at Aaron Mossell Junior High School for its July 4<sup>th</sup> fireworks display.

Referred to Committee of the Whole.

6/22/22 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of July in observance of Independence Day.

Monday, July 4<sup>th</sup>

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the Media.

### **Notice of Complaint:**

6/20/22 201 Price Street – trees  
6/21/22 160 Vine Street – trees

Referred to the Director of Highways, Parks and Water Distribution

### **Notice of Claim:**

6/9/22 Ann Murphy, 11 Cleveland Place, Lockport, NY  
6/16/22 Frederick Eberhart, 5778 Erna Drive, Lockport, NY  
6/21/22 E. A. Granchelli, Developer LLC, 36 Pine Street, Lockport, NY

Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **062222.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on June 23, 2022 as follows:

General Fund	Fund A	\$147,938.85
Water Fund	Fund FX	\$5,584.98
Sewer Fund	Fund G	\$35,709.69
Capital Projects	Fund H	\$614,465.66
Self-Insurance	Fund MS	\$1,548.00
Worker's Comp	Fund S	\$6,425.00
Refuse & Recycle	Fund CL	\$90,717.27

Payroll	Pay Date 6/2/22	\$514,762.73
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Seconded by Alderman Barnard and adopted. Ayes 5.

### **062222.3**

By Alderman Beakman:

Resolved, that in accordance with Section 11-C of the New York Domestic Relations Law, the Common Council of the City of Lockport appoints John Lombardi III as a Marriage Officer for the City of Lockport for a term of two years.

Seconded by Alderman Devine and adopted. Ayes 5.

### **062222.4**

By Alderman Devine:

Whereas, the City of Lockport has entered into a contract with Young Explosives Corporation for Fourth of July fireworks at a cost of \$7,550; and

Whereas, the Lockport City School District has given approval for the use of the Aaron Mossell Junior High School Athletic Field for said fireworks display; now, therefore, be it

Resolved, that pursuant to the request of the Chief of Police, Corinthia Street will be closed between Trowbridge and Prospect Streets, and Passaic Avenue will be closed between Green and Corinthia Streets, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Kantor and adopted. Ayes 5.

### **062222.5**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to Freedom Church to barricade a portion of Ontario Street, between Hawley and North Transit Streets, in front of the Imagine Community Garden, on Wednesday June 29, 2022, for a Community Block Party from 5 until 8 p.m., and be it further

Resolved, that Freedom Church is granted permission to erect bounce houses during the event, subject to Freedom Church providing the City Clerk with a certificate of insurance naming the City of Lockport as additionally insured prior to the event, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Fogle and adopted. Ayes 5.

**062222.6**

By Alderman Barnard:

Resolved, that pursuant to their request, Spring Lake Winery is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote a concert event on August 20, 2022. Banner is to be erected from August 8 thru August 20, 2022 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Spring Lake Winery filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman Kantor and adopted. Ayes 5.

**062222.7**

By Alderman Devine:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Grosvenor Street to barricade Grosvenor from Church Street to North Transit Street on July 3, 2022, for a block party, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Kantor and adopted. Ayes 5.

**062222.8**

By Alderman Fogle:

Whereas, Pinnacle Community Services, formerly Family & Children's Service of Niagara, aims to create positive parent/child interactions, and promote the health and development of families and children, and self-sufficiency; and

Whereas, Pinnacle would like to hold a free, community carnival on July 23<sup>rd</sup> at Altro Park, featuring food, ice cream, games, face painting, and a DJ; now, therefore, be it

Resolved, that pursuant to their request, Pinnacle Community Services is hereby granted permission to hold a free, community carnival at Altro Park on Saturday, July 23, 2022 from 9am until 4pm, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Barnard and adopted. Ayes 5.

**062222.9**

By Alderman Barnard:

Resolved, that resolution #052522.11, authorizing the Mayor to enter into a purchasing agreement under State bid to purchase a 2021 John Deere 310L Backhoe Loader for a total price of \$120,222.08, be and the same is hereby rescinded.

Seconded by Alderman Fogle and adopted. Ayes 5.

**062222.10**

By Alderman Barnard:

Whereas, the NYS Department of Transportation has awarded the City of Lockport a total of \$1,868,710.55 in FY 2022 funds; and

Whereas, the Director of Highways, Parks, and Water Distribution has recommended utilizing a portion of said funds for the purchase of a 2021 John Deere 310L Backhoe Loader via Sourcewell Contract 032119-JDC for \$120,222.08; and

Whereas, the Division of Public Works also recommends the trade in of vehicle #710, a 2009 New Holland backhoe, for an estimated trade-in value of \$17,000; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to enter into a purchasing agreement under State bid with John Deere to purchase said piece of equipment for a net price of \$103,222.08.

Seconded by Alderman Fogle and adopted. Ayes 5.

**062222.11**

By Alderman Kantor:

Whereas, resolution 060822.5 authorized the Youth Board to conduct an Independence Day Parade on Sunday, July 3, 2022 at Veteran's Memorial Park, proceeding west on East Avenue to the Big Bridge; and

Whereas, the Youth Board has requested that the City sponsor \$3,000 in costs associated to the event, which was not budgeted for in the FY 2022 operating budget; now, therefore, be it

Resolved, that the 2022 General Fund Budget is hereby amended as follows:

Decrease:	A.1900.54775 Contingency	\$3,000
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Increase:                    A.8510.54510 Program Expenses                    \$3,000

Seconded by Alderman Beakman and adopted. Ayes 5.

**062222.12**

By Alderman Beakman:

Whereas, the City of Lockport Police Department has an Asset Forfeiture bank account that has accumulated funds; and

Whereas, the City of Lockport Police Chief has ensured that funds can be used appropriately for Police Department upgrades and maintenance; and

Whereas, the City must amend its 2022 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the need to improve their bike equipment with new lights and storage; now, therefore, be it

Resolved, that the 2022 General Fund Budget is hereby amended as follows:

Increase:

Expense:    A3120.54515 Special Supplies                    \$971.86

Revenue:    A.3120.34389 Other Federal Public Safety                    \$971.86

Seconded by Alderman Devine and adopted. Ayes 5.

**062222.13**

By Alderman Kantor:

Whereas, the NYS Department of Transportation has awarded the City of Lockport \$130,127.39 in Pave Our Potholes (POP) funding; now, therefore, be it

Resolved, that the FY 2022 Capital Fund budget is amended to add the remaining balances as follows:

Revenue:

Increase

H082.5112.33501      Consolidated Highway Aid                    \$130,127.39

Expense:

Increase

H082.5112.52450      Infrastructure – Roads                    \$130,127.39

Seconded by Alderman Barnard and adopted. Ayes 5.

**062222.14**

By Alderman Devine:

Whereas, resolution 041322.8 authorized the purchase of replacement hardware for the Water Pump Station from the H204 capital water infrastructure improvement fund; and

Whereas, the Chief Water Treatment Plant Operator has recommended the purchase of one additional Hyundai 380-480 V drive to ensure that the City can continue operations uninterrupted throughout the summer; now, therefore, be it

Resolved, that the City is authorized to utilize an additional \$4,939.22 from the H204 capital project funds (FX infrastructure improvements).

Seconded by Alderman Fogle and adopted. Ayes 5.

**062222.15**

By Alderman Beakman:

Resolved, that pursuant to their request, Zimmie's Tire & Auto, 1 Niagara Street in Lockport, is hereby granted permission to park a tire trailer in the city parking lot for a period of two weeks at the end of June and beginning of July, while their parking lot is being resurfaced. Said permission is subject to Zimmie's filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 5.

**062222.16**

By Alderman Fogle:

Whereas, the NYS Department of Transportation has awarded the City of Lockport a total of \$1,868,710.55 in FY 2022 funds; and

Whereas, the Director of Highways, Parks, and Water Distribution has recommended the purchase of a Scagg Turf Tiger II mower via Sourcewell bid; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to enter into a purchasing agreement under State bid with Niagara Frontier Equipment Sales Inc. to purchase said piece of equipment for a total price of \$14,733.22 with NYS DOT funding.

Seconded by Alderman Kantor and adopted. Ayes 5.

**062222.17**

By Alderman Beakman:

Resolved, that pursuant to the request of Amanda Gorko, property owner of 329 East Avenue, permission is hereby granted to replace a fence in the City's right-of-way at 329 East Avenue, subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days' notice from the City Clerk, the fence must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

waiver of the one-time revocable permit fee of \$100.00, as the damage caused to the fence was from a City-owned tree, and the homeowner already applied and

paid for the \$20 building fee.

Seconded by Alderman Kantor and adopted. Ayes 5.

**062222.17A**

By Alderman Fogle:

Whereas, the Fire Chief of the City of Lockport is a position that is not represented by a collective bargaining unit; and

Whereas, the Fire Board has appointed Luca Quagliano as the Fire Chief effective April 12, 2022; and

Whereas, the City of Lockport and the Fire Chief desire to enter into a written Employment Agreement thereby describing the salary, benefits and terms of employment for the Fire Chief; now, therefore, be it

Resolved, that the City of Lockport hereby authorizes the Mayor to execute the attached Employment Agreement with Fire Chief Luca Quagliano; and be it further

Resolved, that the FY 2022 General Fund Budget be amended as follows:

Expenditures

Decrease:

A.1900.54775	Contingency	\$9,611
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Increase:

A.3410.51010	Full Time Wages	\$5,690
A.3410.51185	Allowance	\$950
A.3410.58010	FICA	\$435
A.3410.58050	Retirement	\$1,536
A.9000.58042	HRA Contribution	\$1,000

Seconded by Alderman Devine and adopted. Ayes 5.

**062222.17B**

By Alderman Beakman:

Whereas, on January 21, 2022, the City of Lockport Civil Service Commission approved the new job specification for "Director of Streets, Parks and Water Distribution"; and

Whereas, the current Director possesses extensive experience and seniority with the City; and

Whereas, the Director's extraordinary experience and qualifications require that his pay grade start at a higher step level; and

Whereas, the Director is currently qualified to complete annual backflow prevention inspections or repairs within the City, which are duties outside of the normal job description for this position; and

Whereas, the City desires the "Director of Streets, Parks and Water Distribution" to complete annual backflow prevention inspections or repairs within the City; and

Whereas, the City desires to compensate the "Director of Streets, Parks and Water Distribution" for the completion of these additional job duties; and



Whereas, the City and the Department Heads Union have reached an agreement relative to the Step rate and the additional duties of the Director; now, therefore, be it

Resolved, that the City of Lockport approves the Memorandum of Understanding with the Department Heads Union addressing the Step rate of “Director of Streets, Parks and Water Distribution” and the additional duties and compensation relative to the annual backflow prevention inspections or repairs; be it further

Resolved, that the Mayor is authorized to execute the attached Memorandum of Understanding with the Department Heads Union.

Seconded by Alderman Barnard and adopted. Ayes 5.

**062222.17C**

By Alderman Beakman:

Whereas, the City’s Water Treatment Plant and Waste Water Plant require reorganization to meet the needs of the City; and

Whereas, the reorganization will allow the City to maximize its existing staff to perform the duties of quality assurance/quality control (QA/QC) assuring that the quality of the work in the lab meets or exceeds the standards set forth by the oversight agencies and specifications of the licenses held by the City; and

Whereas, the Director’s extraordinary experience and qualifications require that his pay grade start at a higher step level; and

Whereas, the City and the Department Heads Union have reached an agreement to compensate the existing Department Heads handling duties outside of their normal job description; now, therefore, be it

Resolved, that the City of Lockport approves the Memorandum of Understanding with the Department Heads Union addressing pay grade for “Chief Operator – Waste Water Treatment Plant” and “Chief Operator – Water Treatment Plant”; and be it further

Resolved, that the Mayor is authorized to execute the attached Memorandum of Understanding with the Department Heads Union; and be it further

Resolved, that the FY 2022 Water and Sewer operating budgets are amended as follows:

Expenses

Decrease:

FX.1900.54775	Contingency	\$4,202
G.1900. 54775	Contingency	\$9,106

Increase:

FX.8330.51010	Full Time Wages	\$3,524
FX.8330.58010	FICA	\$270
FX.8330.58050	Retirement	\$408
G.8130.51010	Full Time Wages	\$7,637
G.8130.58010	FICA	\$584
G.8130.58050	Retirement	\$885

Seconded by Alderman Kantor and adopted. Ayes 5.

**062222.17D**

By Alderman Beakman:

Whereas, the City's Water Treatment Plant and Waste Water Plant require minor reorganization to meet the needs of the City; and

Whereas, the position Assistant Chief Operator is exclusively represented by CSEA and the current Assistant Chief Operator currently holds a Class 3A license; and

Whereas, the current Assistant Chief Operator currently meets the laboratory requirements set forth by the oversight agency; and

Whereas, the Assistant Chief Operator, if so qualified, shall perform the duties of quality assurance/quality control (QA/QC) assuring that the quality of the work in the lab meets or exceeds the standards set forth by the oversight agencies and specifications of the licenses held by the City; and

Whereas, by completing QA/QC with existing City personnel will save the City tens of thousands of dollars because it will not have to engage an outside contractor to complete the same; and

Whereas, the City and CSEA have reached an agreement to compensate the existing employee handling duties outside of their normal job description retroactively to January 1, 2022 going forward; now, therefore, be it

Resolved, that the City of Lockport approves the Memorandum of Understanding with CSEA addressing the retroactive increase in salary for the Assistant Chief Operator effective January 1, 2022 and pursuant to the Memorandum of Understanding; and be it further

Resolved, that the Mayor is authorized to execute the attached Memorandum of Understanding with CSEA; and be it further

Resolved, that the FY 2022 Sewer Fund operating budget is amended as follows:

Expenses

Decrease:

G.1900.54775	Contingency	\$5,000
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Increase:

G.8130.51185	Allowances	\$5,000
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Seconded by Alderman Fogle and adopted. Ayes 5.

**062222.17E**

By Alderman Devine:

Whereas, the City of Lockport Common Council has made considerations regarding the operations and personnel configurations of the departments of Water Filtration and Wastewater Treatment; and

Whereas, the Council has decided to make additional alterations outside of those found in the Memorandums of Understanding found in the Addendum of this Council meeting; now, therefore, be it

Resolved, that the City of Lockport hereby amends the FY 2022 Personnel Detail as follows:

Remove 1 FTE Water Treatment Plant Operator in Water Filtration

Add 1 FTE Maintenance Supervisor in Water Filtration

And be it further

Resolved, that the FY 2022 Water operating budget is amended as follows:

Expenses

Decrease:

FX.1900.54775	Contingency	\$763
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Increase:

FX.8330.51010	Full Time Wages	\$640
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FX.8330.58010	FICA	\$49
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FX.8330.58050	Retirement	\$74
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Seconded by Alderman Beakman and adopted. Ayes 5.

#### **062222.17F**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Thomas H. Baehr, a retired City of Lockport firefighter, who served the department between 1974 and 2003, who recently passed away.

Seconded by Alderman Beakman and adopted. Ayes 5.

#### **062222.17G**

By Alderman Beakman:

Whereas, the City of Lockport Common Council has made considerations regarding the operations and personnel configurations of the departments of Water Filtration and Wastewater Treatment; and

Whereas, the Council has decided to make additional alterations outside of those found in the Memorandums of Understanding found in the Addendum of this Council meeting; now, therefore, be it

Resolved, that the City of Lockport hereby amends the FY 2022 Personnel Detail as follows:

Remove 1 FTE Lab Technician position in Wastewater Treatment

And be it further

Resolved, that the FY 2022 Sewer operating budget is amended as follows:

Expenses

Decrease

G.8130.51010	Full Time Wages	\$21,277
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G.8130.58010	FICA	\$1,627
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G.8130.58050	Retirement	\$2,468
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Increase

G.1900. 54775	Contingency	\$7,372
G.8130.54055	Professional Services	\$18,000

Seconded by Alderman Barnard and adopted. Ayes 4. Nays 1. (Devine)

**062222.18**

## **ADJOURNMENT**

At 7:45 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, July 13, 2022.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

July 13, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

### **071322.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of June 22, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

7/8/22           Demetrius J. Grant, 102 Bridlewood Drive, Lockport, NY 14094 – appointed as Senior Account Clerk for the Treasurer’s Office. Effective June 29, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

7/8/22           Danielle K. Lawrence, 82 Saxton Street, Lockport, NY 14094 – appointed as Senior Account Clerk for the Building Inspection Department. Effective June 29, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

7/11/22          Ashley C. Bretherton, 172 Erie Street, Lockport, NY 14094 – appointed as Payroll and Benefits Coordinator for the City of Lockport Accounting Department. Effective July 11, 2022. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

7/11/22          Emily R. Hamilton, 59 Old Lyme Drive, Williamsville, NY 14221 – appointed to Industrial Pre-Treatment Coordinator for the City of Lockport Wastewater Treatment Plant. Effective July 11, 2022. Said appointment is provisional and subject to the City of Lockport Civil Service Rules and Regulations.

7/11/22          Elizabeth R. Ellis, 63 East Park Drive, Lockport, NY 14094 – appointed to Wastewater Operator trainee for the City of Lockport Wastewater Treatment Plant. Effective July 11, 2022. Said appointment is provisional and subject to the City of Lockport Civil Service Rules and Regulations.

7/11/22          Jennifer L. Previte, 54 Regent Street Lockport, NY 14094 – appointed as Staff Accountant for the City of Lockport Accounting Department. Effective July 11, 2022. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

7/11/22          Paul K. Oates, 623 Market Street, Lockport, NY 14094 – appointed as the City Clerk of Lockport, NY as of July 1, 2022. Said term expires June 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. Referred to the Finance Committee.

#### **Communications:**

6/8/22 Erin R. Zych, Recovery Peer Services Coordinator for Independent Living of Niagara County – request permission to use Veteran’s Park for the annual Lockport Overdose Awareness Day Rally on August 31<sup>st</sup>, 2022.

6/17/22 Jessica McIntyre, 5 Bright Street, Lockport, NY, on behalf of Cure SMA – request permission to use Widewaters Park at Nelson Goehle Marina for ‘Bella’s Walk for Cure SMA’ on August 6<sup>th</sup>, 2022.

6/30/22 Don Jablonski, Director of Niagara County Employment & Training – request permission to use Ida Fritz Park on August 10<sup>th</sup> for a Career Fair.

7/1/22 Edla Collora, Harrison Place Site Coordinator – request permission to close the sidewalk adjacent to Harrison Place at 190 Walnut, through October 30, 2022, while exterior façade work is completed.

7/12/22 Clarence K. Burkwit, Hydraulic Race Company, Inc. – request the city investigate an underground water leak just west of the north abutment of the Pine Street bridge.

Referred to Committee of the Whole.

#### **Notice of Complaint:**

6/29/22 28 Morrow Avenue – tree

Referred to the Director of Highways, Parks and Water Distribution

### **MOTIONS & RESOLUTIONS**

#### **071322.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on July 14, 2022 as follows:

General Fund	Fund A	\$198,521.38
Water Fund	Fund FX	\$40,649.85
Sewer Fund	Fund G	\$60,822.05
Capital Projects	Fund H	\$65,291.68

Self-Insurance	Fund MS	\$75,505.84
Refuse & Recycle	Fund CL	\$260.36
Worker's Comp	Fund S	\$7,500.00

Payroll	Pay Date 6/16	\$496,473.62
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Seconded by Alderman Devine and adopted. Ayes 6.

### 071322.3

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Daniel Barrancotta	10	Police Officer

Seconded by Alderman Devine and adopted. Ayes 6.

### 071322.4

By Alderman Kantor:

Whereas, August 31<sup>st</sup> has been recognized as International Overdose Awareness Day since 2001, and is the world's largest annual campaign to end overdose; and

Whereas, an Overdose Awareness Rally in Lockport is planned, offering outreach for agencies, programs and/or services that support people with substance use disorder/addiction as well as NARCAN training; and

Whereas, speakers will be attending to share their experiences working with people who have overdosed; now, therefore, be it

Resolved, that pursuant to their request, the organizers of the Overdose Awareness Rally are hereby granted permission to hold said event at Veterans Memorial Park on East Avenue in Lockport on Wednesday, August 31<sup>st</sup>, 2022 from 5pm until 8pm; and be it further

Resolved, that permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle 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 Barnard and adopted. Ayes 6.

**071322.5**

By Alderman Devine:

**City of Lockport  
Local Law No. 4 of the year 2022**

**A LOCAL LAW to amend Section 156 of the Lockport City Code – Roll Off Containers**

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

**Chapter 156 – Roll-Off Containers**

**§ 156-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Code Enforcement Officer**

The Code Enforcement Officer/Chief Building Inspector appointed pursuant to Lockport Municipal Code Chapter 66, Section 3 (b)

**Container Permit**

The permit issued by the Code Enforcement Officer to place a roll-off container within the City Right of Way.

**§ 156-2. Permit required.**

It shall be unlawful and an offense against this chapter for any person to place or caused to be placed a roll-off container upon any public street or right of way within the City without first obtaining a permit therefor in accordance with the requirements prescribed by this chapter.

**§ 156-3. Rules and regulations.**

A. A container permit shall be prominently displayed on each and every container to be placed within the City Right of Way.

B. The street upon which any roll-off container is to be placed must meet a minimum width requirement of 26 feet, curb to curb.

C. The roll-off container must be placed parallel to the curb with the street side of the container not more than eight feet six inches from the nearest curb adjacent to the container.



D. The roll-off container shall only be placed on the side of the street that is designated for parking and shall not be placed within ten feet of a neighboring driveway.

E. Roll-off containers shall have a permanent installation of not less than 16 square feet of diagonal reflectorized stripping material on each and every side of the roll-off container and shall also have stenciled or otherwise printed thereon, in English letters at least two inches in height, the name, address and telephone number of the owner-lessor.

F. The roll-off container shall not obstruct any part of the sidewalk or the sidewalk area adjacent to the street, and the contents thereof shall be emptied and disposed of upon reaching the container's waterline.

G. The owner-lessor shall be responsible for the repair of any street, sidewalk and curb damage caused by the placement, movement or removal of any roll-off container.

H. The Code Enforcement Officer shall receive at least 48 hours' prior written notice from the owner-lessor before a roll-off container or dumpster is placed upon any street located within the City or on any City owned property.

I. The Code Enforcement Officer shall receive written notice from the owner-lessor within 48 hours of the removal of a roll-off container or dumpster from a street located within the City or on any City owned property.

J. The Code Enforcement Officer reserves the right to refuse the placement of any roll-off container from any street location if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or a hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.

K. No roll-off container or dumpster shall be permitted to remain in a particular location for a period of time exceeding 7 days. The container permit application may be renewed for an additional 7 days by notifying the Code Enforcement Officer in writing and submitting an additional container permit fee. The permit may only be renewed once.

L. There shall be a \$25 placement fee for each roll-off container or dumpster that is placed upon any street located within the City or on any City owned property. This fee covers a seven-day period.

#### **§ 156-4. Application for permit.**

The Code Enforcement Officer may issue a container permit for the use of a roll-off container upon any City streets or other City property, prior to the placement thereof, upon written application by the owner-lessor in accordance with the following terms and conditions.

A. Each permit shall be of seven days duration and shall require a written application to renew for a subsequent seven days.

B. Each application for a container permit hereunder shall be accompanied by a certificate of insurance from the owner-lessor indicating public liability coverage, insuring the City of Lockport in an amount not less than \$1,000,000.

C. A filing fee in the amount of \$25 shall accompany each application for a container permit hereunder.

D. The owner-lessor shall also be responsible to the Code Enforcement Officer for providing not only its own name and address in the original application and renewals thereof but in providing the name and address of the lessee for each and every rental of a roll-off container or dumpster.

#### **§ 156-5. Removal of roll-off containers.**

A. The Code Enforcement Officer reserves the right to remove a roll-off container from any street location upon violation of any section of this chapter or if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the roll-off container location.

#### **B. Notice**

1. Upon determination that the provisions of Subsection A herein have been violated, the Code Enforcement Officer shall cause to be served a written notice upon the owner-lessor that such roll-off container must be removed. The owner-lessor shall have two days from the date of the written notice to remove the roll-off container.
2. The written notice shall be by personal service or certified mail, postage paid, returned receipt requested, and addressed to such owner-lessor's last known address, and, if by certified mail, a copy of the notice shall be posted on the roll-off container.

C. In the event that the owner-lessor fails to remove the roll-off container within the time period stated in Subsection B herein, the Code Enforcement Officer shall cause such roll-off container to be removed. The owner-lessor shall be liable to the City of Lockport for any costs incurred in such removal and subsequent storage of such roll-off container, together with any dumping charge to remove any material in the roll-off container.

#### **§ 156-6. Enforcement.**

The Code Enforcement Officer shall have authority to enforce the provisions of this chapter and issue appearance tickets for offenses against this chapter.

### **§ 156-7. Penalties for offenses.**

A. Any person committing an offense against this chapter or any section or provision thereof shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

B. Each day of continued violation shall constitute a separate offense.

C. In addition to the penalties stated herein, this chapter may be enforced by civil action, including an injunction, in a court of competent jurisdiction for violations of this chapter.

### **§ 156-8. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this chapter is adjudged invalid by a court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter that shall be directly involved in the controversy in which such judgment shall have been rendered.

This law shall be effective upon filing with the Office of the Secretary of State.

Seconded by Alderman Pasceri. A roll call vote was taken which resulted as follows:

Alderman Barnard	VOTING	Yes
Alderman Beakman	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Fogle	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Pasceri	VOTING	Yes

The Local Law was thereupon declared duly adopted.

### **071322.6**

By Alderman Beakman:

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, basket raffles, 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 Saturday, August 6, 2022 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 Barnard and adopted. Ayes 6.

**071322.7**

By Alderman Kantor:

Whereas, General City Law 20(3) authorizes the City to accept donations from individuals or organizations, and to use said donations per the restrictions placed on them by the donor, regardless of minimum value; now, therefore, be it

Resolved, that the Mayor and Common Council do hereby extend thanks and appreciation to the Tioga Club for the gift of \$500 to be used for July 4<sup>th</sup>, 2022 weekend activities.

Seconded by Alderman Barnard and adopted. Ayes 6.

**071322.8**

By Alderman Fogle:

Whereas, resolution 012622.8 gave Soccer Shots Buffalo permission to conduct a Spring and Summer Soccer Program on Saturdays at Altro Park from April 23<sup>rd</sup> until September 3<sup>rd</sup>, 2022; and

Whereas, Soccer Shots Buffalo wishes to continue that youth soccer program for two additional months; now, therefore, be it

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Fall Soccer Program on Saturdays at Altro Park, from 8:30am until 11am, September 10<sup>th</sup> until November 12<sup>th</sup>, 2022, Soccer Shots Buffalo having already provided the City Clerk with a certificate of insurance valid through June 1<sup>st</sup>, 2023.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**071322.9 – Retain Freed Maxick to Perform a Review of Proposed Ambulance Service - WITHDRAWN**

**071322.10**

By Alderman Beakman:

Whereas, the City of Lockport desires to renew the lease for the Lockport Gas & Electric Building with Historic Lockport Mill Race, Inc. (HLMR), a not-for-profit corporation; and

Whereas, the term shall be a three-year term, retroactive to July 1, 2021 with an option to renew for five years with approval of the City; and

Whereas, the agreement will allow HLMR to further develop the property by obtaining grants or other funding; and

Whereas, an advisory board shall be established to create goals, objectives and solutions to the operation and marketing of the property; and

Whereas, the advisory board shall only have the authority to advise the City; now, therefore, be it

Resolved, that the City of Lockport approves the attached Lease agreement effective July 1, 2022.

Seconded by Alderman Kantor and adopted. Ayes 6.

**071322.11**

By Alderman Fogle:

Resolved, that pursuant to their request, the Niagara County Employment & Training Department is hereby granted permission to use Ida Fritz Park on Wednesday, August 10<sup>th</sup>, 2022 from 10 a.m. to 12 noon, with a rain date of Wednesday, August 17<sup>th</sup>, to host a Career Fair featuring various Lockport area employers. Said permission is subject to Niagara County Employment & Training 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 Highways, Parks and Water Distribution is hereby authorized and directed to arrange for the grass to be cut in the park prior to the event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**071322.12**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to the City of Lockport Youth and Recreation to barricade the south side of Outwater Drive in the park on Wednesday, July 27, 2022, from 10am until 12 noon for the 'Touch A Truck' event for the kids, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Fogle and adopted. Ayes 6.

**071322.13**

By Alderman Beakman:

Whereas, Niagara Falls Memorial Medical Center's P3 Center for Teens, Moms & Kids provides women and families with support and services to promote well-being; and

Whereas, the P3 Center offers a free, community event called, "Fresh Air Fridays" focusing on play to develop skills for early childhood; and

Whereas, "Fresh Air Fridays" is held at various Niagara County parks, and the P3 Center would like to use Dolan Park on August 12<sup>th</sup>, 2022 for such an event; and

Whereas, the theme is, "Basketball & Balls", with free packaged snacks and water for the kids; now, therefore, be it

Resolved, that pursuant to their request, the P3 Center is hereby granted permission to hold a free, community event at Dolan Park on Friday, August 12<sup>th</sup>, 2022 from 12 noon until 3:30pm, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

Resolved, that the P3 Center be granted permission to post lawn signs in city rights-of-way the week of the event, said signs to be removed by the P3 Center once the event is completed.

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **071322.14**

By Alderman Pasceri:

Whereas, Resolution 031517.3 granted permission for a project to place sand, palm trees, chairs and beach umbrellas on city property located at Nelson C. Goehle Wide Waters marina; and

Whereas, Resolution 080217.12 directed the City to maintain the project subject to NYS Canal Corporation rules and regulations; and

Whereas, Lockport Public Arts Council requests permission to authorize the construction of a large sand sculpture on the property during July, 2022; now, therefore, be it

Resolved, that pursuant to their request, Lockport Public Arts Council be and the same is hereby granted permission to authorize the construction of a sand sculpture on city property, located at Nelson C. Goehle Wide Waters marina, subject to NYS Canal Corporation rules and regulations; and be it further

Resolved, that permission is subject to Lockport Public Arts Council filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **071322.15**

By Alderman Pasceri:

Whereas, Harrison Place is completing exterior work on the façade of Building 4 at 190 Walnut Street; and

Whereas, it is necessary to close the adjacent sidewalk to make room for the equipment needed to complete the work; now, therefore, be it

Resolved, that pursuant to their request, permission is hereby granted Harrison Place to close off the section of sidewalk on the south side of Walnut, adjacent to 190 Walnut, for the duration of the façade work; and be it further

Resolved, that permission is subject to Harrison Place 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 Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades.

Seconded by Alderman Fogle and adopted. Ayes 6.

**071322.16**

By Alderman Pasceri:

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to sell via online auction, to the highest bidders, used Lockport Fire Department equipment, including a Honda hydraulic power plant, a Hurst Jaws of Life hydraulic cutter/spreader, a Hurst hydraulic cutter, two Hurst ram tools, two smoke ejector hangers, four Ferno operator stretchers, and a front center seat for a 2019 F-250; and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Beakman 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 Fogle and adopted. Ayes 6.

**071322.17**

By Alderman Devine:

Whereas, the City of Lockport (City), is seeking a grant for development of a Local Waterfront Redevelopment Plan (LWRP) and intends to submit via the New York Consolidated Funding Application (CFA) for said grant; and

Whereas, the City project cost estimate for the LWRP Project is \$100,000; and

Whereas, the LWRP grant program through NYS Department of State (NYSDOS) is authorized to fund up to \$85,000 of the project cost; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City via the CFA for the LWRP Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the City as well as a Grant Agreement with the NYSDOS and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 15% local match as required by the LWRP Grants Program. Under the LWRP, this local match must be at least 15% of the total project cost of \$100,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$15,000 subject to receipt of a LWRP grant and available funding. The total estimated maximum grant is \$85,000. The Mayor may increase this local match through the use of in-kind services without further approval from the City; and be it further

Resolved, that the Mayor is authorized to sign a grant application on behalf of the City via the CFA to the NYSDOS LWRP Program for the Project; and be it further

Resolved, that should a LWRP grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSDOS and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill

the City's obligations under the Local Waterfront Revitalization Program through NYSDOS.

Seconded by Alderman Pasceri 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 Devine and adopted. Ayes 6.

**071322.18**

By Alderman Beakman:

Whereas, the City of Lockport (City), is seeking a grant for the GIGP Streetscape Phase II project and intends to submit via the New York Green Innovation Grant Program (GIGP); and

Whereas, the City project cost estimate for the GIGP Streetscape Phase II Project is \$ 1,760,000; and

Whereas, the GIGP through NYS Environmental Facilities Corporation (NYSEFC) may fund up to 90% of the project cost or \$1,584,000; and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City via the CFA for the GIGP Streetscape Phase II Project; and

Whereas, the Mayor is required to sign the grant application on behalf of the as well as a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 10% local match as required by the Green Innovation Grants Program. Under the GIGP, this local match must be at least 10% of total project of \$1,760,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$176,000 subject to receipt of a GIGP grant and available funding. The total estimated maximum grant is \$1,584,000. The Mayor may increase this local match through the use of in-kind services without further approval from the City; and be it further

Resolved, that the Mayor is authorized to sign a grant application on behalf of the City to the NYSEFC Green Innovation Grants Program for the GIGP Streetscape Phase II Project; and be it further

Resolved, that should a GIGP grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the Green Innovation Grants Program through NYSEFC.

Seconded by Alderman Devine 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 Devine and adopted. Ayes 6.

**071322.19**

By Alderman Devine:

Whereas, the City of Lockport (City), is seeking funding for the Gulf Interceptor Sewer Upgrades project and intends to submit a grant application via the New York Consolidated Funding Application (CFA) to Water Quality Improvement Project (WQIP) program through NYS Department of Environmental Conservation (NYSDEC); and

Whereas, the City's Consulting Engineer Nussbaumer & Clarke, Inc. (Nussbaumer) is authorized to prepare and submit a grant application on behalf of the City via the CFA for such project; and

Whereas, the City of Lockport has a project cost estimate of \$7,738,000 for the Gulf Interceptor Sewer Upgrades; and

Whereas, a WQIP Grant may fund up to \$4,642,800 of project costs; and

Whereas, the City's required match is intended to be funded by a Clean Water State Revolving Fund (CWSRF) hardship loan (0%) and Water Infrastructure Improvement Act (WIIA) Grant; and

Whereas, the Mayor is required to sign the grant application on behalf of the City as well as a Grant Agreement with the NYSDEC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore, be it

Resolved, that the City authorizes and appropriates up to \$3,095,200 to be funded by a CWSRF hardship loan and WIIA Grant for the Gulf Interceptor Sewer Upgrade project. The total estimated maximum WQIP Grant through NYSDEC is \$4,642,800. The Mayor may increase this local match through the use of in-kind services without further approval from the City; and be it further,

Resolved, that if a WQIP grant is awarded, the Mayor is hereby authorized to execute a Grant Agreement with the NYSDEC, pursue a CWSRF loan for any portion of the project not covered by the Grant, to authorize in-kind services as appropriate, and to execute any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Lockport's obligations under the Grant Agreement, subject to review and approval by counsel.

Seconded by Alderman Kantor and adopted. Ayes 6.

**071322.20**

By Alderman Fogle:

Whereas, pursuant to Section 61 of the City of Lockport Charter, when the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

Whereas, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of

the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

Whereas, the Real Property Management Committee met and determined that the following properties are not needed for municipal purposes, have little market value due to their irregular size and location and recommended that the properties be offered for sale to either the adjoining owners or other interested parties, and

Whereas, the following purchasers submitted a proposal offering to acquire each property for nominal consideration, and

Whereas, the City of Lockport desires to return said parcels to the tax rolls; now, therefore, be it

Resolved, that the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of the following properties to the following purchasers for nominal consideration.

PARCEL ID	Address	Purchaser
109.34-2-72	2 A Beverly Ave	Derrick L. Farmer

Seconded by Alderman Barnard and adopted. Ayes 6.

By Alderman Fogle:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **071322.21**

By Alderman Pasceri:

Whereas, the Greater Lockport Development Corporation (GLDC), conducted a public "Request for Projects," from City of Lockport commercial property owners who are interested in pursuing a renovation project utilizing New York State grant funds; and

Whereas, the purpose of which was to allow for an open, fair, and public project selection process, for consideration for such State-funded grant programs; and

Whereas, the GLDC received three submissions on behalf of city property owners to begin to develop a city-wide project list and prioritize potential projects to select from as various grant opportunities become available through the state; and

Whereas, the NYS Office of Homes and Community Renewal is offering a New York Main Street Grant program through the State's Consolidated Funding Application, including a "Downtown Stabilization" grant for properties needing grant funding for environmental remediation that is holding back the redevelopment of a downtown property; and

Whereas, Granchelli Development submitted 116 Main Street (F&M Building) for consideration of grant funding to pursue an approximately \$500,000 environmental and asbestos abatement project; and

Whereas; the redevelopment of the F&M Building was determined to be a public priority through an extensive public input process as part of the Downtown Revitalization Initiative local planning committee; and

Whereas; the Director of Planning and Development and GLDC staff have reviewed the New York Main Street “Downtown Stabilization” program and the submissions received and have determined that the proposed abatement project of the F&M Building is the most applicable and competitive project the Lockport community can put forth to be awarded funding and are requesting to submit a CFA application to the NYS Office of Homes and Community Renewal for an approximately \$375,000 grant; and

Whereas, Granchelli Development, if awarded funding, has committed to the 25% match requirement of approximately \$125,000 and to completing the project; now, therefore, be it

Resolved, that pursuant to their request, the Greater Lockport Development Corporation is hereby authorized to submit a New York Main Street grant through the 2022 NYS Consolidated Funding Application on behalf of a business and property owner in the City of Lockport, as identified by the GLDC, for the purpose of rehabilitation and renovation; and be it further

Resolved, that the City of Lockport and the Common Council supports this grant application, and should funding be awarded, will offer advisory consultation as necessary; and be it further

Resolved, that the Mayor is hereby authorized to execute any documentation required for the implementation of the grant program.

Seconded by Alderman Devine and adopted. Ayes 6

#### **071322.22**

By Alderman Devine:

Whereas, the City required the Niagara County Water district to supply 4,093,554 gallons of water at a rate of \$.90/1000 gallons for a total of \$3,684.20; and

Whereas, the unforeseen cost does not fit within the FY 2022 appropriated budget for the department and requires use of contingency funds; now, therefore, be it

Resolved, that the Common Council hereby amend the Water Fund budget to reflect this need:

Expenditures:

Decrease

FX.1900.54775

Contingency

\$3,684.20

Increase:

FX.8330.54615

Supply of Water

\$3,684.20

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **071322.23**

By Alderman Devine:

Whereas, the City of Lockport's Water Filtration requests the purchase of filter media to replace current depleted resources; and

Whereas, the Department has compiled three (3) quotes for said replacement and has recommended the quote provided by Anthrafilter at a total of \$17,988; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract with Anthrafilter and utilize funds in the H204 capital project (FX Infrastructure Improvements).

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **071322.24 – Budget Amendment Re: IT Infrastructure purchase – WITHDRAWN**

#### **071322.25**

By Alderman Kantor:

Whereas, the City's Police Department has expressed the need to purchase body cameras, an appropriation that was not included in their annual budget for FY 2022; and

Whereas, the Police Chief has identified a vendor, Axon Enterprise, Inc., whose hardware and software will fit within the needs of the City, for an FY 2022 cost of \$10,577; now, therefore, be it

Resolved, that the Common Council hereby amend the General Fund budget to reflect this need:

Expenditures:

Decrease

A.1900.54775	Contingency	\$10,577
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Increase:

A.3120.54515	Special Supplies	\$10,577
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Seconded by Alderman Fogle and adopted. Ayes 6.

#### **071322.26**

By Alderman Kantor:

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

Whereas, the Director of Highways, Parks, and Water Distribution has recommended proceeding with the purchase of pickle ball equipment for a total of \$1,397.95; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes said purchases to be made from the H206 capital project.

Seconded by Alderman Fogle and adopted. Ayes 5. Alderman Pasceri voted no.

#### **071322.27**

By Alderman Pasceri:

Whereas, the Locks Heritage District Corporation and City of Lockport Wayfinding and Signage Project have requested placing new signs, and replacing old signs, throughout the City of Lockport along the Erie Canal and other tourism attractions in the City; and

Whereas, due to the requested sign placement being in the public right-of-way, the City should be the lead agency in this project; and

Whereas, the Locks Heritage District Corporation has completed a Short Environmental Assessment Form that the Council has reviewed; and

Whereas, the Locks Heritage District Corporation is requesting that the City review the Assessment Form and declare the project a Type 2 Impact (no to small impact); now, therefore, be it

Resolved, that the Council hereby permits the City to become the lead agency in the aforementioned project; and it is hereby further

Resolved, that the Council has reviewed the Short Environmental Assessment Form and is confident that the project will have minimal or no impact if effectuated as described, and hereby permits the Mayor to sign the Part 3 of the Short Environmental Assessment Form.

Seconded by Alderman Barnard and adopted. Ayes 6.

**071322.28**

## **ADJOURNMENT**

At 7:30 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, July 27, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

State of New York

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

Lockport Municipal Building

Special Meeting  
Official Record

July 19, 2022  
6:00 P.M.

A Special Meeting was called by Mayor Michelle M. Roman relative to a proposed financial review of the city's ambulance service options, and the city's Procurement Policy.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle and Pasceri.

**071922.1 – Authorize Financial Review of Proposed Ambulance Service -  
WITHDRAWN**

**071922.2 – Amend City's Procurement Policy - WITHDRAWN**

**071922.3**

### **ADJOURNMENT**

At 6:31 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, July 27, 2022.

Seconded by Alderman Pasceri and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

August 2, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Devine, Fogle, Kantor, and Pasceri.

### **INVOCATION**

## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

**080222.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Kantor, seconded by Alderman Pasceri, the minutes of the Regular Meeting of July 27, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **FROM THE CITY CLERK**

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

#### **Notice of Claim:**

8/1/22 State Farm Mutual Automobile Insurance Company – Subrogation for Angelo J. Nunnari, 419 Hawley Street, Lockport, NY

Referred to the Corporation Counsel

#### **Notice of Complaint:**

7/28/22 431 High Street - tree

Referred to the Director of Highways, Parks and Water Distribution

**Notice of Petition:** (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/29/22 104 Old Niagara Road, LLC -vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

7/29/22 Velco, Inc. –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

7/29/22 Centennial Development, LTD –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

7/29/22 A Square Supplies LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

- 7/29/22 Niagara Industrial Properties, Inc. –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport
- 8/1/22 Thomas H. Brandt –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

**Notice of Petition: (Small Claims Assessment Review)**

- 7/25/22 Jody Chesko, 453 Willow Street, Lockport, NY
- 7/29/22 Michael Crane, 77 Outwater Drive, Lockport, NY
- 7/29/22 Joel M. Grundy, 58 Summit Street, Lockport, NY

Referred to the City Assessor.

**MOTIONS & RESOLUTIONS**

**080222.2**

By Alderman Fogle:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on August 3, 2022 as follows:

General Fund	Fund A	\$90,262.88
Water Fund	Fund FX	\$21,069.56
Sewer Fund	Fund G	\$13,029.97
Capital Projects	Fund H	\$38,922.12
Refuse & Recycle	Fund CL	\$817.13

Payroll	Pay Date 7/14	\$589,281.53
	Pay Date 7/28	\$553,485.63

Seconded by Alderman Barnard and adopted. Ayes 5.

**080222.3**

By Alderman Pasceri:

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>
Matthew K. Hurtgam	15	Police Lieutenant
Luke W. Giansante	15	Police Officer
Anthony D. Pittman	15	Sr. Police Lieutenant
Wade V. Boyer	5	Police Officer



Seconded by Alderman Fogle and adopted. Ayes 5.

**080222.4**

By Alderman Devine:

Whereas, the Real Property Management Committee ("RPMC") reviews all unimproved or abandoned properties within the City that are in title to the City and not on the tax rolls to determine what may be the highest and best use for said properties; and

Whereas, the RPMC has identified properties located at 2 Washburn Street, 10 Washburn Street and 97 Union Street, the former Dussault Foundry, for future improvement and a return to the tax rolls; and

Whereas, there is at least one local business with an interest in acquiring said properties; now, therefore, be it

Resolved, that the Director of Engineering is authorized and directed to issue a Request for Proposals (RFP) seeking interested parties to develop the properties in question, and that upon receipt of said RFP, the City Clerk is hereby authorized and directed to advertise the same; and be it further

Resolved, that the RPMC, in conjunction with the Mayor, shall be authorized to accept the most responsible bidder for the future development of the properties.

Seconded by Alderman Fogle and adopted. Ayes 5.

**080222.5**

By Alderman Fogle:

Whereas, pursuant to Section 61 of the City of Lockport Charter when the Common Council has determined and so declared that real or personal property owned by the City of Lockport, New York, should be sold or conveyed for the interest of the City, the City of Lockport may sell and/or convey such personal or real property, for a valuable consideration, at public sale or by a negotiated private sale, and

Whereas, pursuant to Section 279-B of the City Charter no such sale shall be effective unless and until it has been reviewed by the City of Lockport Property Management Committee and has been approved and confirmed by a majority vote of the Common Council for sale or disposition by sealed bid; negotiated sale under provisions of the City's Best Use Policy; Homestead Policy; or negotiated sale; except that no such approval shall be required when the property is sold at public auction to the highest bidder, and

Whereas, the Real Property Management Committee met and determined that the following properties are not needed for municipal purposes, have little market value due to their irregular size and location and recommended that the properties be offered for sale to either the adjoining owners or other interested parties, and

Whereas, the following purchasers submitted a proposal offering to acquire each property for nominal consideration, and

Whereas, the City of Lockport desires to return said parcels to the tax rolls; now, therefore, be it

Resolved, that the Mayor be and is hereby authorized to enter into a Contract of Sale and execute a quit claim deed and related title documents necessary for the sale of the following properties to the following purchasers for nominal consideration.

PARCEL ID	Address	Purchaser
108.19-1-36	555 West Ave	Clark Property Management, LLC

Seconded by Alderman Devine and adopted. Ayes 5.

#### **080222.6**

By Alderman Fogle:

Whereas, the City of Lockport has identified the need to remodel the Lockport Fire Department shower area; now, therefore, be it

Resolved, that the City is authorized and directed to prepare and issue a Request for Proposals (RFP) for the remodel services; and be it further

Resolved, that upon receipt of said Request for Proposals (RFP), the City Clerk is hereby authorized and directed to advertise the same.

Seconded by Alderman Pasceri and adopted. Ayes 5.

#### **080222.7 – Budget Amendment Re: Purchase from IT Infrastructure Fund - WITHDRAWN**

By Alderman Devine:

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

Seconded by Alderman Fogle and adopted. Ayes 5.

#### **080222.8**

By Alderman Devine:

Whereas, the City has experienced a number of unforeseen increases in costs associated with utilities (electricity and natural gas), gasoline, chemicals, and postage that have exceeded this year's budgeted allocations; and

Whereas, continued operations and maintenance of our programs and operations will require additional funding in this year's budget; and

Whereas, a review of revenues and expenditures for impacted funds has been done to mitigate the full impact of said increases on the contingency accounts of the General, Water, and Sewer funds; now, therefore, be it

Resolved, that the Common Council hereby amend the FY 2022 General, Water, and Sewer Fund operating budgets to reflect this need:

Expenditures:

Increase:

A.1900.54078	Gasoline, Oil, Diesel Fuel	\$100,000
A.1900.54620	Utilities – Natural Gas	\$28,000
A.1900.54623	Utilities – Electricity	\$20,000
A.5182.54623	Utilities – Electricity	\$60,000
A.7180.54520	Chemicals	\$3,500

FX.1900.54075	Gasoline, Oil, Diesel Fuel	\$10,600
FX.8310.54020	Postage Expenses	\$2,000
FX.8320.54520	Chemicals	\$12,000
FX.8320.54623	Utilities – Electricity	\$41,000
FX.8330.54620	Utilities – Natural Gas	\$20,000
FX.8330.54623	Utilities – Electricity	\$20,000
G.1900.54078	Gasoline, Oil, Diesel Fuel	\$10,000

Decrease

A.1440.51040	Part Time Wages	\$10,000
A.1900.54605	Telephone Services	\$29,513
A.3620.58040	Hospital and Medical Insurance	\$16,705
A.5110.54065	Equipment Rental / Lease	\$13,000
A.5110.58040	Hospital and Medical Insurance	\$14,458
FX.8330.5110	Overtime	\$8,500
FX.8330.58040	Hospital and Medical Insurance	\$5,000
FX.9000.58052	Retirement Leave Buyout	\$10,000
FX.8310.54057.A	Administrative Expense-General	\$75,000
FX.1900.54775	Contingency	\$7,100
G.1900.54775	Contingency	\$10,000

Revenues:

Increase:

A.0000.31110	Sales and Use Tax: Pre-empted	\$64,427
A.0000.31120	Sales and Use Tax: County Distribution	\$138,397

Decrease:

A.0000.32801.FX	Interfund Revenue from Water Fund	\$75,000
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Seconded by Alderman Pasceri and adopted. Ayes 5.

**080222.9**

By Alderman Devine:

Whereas, the City of Lockport Police Department received gifts and donations in late FY 2021 that were not fully expensed in, prior to the end of the fiscal year, and

Whereas, the City of Lockport Police Department has received additional junior police academy funding in FY 2022 that was not budgeted for, and

Whereas, the department has requested to use said funds for special supplies in the current fiscal year; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby amends the FY 2022 general fund budget as follows:

Increase:

A.3120.54515	Special Supplies	\$7,245
A.0000.30599	Appropriated Fund Balance	\$2,000
A.3120.31589	Public Safety Income	\$5,245

Seconded by Alderman Barnard and adopted. Ayes 5.

**080222.10**

By Alderman Fogle:

Whereas, the City of Lockport Police Department has an Asset Forfeiture bank account that has accumulated funds; and

Whereas, the City of Lockport Police Chief has ensured that funds can be used appropriately for Police Department upgrades and maintenance; and

Whereas, the City must amend its 2022 budget to properly account for the use of these funds; and

Whereas, the Police Department has identified the need to purchase two patrol bikes and equipment; now, therefore, be it

Resolved, that the 2022 General Fund Budget is hereby amended as follows:

Increase:

Expense: A3120.52070	Public Safety Equipment	\$4,229.95
Revenue: A.3120.34389	Other Federal Public Safety	\$4,229.95

Seconded by Alderman Barnard and adopted. Ayes 5.

**080222.11**

**ADJOURNMENT**

At 6:46 P.M. Alderman Kantor moved the Common Council be adjourned until 6:30 P.M., Wednesday, August 24, 2022.

Seconded by Alderman Devine and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

State of New York

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

Lockport Municipal Building

Regular Meeting  
Official Record

August 24, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Fogle, Kantor, and Pasceri.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **082422.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of August 2, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

## **FROM THE CITY CLERK**

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

### **Communications:**

8/24/22 Paul K. Oates, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of September in observance of Labor Day  
Monday, September 5th

Garbage will be collected on the day following regularly scheduled collection that week. Bulk items will be collected the week of September 12th.  
Referred to the media.

8/1/22 Jason Madden, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – Request permission to conduct a Homecoming Parade on September 24, 2022.

8/8/22 Jonathan J. McKnight, Wrights Corners Fire Chief, 4043 Lake Avenue, Lockport, NY – Supporting the City of Lockport Fire Department staffing and operating its own ambulance service.

8/10/22 Mark K. Sanders Sr., Refuge Temple of Christ, 15 Cottage Street, Lockport, NY – Request permission to use part of the city parking lot on Main near Cottage for a community event on August 27, 2022.

Referred to Committee of the Whole

### **Notice of Complaint:**

8/23/22 222 Church Street – trees and sidewalk

Referred to the Director of Highways, Parks and Water Distribution

**Notice of Claim:**

8/3/22 Jennifer E. Luce, 215 Waterman Street, Apt. 3, Lockport, NY  
8/8/22 E. A. Granchelli, Developer, 36 Pine Street, Lockport, NY  
8/9/22 Garth and Beth Wilson, 194 Church Street, Lockport, NY  
8/23/22 Chris and Marcia McDonald, 466 Pine Street, Lockport, NY

Referred to the Corporation Counsel

**Notice of Petition:** (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

8/4/22 13 West Main LLC -vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport  
8/4/22 ISGM Holdings LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport  
8/4/22 210 Walnut Street LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport  
8/4/22 Genlock LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport  
8/4/22 SGA Property Management LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport  
8/4/22 Beautiful Vision LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport  
8/4/22 Castello Holdings LLC and Castello Properties LLC –vs- City of Lockport, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

**Notice of Petition:** (Small Claims Assessment Review)

8/3/22 Dana K. Barish, 227 Church Street, Lockport, NY  
8/9/22 Michele Corrairie, 471 East Avenue, Lockport, NY

Referred to the City Assessor.

**MOTIONS & RESOLUTIONS**

**082422.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on August 25, 2022 as follows:

General Fund	Fund A	\$89,455.37
Water Fund	Fund FX	\$41,527.51
Sewer Fund	Fund G	\$102,371.50
Capital Projects	Fund H	\$428,469.29
Self-Insurance	Fund MS	\$1,548.00
Refuse & Recycle	Fund CL	\$90,815.43

Payroll	Pay Date 8/11	\$535,915.90
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Seconded by Alderman Barnard and adopted. Ayes 5.

### **082422.3**

By Alderman Pasceri:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Section C-45 of the City Charter regarding Residency Law, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, September 14th, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said Local Law, and be it further

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

Seconded by Alderman Barnard and adopted. Ayes 5.

### **082422.4**

By Alderman Pasceri:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Homecoming Parade in the City of Lockport on Saturday, September 24, 2022, starting at 12 p.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Fogle and adopted. Ayes 5.

### **082422.5**

By Alderman Kantor:

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

Whereas, the Network Coordinator of IT has proposed that said funds be utilized for the purchase of new City servers under Sourcewell contract #081419-SHI for a total of \$88,605.41; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the use of funds in H203 and amends the FY 2022 general and capital budgets as follows:

Increase:

H203.1680.52490	Capital Improvements Expense	\$22,650
H203.1680.32801.A	Interfund Revenue From General	\$22,650
A.9901.59000.H	Interfund Transfer to Capital	\$22,650

Decrease:

A.1680.54055	Professional Services	\$2,650
A.1680.54115	Computer Licenses and Soft.	\$20,000

Seconded by Alderman Barnard and adopted. Ayes 5.

#### **082422.6**

By Alderman Beakman:

Whereas, a tailgate fundraiser has been organized to honor the life of the late Aaron Salter, Jr., a 30-year veteran of the Buffalo Police Department and a hero during the May 14, 2022 mass shooting in Buffalo; now, therefore, be it

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to hold a tailgate fundraiser to benefit the family of Aaron Salter, Jr. on Main Street on Thursday, September 8, 2022, from 4:00 pm until 7:30 pm, and be it further

Resolved, that Main Street be closed to through traffic from Transit to Locust for the duration of the event, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that the fundraiser will include music, food, games, raffles and beer tents, with said permission subject to Lockport Main Street, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 5.

#### **082422.7**

By Alderman Fogle:

Whereas, Refuge Temple of Christ, 15 Cottage Street, Lockport, would like to use a portion of a city parking lot to hold a community event this month to give away food and supplies to local families; now, therefore, be it

Resolved, that pursuant to their request, permission is hereby granted Refuge Temple to barricade the southwest corner of the city lot on Main at Cottage on Saturday, August 27th, 2022, from 9am until 4pm, for the event, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution be and the same is hereby authorized and directed to arrange for delivery of barricades to said



area prior to said event, with permission subject to Refuge Temple filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 5.

#### **082422.8**

By Alderman Pasceri:

Whereas, the City of Lockport, NY (City) owns and operates a Wastewater Treatment Plant (WWTP) which has a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Permit, No. NY0027057, and

Whereas, NYSDEC modified the City SPDES Permit which took effect on August 7, 2017 and now requires seasonal disinfection of the WWTP effluent that the required disinfection system be operational by May 2023, and

Whereas, the City engaged Nussbaumer & Clarke, Inc. (Nussbaumer) to provide professional design and construction related services per Common Council Resolution 082119.7, which included 800 hours of Construction Inspection and related General Services During Construction (GSDC) per the City's Request for Proposal for the project, and

Whereas, due to pandemic related equipment delays and workforce shortages experienced by the construction contractors, the construction period has been extended thus requiring additional GSDC and Inspection services, and

Whereas, Nussbaumer has submitted a proposal dated August 16, 2022 for Contract Amendment No. 2 to provide additional GSDC and Resident Inspection services based upon the anticipated remaining construction schedule for a fee of \$97,000; now, therefore, be it

Resolved, that the Mayor is hereby authorized to execute Contract Amendment No. 2 with Nussbaumer & Clarke, Inc. for a fee of \$97,000.00, inclusive of the Scope of Work included in their August 16, 2022 proposal to the City, upon review and approval of the Environmental Facilities Corporation (EFC), to be funded by the established project contingency.

Seconded by Alderman Fogle and adopted. Ayes 5.

#### **082422.9**

By Alderman Fogle:

Whereas, the Real Property Management Committee ("RPMC") reviews all unimproved or abandoned properties within the City that are in title to the City and not on the tax rolls to determine what may be the highest and best use for said properties; and

Whereas, the RPMC has identified properties located at 2 Washburn Street, 10 Washburn Street and 97 Union Street, the former Dussault Foundry, for future improvement and a return to the tax rolls; and

Whereas, this Council, by Resolution 080222.4, authorized the City Engineer to prepare and the City Clerk to publish a Request for Proposals regarding the above-referenced properties; and

Whereas, the RFP was published and the time to submit proposals expired on August 17, 2022; and

Whereas, the City received one offer from Zeton International, Inc., the parent company of Chemical Design, Inc., a Lockport-based business, to provide additional space for expansion of Chemical Design's operation, at a purchase price of \$40,000; and

Whereas, the RPMC has reviewed the proposal, and finds it a suitable use for the parcels in question and recommends the Council accept it as a valid offer; now, therefore, be it

Resolved, that the Mayor, subject to review by Corporation Counsel, is authorized to prepare a deed and all other necessary papers to transfer the property in question to Zeton International, Inc. for the bid price.

Seconded by Alderman Kantor and adopted. Ayes 4. Alderman Beakman recused himself from voting.

#### **082422.10**

By Alderman Beakman:

Whereas, Paul Szafranski and Juanita Szafranski filed suit against the City of Lockport and Niagara County in 2020 for property damage suffered as a result of a fire where the Plaintiffs alleged a delay in response rendered their property a total loss; and

Whereas, the City and County appeared and answered the suit and defended themselves throughout multiple court appearances; and

Whereas, all parties have reached a settlement in full satisfaction of the claims that formed the basis of the lawsuit, with the City contributing \$5,000; now, therefore, be it

Resolved, that the action shall be settled by the mutual release signed by the Mayor on behalf of the City, the County, and the Plaintiffs above-named with the payment by the City of \$5,000 in full and final settlement of the action, said payment of the City's portion to be taken from City funds by adjusting the annual budget in the following manner:

Expenditures:

Increase:

A.1900.54765	Judgement and Claims	\$5,000
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Decrease

A.1900.54775	Contingencies	\$5,000
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Seconded by Alderman Barnard and adopted. Ayes 5.

#### **082422.11**

By Alderman Fogle:

Whereas, the Common Council, by Resolution 080222.6, authorized a Request for Proposals (RFP) for remodeling work on the showers at Lockport Fire Department; and

Whereas, the RFP was published and the time to submit proposals expired on August 17, 2022; and

Whereas, the City received the following three proposals for the requested scope of work: All Pro Contracting, \$25,985.00; Cavlee Development, \$22,162.00; and, Benedict's Contracting, Inc., \$21,691.00; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an agreement with Benedict's Contracting, Inc. for a not-to-exceed fee of \$21,691.00 for the LFD remodeling work included in its proposal to the City.

Seconded by Alderman Pasceri and adopted. Ayes 5.

**082422.12**

## **ADJOURNMENT**

At 7:02 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 14, 2022.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

September 14, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, and Kantor.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **091422.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of August 24, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending Section C-45 of the City Charter relative to Residency Law.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE CITY CLERK**

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

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

9/1/22 Mayor Michelle M. Roman – Recommendation that Mary Brennan-Taylor, 480 Pine Street, Lockport, NY, be reappointed as a member of the Board of Ethics, with a term expiring on July 2, 2025.

9/12/22 David L. Ulrich, Ulrich Development Company LLC, regarding construction work along Pine Street adjacent to the firm's building at 45 Main Street.

Referred to Committee of the Whole.

## **Notice of Claim:**

9/1/22 Kristina Harris, 8 Bristol Avenue, Lockport, NY

9/8/22 Carl Crenshaw Jr., 8704 Lake Road #7, Barker, NY  
9/8/22 Meghan Hackmer, 149 Olcott Street, Lockport, NY

**Motion for Writ of Mandamus**

9/2/22 Dana K. Barish, 227 Church Street, Lockport, NY

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**091422.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on September 15, 2022 as follows:

General Fund	Fund A	\$172,755.64
Water Fund	Fund FX	\$225,395.59
Sewer Fund	Fund G	\$77,647.13
Capital Projects	Fund H	\$286,392.00
Worker's Comp	Fund S	\$6,425.00
Refuse & Recycle	Fund CL	\$96,783.36
Community Dev.	Fund CD	\$25,000.00

Payroll	Pay Date	8/25	\$528,334.95
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Seconded by Alderman Barnard and adopted. Ayes 5.

**091422.3**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Anthony J. Cercone	5	Public Works Mechanic

Seconded by Alderman Kantor and adopted. Ayes 5.

**091422.4**

By Alderman Devine:

Whereas, the Lockport Midget Baseball League ("LMBL") has provided organized baseball for area youth since 1939, and

Whereas, LMBL Board of Directors wishes to dedicate the Outwater Park baseball diamond in memory of Charles S. Sobieraski, a retired 35-year veteran of the Lockport Police Department who recently passed away, and

Whereas, Charles S. Sobierski was an active member of the LMBL for 38 years, and a volunteer coach of both Lockport Little League baseball and Lockport Little Loop football; now, therefore, be it

Resolved, that the baseball diamond at Outwater Park be named in memory of Charles S. Sobieraski, and be it further

Resolved, that LMBL is granted permission to have a sign installed on the northeast side of the existing backstop at the Outwater diamond, with any and all costs for said sign to be paid for by LMBL.

Seconded by Alderman Beakman and adopted. Ayes 5.

#### **091422.5**

By Alderman Beakman:

Resolved, that pursuant to their request, The New York Central Train Station, Inc., a not-for-profit corporation, is hereby granted permission to hold an outdoor concert fundraiser to benefit the restoration of the former 'Union Station' on Saturday, September 24, 2022, from 3:00 pm until 7:00 pm at 95 Union Street, and be it further

Resolved, that said fundraiser will feature two live bands and a food truck, and be it further

Resolved, that Union Street be closed to through traffic from Washburn Street to Ann Street for the duration of the event, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is subject to The New York Central Train Station, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **091422.6**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Craig J. Widrig, a retired City of Lockport police officer, who served the department from 1974 until 1995, who recently passed away.

Seconded by Alderman Devine and adopted. Ayes 5.

#### **091422.7**

By Alderman Fogle:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Charlene M. Seekins-Smith, who recently passed away. Charlene served on numerous city committees and boards over the years, including the Planning

and Zoning Board, the Board of Assessment Review, and the Central Business District Parking Committee, among others.

Seconded by Alderman Barnard and adopted. Ayes 5.

**091422.8**

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council meeting Wednesday, September 28th, 2022 starting at 6:30 P.M. in Council chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY, relative to a request for a Special Use Permit made by Holly Edwards, allowing cats from local non-profit rescue organizations to be housed in the Lock City Books space, for their 'Read with Rescues' program at 4 Market Street, situated in a B-2 Zone, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 5.

**091422.9**

By Alderman Devine:

Resolved, that pursuant to Corporation Counsel approval, the Chief Operator-Water Filtration Plant is authorized to go out to bid and/or enter into a purchasing contract for the purchase of chemicals.

Seconded by Alderman Fogle and adopted. Ayes 5.

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 5.

**091422.10**

By Alderman Fogle:

Whereas, the City of Lockport held its annual in rem tax foreclosure auction online from August 12, 2022 to August 26, 2022; and

Whereas, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgement; and

Whereas, pursuant to paragraph 3 of the Terms of the Sale approval of the governing body of the tax district is required; now, therefore, be it

Resolved, the City of Lockport does hereby approve and confirm by ratification the sale of the properties listed below:

PARCEL #	ADDRESS	PURCHASER	PURCHASE PRICE
2018-042	436 WEST AVENUE	A PLUS PERFORMANCE CYCLE, INC.	\$60,100.00

2018-066	453 VINE STREET	MICHAEL D'AURIA	\$19,800.00
2018-137	20 ROBINSON PL	G & G PROPERTY VENTURES, LLC	\$28,100.00
2018-143	263 HIGHTREET	AL1 HOLDINGS, LLC	\$80,500.00
2018-174	164 GOODING STREET	ISHTIAQ H. RAJA	\$28,031.00
2018-175	160 GOODING STREET	ISHTIAQ H. RAJA	\$1,569.00
2018-206	62 GRAND STREET	DUSTIN CORALLO	\$23,900.00
2018-211	67 CHAPEL STREET	AL1 HOLDINGS, LLC	\$54,200.00
2018-273	13 HARVEY AVENUE	MHLUX LLC	\$5,600.00
2018-319	120 WILLOW STREET	ANDREW P. LICHT	\$60,100.00
2019-003	124 TRANSIT ROAD	TINEKE HAMDAN	\$7,000.00
2019-019	310 PARK AVENUE	ROBERT B. ADAMS JR.	\$5,400.00
2019-020	308 PARK AVENUE	SYED HOLDINGS, LLC	\$6,500.00
2019-065	32 SUNNYSIDE STREET	G & G PROPERTY VENTURES, LLC	\$64,100.00
2019-074	230 GOODING STREET	ADAM GOFF	\$4,100.00
2019-096	264 CLINTON STREET	COLD SPRING INVESTMENT GROUP	\$52,000.00
2019-101	97.5 SCOVELL STREET	MHLUX LLC	\$5,200.00
2019-102	210 JACKSON STREET	SYED HOLDINGS, LLC	\$4,250.00
2019-103	214 JACKSON STREET	SYED HOLDINGS, LLC	\$4,150.00
2019-116	252 GRAND STREET	SCOTT M. COLBY	\$37,100.00
2019-161	37 AMELIA STREET	AL1 HOLDINGS, LLC	\$50,100.00
2019-198	149 VAN BUREN STREET	ROBERT J. SCHAFER	\$7,000.00
2019-290	67 ELMWOOD AVENUE	JOLEEN NICOLE PICKLES	\$4,250.00
2019-362	722 DAVISON ROAD	LIPSICA RORE	\$28,100.00
2019-366	27 PROFESSIONAL PKWY	LIPSICA RORE	\$22,100.00
2019-377	84 DAVISON CT	MHLUX LLC	\$19,200.00
2016-023	320-326 WEST AVENUE	AL1 HOLDINGS, LLC	\$185,100.00



**TOTAL**

**\$867,550.00**

Seconded by Alderman Beakman and adopted. Ayes 5.

**091422.11**

By Alderman Beakman:

Whereas, the City of Lockport's Wastewater Treatment Department has requested the purchase an X-Ripper grinder for the use of shredding matter for \$34,982.28; and

Whereas, said grinder would protect a newly-installed pump and would mitigate potential damages to wastewater treatment equipment; and

Whereas, the vendor, Koester Associates Inc. is an exclusive municipal distributor for the product, making it a single-source item; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the use of funds in the H205 capital project (G Infrastructure Improvements) for said purchase.

Seconded by Alderman Devine and adopted. Ayes 5.

**091422.12**

By Alderman Fogle:

Resolved, that pursuant to the recommendation of Mayor Roman, Mary Brennan-Taylor, 480 Pine Street, Lockport, NY is hereby reappointed to the Lockport Board of Ethics for a three-year term expiring on July 2, 2025.

Seconded by Alderman Barnard and adopted. Ayes 5.

**091422.13**

**ADJOURNMENT**

At 6:55 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 28, 2022.

Seconded by Alderman Kantor and adopted. Ayes 5.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Special Meeting  
Official Record

September 20, 2022  
6:30 P.M.

A special meeting was called by Mayor Michelle M. Roman relative to a public hearing on Restore NY Communities Initiative Funding-restoration of the former YMCA building

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, and Fogle.

**092022.1**

By Alderman Beakman:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman Barnard and adopted. Ayes 4.

**092022.2**

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council meeting of September 28, 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Restore NY Communities Initiative Funding from the Empire State Development Corporation for restoration of the former YMCA building, 19 East Avenue, Lockport; and be it further

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

Seconded by Alderman Barnard and adopted. Ayes 4.

**092022.3**

**ADJOURNMENT**

At 6:43 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 28, 2022.

Seconded by Alderman Fogle and adopted. Ayes 4.

PAUL K. OATES  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

September 28, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**092822.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of September 14, 2022 and the Special Meeting of September 20, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a Special Use Permit to house rescue cats at 4 Market Street.

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

9/14/22        Jeff Tracy, Planning and Zoning Board—it was the determination of the Board to recommend the request to the Council with stipulations.

Recess for public input.

The Mayor closed the public hearing.

## **PUBLIC HEARING**

The Mayor announced a public hearing on Restore NY Communities Initiative Funding for the restoration of the former YMCA building, 19 East Avenue.

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

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Resignation:**

9/26/22 Paul K. Oates resigned as City Clerk, effective September 30, 2022.

Received and filed.

## **FROM THE CITY CLERK**

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

**Communications:** (which have been referred to the appropriate City officials  
Received and filed.

### **Notice of Claim:**

9/21/22 E. A. Granchelli, Developer, 36 Pine Street, Lockport, NY

9/26/22 Peggy S. Crego and Paul Crego, 54 Maple Street, Lockport, NY

Referred to the Corporation Counsel.

### **Notice of Complaint:**

9/27/22 31 Hamilton Drive – tree

Referred to the Director of Highways, Parks and Water Distribution

## **MOTIONS & RESOLUTIONS**

### **092822.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on September 29, 2022 as follows:

General Fund	Fund A	\$247,050.67
Water Fund	Fund FX	\$35,453.68
Sewer Fund	Fund G	\$33,744.96
Capital Projects	Fund H	\$7,894.40
Self-Insurance	Fund MS	\$153,089.00
Refuse & Recycle	Fund CL	\$469.00

Payroll	Pay Date 9/8/22	\$504,863.95
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Seconded by Alderman Fogle and adopted. Ayes 6.

### **092822.3**

By Alderman Pasceri:

Whereas, the Salvation Army provides warm shelter for the homeless or persons without heat when the temperature falls below 32 degrees Fahrenheit calling for a "Code Blue"; and

Whereas, in order to provide the "Code Blue" Warming Center to City residents, the Salvation Army is dependent upon financing from multiple sources, including municipalities whose residents it services; and

Whereas, the Common Council of the City of Lockport desires to provide funding to the Salvation Army in the amount of \$2,500.00 to provide "Code Blue" Warming Shelter services from October through March; now, therefore, be it

Resolved, that the Mayor is authorized and directed to execute a contract with the Salvation Army to operate the Code Blue Warming Shelter for City residents from October 1, 2022 through March 31, 2023, and be it further

Resolved, payment to the Salvation Army shall not exceed \$2,500.00 for the operation of the Code Blue Warming Shelter from October 1 through March 31, and said funds shall be expended from the A.8510.54075 Service Contracts, and be it further

Resolved, that the Mayor is hereby authorized to declare a "Code Blue" when the weather conditions indicate the temperature will fall below 32 degrees Fahrenheit overnight, and shall notify the Salvation Army to open the Code Blue Warming Shelter, and that this resolution shall take effect immediately.

Seconded by Alderman Fogle and adopted. Ayes 6.

### **092822.4**

By Alderman Fogle:

Resolved, that the request for a special use permit made by Holly Edwards to harbor cats at Lock City Books, located at 4 Market Street, situated in a B-2 Zone, be and the same is hereby approved, subject to the following provisions:

No change in character of neighborhood.

No excessive noise or disturbance of neighborhood.

Only two adult felines or four kittens may be housed in the kennel overnight.

During special events, a maximum of eight felines may be present during the event, but may not be housed in the kennel overnight.

Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Beakman and adopted. Ayes 6.

By Alderman Fogle:

Resolved, that the foregoing resolution be amended to change, 'Auctions International' to, 'via auction'.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **092822.5**

By Alderman Fogle:

Whereas, the Lockport Fire Department's ("LFD") 1997 Aerial Platform Truck has logged 6,000 engine hours, has mechanical problems, and the city has difficulty finding replacement parts because the manufacturer has gone out of business; and, having reached its life expectancy, is in need of replacement; and

Whereas, a new truck, designed to meet the department's specifications, if ordered immediately would not be delivered for a minimum of three years; and

Whereas, the Brighton Fire District of Tonawanda, NY has a 2001 Pierce Aerial Platform Truck with only 1,200 engine hours that would serve the department's needs in the interim; and

Whereas, Brighton's truck is available for \$150,000, and the Fire Chief, with the support of the Board of Fire Commissioners, desires to purchase said truck; now, therefore, be it

Resolved, that the Common Council approve the purchase of a 2001 Pierce Aerial Platform Truck from Brighton Fire District, VIN# 4P1CT02S81A001256, for the asking price of \$150,000; and be it further

Resolved, that the Fire Chief is authorized to advertise the sale of the department's current 1997 Aerial Platform Truck via auction, with the stipulation that LFD will not offer it for sale at auction until such time as the department has been in receipt of a replacement aerial truck; and be it further

Resolved, that the FY 2022 General Fund operating budget be amended as follows:

#### **Expenditures:**

#### **Decrease**

A.1900.54775	Contingency	\$150,000
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#### **Increase**

A.3410.52030	Motor Vehicle Equipment	\$150,000
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Seconded by Alderman Devine and adopted. Ayes 6.

**092822.6**

By Alderman Pasceri:

Whereas, the City of Lockport desires to apply for \$2,000,000 in financial assistance under the Restore New York Communities Initiative; and

Whereas, the application proposes funding to rehabilitate one property in downtown Lockport, the former YMCA building located at 19 East Avenue; and

Whereas, the proposed funding will contribute to ongoing community revitalization efforts; and

Whereas, the proposed financing is appropriate for the specific project; and

Whereas, the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

Whereas, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities; and

Whereas, the applicant requests the approval and endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

Resolved, that the Common Council of the City of Lockport approves and endorses the 2022 Restore New York Communities Initiative Grant Application to be submitted by the City of Lockport.

Seconded by Alderman Kantor and adopted. Ayes 6.

**092822.7**

By Alderman Beakman:

Whereas, the City Common Council and Administration has recognized the need for improved safety and security protocols in City Hall; and

Whereas, the Police Chief has identified a vendor who would provide secure electronic card access to all doors of City Hall; now, therefore, be it

Resolved, that the Common Council hereby authorizes the Mayor to enter into a purchasing agreement with Linstar via NYS contract PT68825 for \$31,928.06 and amends the FY 2022 General Fund operating budget as follows:

Expenditures:

Decrease

A.1900.54775	Contingency	\$31,929
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Increase:

A.3120.52070	Public Safety Equipment	\$31,929
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Seconded by Alderman Barnard and adopted. Ayes 6.

**092822.8**

By Alderman Pasceri:

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to sell via online auction, to the highest bidder, a 1996 Altec/Freightliner 70-foot Bucket Truck, VIN #1FV6JFBB1TL556625; and be it further Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Beakman and adopted. Ayes 6.

**092822.9**

## **ADJOURNMENT**

At 6:49 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 12, 2022.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk

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

**Lockport Municipal Building**

**Regular Meeting**  
**Official Record**

October 12, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**101222.1**

## **APPROVAL OF MINUTES**



On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of September 28, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

#### **FROM THE MAYOR**

##### **Appointments:**

10/6/22 Sarah K. Lanzo, 129 Beattie Avenue, Lockport, NY 14094 – appointed to City Clerk to fill the unexpired term of Paul K. Oates, effective September 30, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

Received and filed.

#### **FROM THE CITY CLERK**

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

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

9/28/22 Jim Hardy, Pastor-First Presbyterian Church – notification of the Crop Walk for Hunger, along the Erie Canal, on October 16, 2022.

Received and filed.

##### **Notice of Claim:**

9/29/22 Paul Strong, 1357 South Avenue, Niagara Falls, NY

Referred to the Corporation Counsel.

##### **Notice of Complaint:**

Referred to the Director of Highways, Parks and Water Distribution

#### **MOTIONS & RESOLUTIONS**

##### **101222.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on October 13, 2022 as follows:

General Fund	Fund A	<del>\$125,602.80</del> \$124,362.80
Water Fund	Fund FX	\$11,956.16
Sewer Fund	Fund G	\$12,003.69
Capital Projects	Fund H	\$1,029,923.23

Self-Insurance	Fund MS	\$1,706.60
Refuse & Recycle	Fund CL	\$101,528.14
Community Devel.	Fund CD	\$61,628.26
Worker's Comp	Fund S	\$7,500.00
Payroll	Pay Date 9/22	\$498,822.54

Seconded by Alderman Barnard and adopted as amended. Ayes 6.

### **101222.3**

By Alderman Beakman:

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, October 26 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2023 budget, and be it further

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

Seconded by Alderman Barnard and adopted. Ayes 6.

### **101222.4**

By Alderman Fogle:

Whereas, Section 155-7 A (Solid Waste) of Chapter 158 of the City Code states that unpaid residential and commercial user fees for collection of refuse and recycling shall be the personal liability of the owner, and

Whereas, any delinquent assessment, penalty, charge or fee remaining unpaid by May 15 is added to the upcoming year's tax bill for the parcel of property against which it is a lien, and

Whereas, the amount added to taxes shall include late payment charges accrued through June 30 plus an additional administrative charge equal to \$15 for each delinquent account, and

Whereas, late payment charges shall not continue to accrue after June 30 against any assessment, penalty, charge or fee which is added to taxes, and

Whereas, the City Treasurer will submit to the City Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes, and

Whereas, upon receipt of such delinquent amounts the Council must hold a public hearing, and

Whereas, after making any amendments or corrections to the list of delinquent accounts the Common Council will by resolution confirm said amounts, and

Whereas, upon confirmation of said amounts the City will insert the delinquent accounts in the annual tax rolls and which shall become a part of the annual tax upon the respective parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter; now, therefore, be it

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a resolution listing the re-levies and the dollar amount to be added to the tax rolls, and be it further

Resolved, that a public hearing be held at the Common Council meeting on Wednesday, October 26, 2022, starting at approximately 6:30 P.M. relative to said resolution for re-levy, and be it further

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

Seconded by Alderman Barnard and adopted. Ayes 6.

#### **101222.5**

By Alderman Devine:

Whereas, pursuant to Section 452 of the General Municipal Law and Section 185-8 (Water) of the City of Lockport Code, the Common Council is authorized to adjust a schedule of water rents and other charges after a hearing upon five days' notice; now, therefore, be it

Resolved, that a Public Hearing be held at the Common Council Meeting of Wednesday, October 26, 2022 starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to adjusting water rents and other charges, and be it further,

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **101222.6**

By Alderman Devine:

Resolved, that the Corporation Counsel is hereby authorized to prepare a Local Law relative to amending the sewer rate schedule, and be it further

Resolved, that a public hearing be held at the Common Council meeting of October 26, 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **101222.7**

By Alderman Fogle:

Resolved, that Monday, October 31, 2022 is hereby designated as Halloween Day in the City of Lockport, with the hours for trick or treating scheduled from 4pm to 7pm; and be it further

Seconded by Alderman Pasceri and adopted. Ayes 6.

**101222.8**

By Alderman Fogle:

Whereas, at the September meeting of the Planning Board, an application for home occupation for Chris and Belinda Ragland was denied because there were only four commissioners present and one commissioner objected to the proposal; and

Whereas, the applicants wish to have their proposal considered by the full Planning Board and are prepared to resubmit their application for the November board meeting; and

Whereas, the filing fee is ordinarily \$100; now therefore be it

Resolved, that the second filing fee be waived since it was through no fault of the applicants that a bare minimum of commissioners were present at the September Planning Board.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**101222.9**

By Alderman Fogle:

Resolved, that pursuant to their request, permission is hereby granted to Lockport Main Street, Inc. to hold a Downtown Trick or Treating Celebration on Friday, October 28<sup>th</sup> between 5:00PM and 7:00PM

Resolved, that Main Street be closed to through traffic from Transit to Locust for the duration of the event, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed

Seconded by Alderman Kantor and adopted as amended. Ayes 6.

**101222.10 – WITHDRAWN:** Duplicate of 101222.7

**101222.11**

By Alderman Barnard:

Resolved, that pursuant to their request, permission is hereby granted to the Moose Lodge to barricade Monroe Street from Water to Jackson Street on October 23rd, 2023 for Trunk or Treat from 5 pm -7 pm, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**101222.12**

By Alderman Beakman:

Whereas, the Greater Lockport Development Corporation and Former YMCA Restoration Project have requested the conversion of the 1<sup>st</sup> floor to a unique co-working, shared, office space and creation of market-rate apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and

Whereas, the Greater Lockport Development Corporation has completed a Short Environmental Assessment Form that the Council has reviewed; and

Whereas, the Greater Lockport Development Corporation is requesting that the City review the Assessment Form and declare the project a Type 2 Impact (no to small impact); and

Now therefore, be it

Resolved, that the Council has reviewed the Short Environmental Assessment Form and is confident that the project will have minimal or no impact if effectuated as described, and hereby permits the Mayor to sign the Part 3 of the Short Environmental Assessment Form.

Seconded by Alderman Kantor and adopted. Ayes 6.

**101222.13**

### **ADJOURNMENT**

At 6:47 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 26, 2022.

Seconded by Alderman Fogle and adopted. Ayes 6.

SARAH K. LANZO

City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 26, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Fogle, Kantor, and Pasceri. Alderman Devine was absent.

### **INVOCATION**

### **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

**102622.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of October 12, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing relative to the 2023 tax budget.

The Mayor asked the City Clerk if any petitions or communications relative to said to the proposed 2023 tax budget have been received.

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING**

The Mayor announced a public hearing on confirming Refuse & Recycling Re-levy.

The Mayor asked the City Clerk if any petitions or communications relative to said Re-levy have been received.

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING**

The Mayor announced a public hearing relative to adjusting water rents.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed rent adjustments have been received.

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed local law to amend the City of Lockport, "Schedule of Sewer Rents and Other Charges."

The Mayor asked the City Clerk if any petitions or communications relative to said proposed local law have been received.

Recess for public input.

The Mayor closed the public hearing.

## FROM THE MAYOR

### Appointments:

10/14/22 Donald W. Gill, 189 East Avenue, Lockport, NY – reappointed to the Planning Board effective October 14, 2022. Said term expires October 14, 2025.

10/14/22 Donald A. Stevens, 230 State Road, Lockport, NY 14094 – reappointed to the Planning Board effective October 14, 2022. Said term expires October 14, 2025.

Received and filed.

## FROM THE CITY CLERK

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

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

10/18/22 Carol A. Spedding, President, Zonta Club of Lockport – request permission to display signage in the City's parks to raise awareness for their 'Violence Against Women' campaign.

Received and filed.

### Notice of Claim:

Referred to the Corporation Counsel.

### Notice of Complaint:

10/18/22 40 Lakeview Pkwy - tree  
48 Lakeview Pkwy – tree  
52 Lakeview Pkwy - tree  
62 Lakeview Pkwy – tree

Referred to the Director of Highways, Parks and Water Distribution

## MOTIONS & RESOLUTIONS

### 102622.2

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on October 27, 2022 as follows:

General Fund	Fund A	\$38,247.80
Water Fund	Fund FX	\$22,669.18
Sewer Fund	Fund G	\$31,268.93
Capital Projects	Fund H	\$380,908.68
Self-Insurance	Fund MS	\$75,349.80

Refuse & Recycle Fund CL \$623.14

Payroll Pay Date 10/20 \$513,518.53

Seconded by Alderman Pasceri and adopted. Ayes 5.

### **102622.3**

By Alderman Fogle:

Whereas, the City Treasurer submitted to the Common Council all delinquent assessments, penalties, charges or fees and any other amounts to be added to taxes; and

Whereas, the Common Council conducted a public hearing on October 26, 2022 at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, New York in accordance with section 155-7 A (Solid Waste) of Chapter 158 of the City Code to confirm the delinquent accounts to re-levy; now, therefore, be it

Resolved, that the following delinquent accounts totaling \$183,978.05 are hereby confirmed and shall be inserted in the annual tax rolls and be a part of the annual tax upon said parcels against which such amounts are charged and shall be subject to all the provisions of the City Charter.

<u>Account</u>	<u>Amount</u>
Refuse	\$169,293.05
Relevy Late Fees	\$14,685.00

Seconded by Alderman Barnard and adopted. Ayes 5.

### **102622.4**

By Alderman Fogle:

Whereas, the Zonta Club of Lockport has requested permission to install temporary lawn signs in various City rights of way, from November 25, 2022 through December 10, 2022, to raise awareness for Violence Against Women, and

Whereas, the 'Zonta Says NO' campaign is an international effort to raise awareness of, and increase actions to, end violence against women and girls around the world through service and advocacy, now, therefore, be it

Resolved, that permission is hereby granted to place the signs at Veteran's Memorial Park on East Avenue, Ida Fritz Park on West Avenue, Children's Memorial Park on S. Transit Street, and at the Washburn and Locust Streets garden, which is maintained by the Zonta Club of Lockport.

Seconded by Alderman Barnard and adopted. Ayes 5.

### **102622.5**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Police Department to barricade a portion of Outwater Drive on November 18,



2022 from 12:00pm to 5:00pm to hold a departmental physical training challenge; and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **102622.6**

By Alderman Fogle:

Whereas, the Lockport Fire Department (LFD) has identified the need to replace it's obsolete 2004 American LaFrance Fire Engine for a new, modern version of the same type (engine/pumper) capable of the following parameters: current NFPA safety standards compliance, 1500 GPM pump, 750 gallon water tank, 6 person cab, minimum hose carrying capacity of: 1000' of 5" LDH, 4 pre-connected attack lines, and 800' of mid-sized attack/supply lines; and

Whereas, the Fire Chief has identified a Sourcewell contract (number 113021-RSD from Empire Emergency Apparatus Inc.) in the net amount of \$606,450 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

Whereas, the City experienced a favorable in-rem cycle during the FY 2022 year that resulted in surplus revenue compared to what was originally appropriated (\$0); and

Whereas, the City has also experienced a favorable variance in combined sales-tax collection for the first two thirds of the 2022 fiscal year compared to the budgeted appropriation; and

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement for said purchase and that the FY 2022 General Fund and Capital Project Fund budgets are amended as follows:

#### **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

Seconded by Alderman Pasceri and adopted. Ayes 5.

**102622.7 - WITHDRAWN**

**102622.8 - WITHDRAWN**

**102622.9**

By Alderman Fogle:

Whereas, The Governor of the State of New York ended her emergency powers in September 2022, thereby eliminating the ability for public bodies to conduct meetings through videoconferencing; and

Whereas, Public Officers Law §103-a permits public bodies to conduct videoconferencing of meetings under certain conditions; and

Whereas, The Lockport City Common Council desires to have videoconferencing as an option for common council meetings, in compliance with Public Officers Law §103-a; and

Whereas, The Lockport City Common Council must conduct a public hearing prior to implementing the Videoconferencing Policy. Now, therefore be it,

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, November 9, 2022, starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to permitting the City Common Council from having videoconferencing and/or hybrid meetings.

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

Seconded by Alderman Beakman and adopted. Ayes 5.

**102622.10**

**ADJOURNMENT**

At 6:50P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 9, 2022.

Seconded by Alderman Kantor and adopted. Ayes 5.

ABBHEY JO POLICHETTE

Deputy City Clerk

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

Lockport Municipal Building

Regular Meeting

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**110922.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of October 26, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law implementing a Videoconferencing Policy in the City Charter, Relative to Public Officers Law §103-a.

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

Recess for public input.

The Mayor closed the public hearing.

**FROM THE CITY CLERK**

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

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

Referred to the Committee of the Whole

10/21/22 Sarah K. Lanzo, City Clerk – notification of bids received on October 21, 2022 for Chemicals for Municipal Water Treatment Facility are as follows:

**Chlorine:**

JCI Jones Chemicals, Inc.	Caledonia, NY	\$3,503 per ton
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**Polyaluminum chloride:**

Usalco	Baltimore, MD	\$2.3265 per gal
Kemira Water Solutions	Lawrence, KS	\$2.51 per gal
Holland Company, Inc.	Avon Lake, OH	\$5.126 per gal

**Hydrofluorosilicic Acid:**

Univar Solutions USA, Inc.	Morrisville, PA	\$3.17 per gal
Brenntag	Reading, PA	\$4.85 per gal
Slack Chemical Co., Inc.	Carthage, NY	No Bids Included

**Notice of Complaint:**

10/26/22 239 Niagara Street - Tree

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

**Notice of Claim:**

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**110922.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on November 10, 2022 as follows:

General Fund	Fund A	\$389,322.42
Water Fund	Fund FX	\$27,293.46
Sewer Fund	Fund G	\$61,682.83
Comm. Dev.	Fund CD	\$146,192.00
Refuse Fund	Fund CL	\$434.93
Self Insurance	Fund MS	\$1,287.41
Worker's Comp	Fund S	\$
Payroll	Pay Date 11/3	\$502,958.39

Seconded by Alderman Fogle and adopted. Ayes 6.

### **110922.3**

By Alderman Devine:

Whereas, the City of Lockport advertised for bid proposals for chemicals for municipal water treatment for the 2023 calendar year, and

Whereas, the following bids were received and publicly opened by the City of Lockport on Friday, October 21, 2022 at 11:00 am: JCI Jones Chemicals, Inc., \$3,503 per ton for chlorine; Usalco, \$2.3265 per gallon, Kemira Water Solutions, \$2.51 per gallon, Holland Company, Inc., \$3.25 per gallon, and Applied Specialties, Inc., \$5.126 per gallon for polyaluminum chloride; and, Univar Solutions USA, Inc., \$3.17 per gallon, and Brenntag, \$4.85 per gallon, and

Whereas, the contracts will be awarded solely from the bids received; and

Whereas, the Chief Water Treatment Plant Operator has reviewed the bids and recommends awarding the contract to each of the low bidders; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign contracts with JCI Jones Chemicals, Inc. for chlorine, Usalco for polyaluminum chloride, and Univar Solutions USA, Inc. for hydrofluorosilicic acid for January 1, 2023 through December 31, 2023.

Seconded by Alderman Barnard and adopted. Ayes 6.

### **110922.4. – Withdrawn**

By Alderman Kantor:

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Barnard. Ayes 6.

### **110922.4A**

By Alderman Kantor:

WHEREAS, the City of Lockport approved the execution of a Payment In Lieu Of Tax agreement with OYA Ruhlmann A LLC at its regular meeting on October 21, 2020.

WHEREAS, pursuant to an assignment and amended and restated solar ground lease dated as of July 22, 2022 and effective as of March 7, 2020 (as amended, supplemented and/or assigned, as of the date hereof and as the same may be further amended from time to time in accordance therewith, the "Property Lease"), between the Landlord and the Company, a memorandum of which is intended to be filed of record with the Niagara County Clerk's office, the Landlord has leased the Land to the Company; and

WHEREAS, the Property Lease shall remain in effect for the term of the Lease Agreement; and

WHEREAS, said Project is to be used for a Solar Generating Facility; and

WHEREAS, the Project is located within the boundaries of the City of Lockport; and

WHEREAS, the Obligors shall agree to make payments in lieu of Real Estate Taxes ("PILOT Payments") pursuant to this Agreement with respect to the Project; and

WHEREAS, the PILOT Payments contemplated by this Agreement are in lieu of Real Estate Taxes which may be payable with respect to the Project during the term of this Agreement;

NOW, THEREFORE, in consideration of the matters above recited, for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the Mayor is hereby directed and authorized to enter into the PILOT agreement with OYA Ruhlmann A LLC previously approved by the Council on October 21, 2020, and subsequently revised and reviewed by Corporation Counsel

- (1) The payments in lieu of taxes ("PILOT") period is to commence on July 1, 2023 (the Commencement Date), and be concurrent with the Project's use as a solar energy system for the community, but shall in no event exceed fifteen (15) years from the Commencement Date.
- (2) Beginning with the first fiscal year following the Commencement Date and continuing through the fifteenth (15) fiscal tax year following, the taxpayer shall make annual payments in lieu of general real estate taxes on the land and solar system (constituting OYA Ruhlmann Solar A LLC) in the amount of \$37,500.00 with a two percent (2%) annual escalation. The total payment is to be apportioned between the City, County and School Districts as per the predetermined schedule as per the agreement, in satisfaction of all property taxes.
- (3) In each fiscal year during the term of this agreement, additional facilities not associated with the solar energy system the Assessor shall appraise in the same manner as similar properties in the general area and value at one hundred (100%) percent.

Seconded by Alderman Fogle and adopted. Ayes 4. Devine and Beakman voted no.

#### **110922.4B**

By Alderman Beakman:

Whereas, Resolution 041322.17 was unanimously adopted by the Common Council that placed a temporary moratorium on enforcement of the Ordinance §183-23 of the Lockport Municipal Code, which bans overnight parking on city streets between the hours of 2 a.m. and 6 a.m., unless the vehicle owner has received a special parking permit from the City; and

Whereas, the Council has heard all positive feedback regarding the temporary moratorium on said restriction on parking during the months from April to November; and

Whereas, the Traffic Advisory Committee has recommended that the Common Council consider a permanent modification to the ban on overnight parking during the non-winter months; and

Whereas: The Lockport City Common Council must conduct a public hearing prior to implementing the modification to the Code with regard to Ordinance §183-23;

NOW, THEREFORE, BE IT RESOLVED THAT:

A Public Hearing shall be held at the Common Council Meeting of Wednesday, November 16, 2022, starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the modification of the parking ordinance, to permit overnight parking on the City streets from April 15<sup>th</sup> to November 1<sup>st</sup> each year.

Seconded by Alderman Devine and adopted. Ayes 6.

#### **110922.4C - Withdrawn**

#### **110922.4D**

By Alderman Devine:

Whereas, Lockport Community Services has obtained grant money and donations for the creation of a Skateboard park in the City of Lockport to replace the current skate park located at Outwater park ("the Park") and has commenced with the development of the Lockport Skateyard Project ("the Project"); and

Whereas, the total cost for the Project is expected to be \$550,000 and Lockport Community Services has funds which include \$500,000 to develop and construct the Project, and an additional \$50,000 to complete certain greenscape elements to complement the Project; and

Whereas, GLDC has agreed to manage and oversee the Project on behalf of the City and Community Services and the parties have entered into an Agreement for same; and

Whereas, the Niagara County Greenway Commission is requesting confirmation that the City will continue to maintain the Skateyard as part of the City Parks system; and

Now therefore, be it

Resolved, that the City of Lockport confirms that the City shall at all times maintain, repair and oversee the Skateyard Park, as it does with all City parks.

Seconded by Barnard and adopted. Ayes 6.

**110922.5**

**ADJOURNMENT**

At 6:53 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 16, 2022.

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

November 16, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, and Pasceri.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**111622.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Barnard, the minutes of the Regular Meeting of November 9, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on the issue of amending Lockport Municipal Code to permit overnight parking on city streets between the hours of 2:00AM and 6:00AM.



The Mayor asked the City Clerk if any petitions or communications relative to the overnight parking amendment.

Recess for public input.

The Mayor closed the public hearing.

#### **FROM THE MAYOR**

##### **Appointments:**

11/14/22 Henry John Leible, 4321 Purdy Road, Lockport, NY 14094 – appointed as Waste Water Treatment Plant Mechanic for the City of Lockport Waste Water Treatment Plant. Effective November 11, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

11/14/22 Adam J. Heiman, 64 Rogers Avenue, Lockport, NY 14094 – appointed as Public Works Mechanic for the City of Lockport Highways & Parks Department. Effective October 25, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

#### **FROM THE CITY CLERK**

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

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

11/14/22 Sarah K. Lanzo, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November.

Thursday & Friday, November 25<sup>th</sup> & 26<sup>th</sup> Thanksgiving Holiday

For the Thanksgiving Holiday, garbage collection will be as follows:

##### Normal Pick Up Day

Thursday, November 25<sup>th</sup>  
Friday, November 26<sup>th</sup>

##### Holiday Pick Up Day

Friday, November 26<sup>th</sup>  
Saturday, November 27<sup>th</sup>

Referred to the Media.

##### **Notice of Complaint:**

11/7/22 200 Cottage Street – Tree

Referred to the Director of Highways & Parks.

## MOTIONS & RESOLUTIONS

### 111622.2

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on November 17, 2022 as follows:

General Fund	Fund A	\$42,332.89
Water Fund	Fund FX	\$6,668.19
Sewer Fund	Fund G	\$524.33
Capital Projects	Fund H	\$705,617.65
Refuse Fund	Fund CL	\$100,672.86
Payroll	Pay Date 11/17	\$513,904.49

Seconded by Alderman Fogle and adopted. Ayes 5.

### 111622.3

By Alderman Devine:

Whereas, the Lockport Police Department ("LPD") has identified the need for communication improvements that would improve reporting reliability and integrate with their current infrastructure; and

Whereas, the Police Chief has identified a Motorola Solutions, Inc. contract in the net amount of \$346,303 which will fulfill the needs of the department and is within the guidelines of the procurement policy (as it is identified as single source provider in the instance of integration with current Vesta solutions currently deployed); and

Whereas, the Common Council can appropriate General Fund Balance in this amount (bringing the current year appropriation from \$618,994 to \$965,297) and still maintain a fund balance in excess of the minimal amount required per fund balance policy; now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement for said purchase and that the FY 2022 General Fund and Capital Project Fund budgets are amended as follows:

#### Revenue:

Increase

A.0000.30599

H222.3120. 35031.A

\$346,303

Appropriated Fund Balance \$346,303

Interfund Transfer from General

#### Expenditures:

Increase

A.9901.59000.H

Interfund Transfer to Capital \$346,303

H222.3120.52490  
\$346,303

Capital Improvements Expense

Seconded by Alderman Beakman and adopted. Ayes 5.

**111622.4**

By Alderman Barnard:

Resolved, that pursuant to their request, 'Light Up Lockport' be and the same is hereby granted permission to use the City's right-of-way to conduct the following events on Saturday, November 26, 2022:

**Light Up Lockport Parade** commencing at 6:00 PM at Ida Fritz Park, east on Main Street to Charles Street

And be it further

Resolved, that said permissions are subject to approval of the routes by the Police Chief, and 'Light Up Lockport' 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 and temporary 'no parking' signs for the entire length of the south side of Main Street prior to said events.

Seconded by Alderman Pasceri and adopted. Ayes 5.

By Alderman Fogle

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Barnard. Ayes 5.

**111622.5**

By Alderman Barnard:

Whereas, the City of Lockport FY 2023 Mayor's Recommended Budget was presented to the Common Council and public on October 5<sup>th</sup>, 2022; and

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City tax budget for fiscal year 2023, containing appropriations for operating City departments, be and the same is hereby amended and adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2023 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services	\$12,253,558
Equipment	\$314,101
Contractual	\$4,236,406

Fringe Benefits	\$10,001,783
Interfund Transfers	\$200,000
Debt Service	\$534,870
Total Appropriations:	\$27,540,718
LESS: Estimated Revenues:	\$13,265,902
Estimated Fund Balance:	\$991,259
Amount to be raised through property taxation:	\$13,283,557
Assessed Valuation:	\$1,167,997,805

**REAL PROPERTY TAX RATE: \$11.37293 per \$1,000 ASSESSED VALUATION**

Seconded by Alderman Pasceri and adopted. Ayes 5.

By Alderman Fogle

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Barnard. Ayes 5.

#### **111622.6**

By Alderman Devine:

Whereas, the City of Lockport FY 2023 Mayor's Recommended Budget was presented to the Common Council and public on October 5<sup>th</sup>, 2022;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2023 Water Fund Budget containing appropriations for operating the City's Water Department, be and the same is hereby adopted as follows:

#### **CITY OF LOCKPORT, NEW YORK** **2023 WATER FUND BUDGET SUMMARY**

Appropriations:	
Personal Services	\$1,313,332
Equipment	\$25,000
Contractual	\$1,243,869
Fringe Benefit	\$1,119,825
Debt Services	\$598,760
Interfund Transfers	\$40,047
Total Appropriations:	\$4,340,833
Estimated Revenues:	\$4,340,833

Seconded by Alderman Beakman and adopted. Ayes 5.

By Alderman Barnard:

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Fogle. Ayes 5.

**111622.7**

By Alderman Fogle:

Whereas, the City of Lockport FY 2023 Mayor's Recommended Budget was presented to the Common Council and public on October 5<sup>th</sup>, 2022;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2023 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2023 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$1,126,697
Equipment	\$17,500
Contractual	\$1,446,290
Fringe Benefits	\$923,802
Debt Service	\$639,119
Interfund Transfers	\$42,435

Total Appropriations: \$4,195,843

Estimated Revenues: \$4,195,843

Seconded by Alderman Barnard and adopted. Ayes 5.

By Alderman Barnard:

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Fogle. Ayes 5.

**111622.8**

By Alderman Barnard:

Whereas, the City of Lockport FY 2023 Mayor's Recommended Budget was presented to the Common Council and public on October 5<sup>th</sup>, 2022;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2023 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2023 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services	\$0
Equipment	\$23,500
Contractual	\$1,370,044
Fringe Benefits	\$0
Debt Service	\$36,492
Interfund Transfers	\$0

Total Appropriations:	\$1,430,036
Estimated Revenues:	\$1,430,036

Seconded by Alderman Fogle and adopted. Ayes 5.

By Alderman Barnard:

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Fogle. Ayes 5.

**111622.9**

By Alderman Pasceri:

Resolved, that the following local law be and the same is hereby adopted:

City of Lockport

Local Law No. 7 of the year 2022

A local law to amend the City of Lockport "Schedule of Sewer Rents and Other Charges."

Be it enacted by the Common Council of the City of Lockport as follows:

**SEWER RATES**

The following sewer rental charges shall be effective on all residential, commercial, and industrial water consumption billed as follows:

after January 1, 2023

\$16.96 per month service charge for both domestic and industrial users plus a commodity charge of \$2.60 per 100 cu. ft. of water billed, plus a standard surcharge for industrial users for excess strength of sewage as stated in all existing Industrial sewer contracts.

INDUSTRIAL	\$16.96
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COMMERCIAL & RESIDENTIAL

\$42.40 (billed quarterly)

The standard surcharge for all industrial users for excess strength of sewage as stated in all existing industrial service contracts be as follows:

Type	Fee
Discharging wastewater, per 100 cubic feet:	
Effective 01 January 2023.....	\$1.18
Discharging excess total suspended solids in excess of 350 mg per liter per one hundred pounds per day:	
Effective 01 January 2023.....	\$3.55
Discharging excess BOD in excess of 250 mg liter per, per one hundred pounds per day:	
Effective 01 January 2023.....	\$3.17
Discharging wastewater through the use of a waste hauler per one thousand gallons:	
Effective 01 January 2023.....	\$18.63
Annual waste hauler disposal permit authorizing the use of City of Lockport wastewater treatment plant to a specific waste hauler:	
Effective 01 January 2023 .....	\$393.98
Annual amount charged for an effective City of Lockport wastewater discharge permit issued to City of Lockport industries identified as POTW significant industrial users (SIU's):	
Effective 01 January 2023.....	\$425.49
Effective January 1, 2023, laboratory analysis at City of Lockport wastewater treatment plant laboratory are as follows:	

<u>Analyte</u>	<u>Rate</u>
pH.....	\$11.29
Residual C12 .....	\$11.29
Settleable solids .....	\$11.29
Total suspended solids.....	\$33.94
Total solids .....	\$16.96
BOD 5.....	\$45.23

COD .....	\$45.23
Dissolved oxygen .....	\$22.64
Total coliform .....	\$33.94
Fecal coliform .....	\$39.61
NH3-N .....	\$39.61
TKN .....	\$39.61
Oil and grease, total .....	\$45.23
Total phosphorus.....	\$33.94
Zn, Cd, Cr, Cu, Pb each .....	\$28.26

The following Meter Fee Schedule for all Residential and Commercial meters is as follows:

**CITY OF LOCKPORT METER FEE SCHEDULE  
EFFECTIVE JANUARY 1, 2023**

<b>COM/RES</b>	<b>Meter Size</b>	<b>SW</b>	<b>MR</b>
	A 5/8"	\$42.40	
	B 3/4"	\$42.40	
	C 1"	\$42.40	
	D 1 1/2"	\$42.40	
	E 2"	\$42.40	
	F 3"	\$42.40	
	G 4"	\$42.40	
	H 6"	\$42.40	
<b>IND</b>		\$16.96	\$35.70
<b>RES</b>	<b>SW</b>	<u>2.60</u>	
<b>COM</b>	<b>SW</b>	<u>2.60</u>	

This Local Law shall take effect January 1, 2023.

Seconded by Alderman Devine A roll call vote was taken which resulted as follows:

Alderman Barnard	VOTING	YES
Alderman Beakman	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Fogle	VOTING	YES
Alderman Kantor	VOTING	N/A



Alderman Pasceri

VOTING

YES

By Alderman Fogle

Resolved, that the reading of the foregoing resolution be the same is hereby waived. Seconded by Alderman Barnard. Ayes 5.

#### **111622.10**

By Alderman Beakman:

Resolved, that the following water rates for the City of Lockport shall be effective on all residential and commercial water consumption billed after January 1, 2023 and on all industrial water billed after January 1, 2023:

### **CITY OF LOCKPORT - WATER RATES EFFECTIVE JANUARY 1, 2023**

Each and every meter located in any building shall be classified as a separate meter account.

#### **MONTHLY BILLS**

##### **Rates for all industrial users of water:**

In addition to the currently billed rate for each meter in building per month (to be \$35.70), the following:

Minimum rate - \$15.76 per each one-month period or fraction thereof:

First 50,000 cu. ft.	\$3.94 per 100 cu. ft.
Next 100,000 cu. ft.	\$3.68 per 100 cu. ft.
Over 150,000 cu. ft.	\$3.37 per 100 cu. ft.

#### **QUARTERLY BILLS**

##### **Rates for commercial users of water are:**

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2023, and, a usage commodity charge of \$3.73 per 100 cu. ft.

##### **Rates for residential users of water are:**

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2023, and, a usage commodity charge of \$3.57 per 100 cu. ft.

#### **RURAL BILLS**

Rates for all non-resident users of water - quarterly rate plus 50%

#### **BULK WATER**

\$5.78 per 1,000 gallons.

The following Meter Fee Schedule for all Residential and Commercial meters is as follows:

**CITY OF LOCKPORT METER FEE SCHEDULE  
EFFECTIVE JANUARY 1, 2023**

<b>COM/RES</b>	<b>Meter Size</b>	<b>WA</b>	<b>MR</b>
	A 5/8"	\$43.35	
	B 3/4"	\$48.45	
	C 1"	\$53.55	
	D 1 1/2"	\$58.65	
	E 2"	\$63.75	
	F 3"	\$68.85	
	G 4"	\$73.95	
	H 6"	\$79.05	
<b>IND</b>		\$15.76	\$35.70
<b>RES</b>	<b>WA</b>	3.57	
<b>COM</b>	<b>WA</b>	3.73	

Seconded by Alderman Fogle and adopted. Ayes 5.

**111622.11**

By Alderman Pasceri:

Whereas, the City of Lockport believes in the right of all of its employees to receive a living wage; and

Whereas, State of New York has enacted the Minimum Wage Act (Article 19 of the New York State Labor Law); and

Whereas, the FY 2023 effective minimum wage under such law is \$14.20 per hour, with future scheduled increases; now, therefore, be it

Resolved, the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees as of 1/1/2023, the rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

Seconded by Alderman Barnard and adopted. Ayes 5.

**111622.12**

By Alderman Barnard:

Whereas, the City of Lockport has adopted a salary schedule for the position of Confidential Assistant to the Mayor; and

Whereas, New York State Retirement System imposes a salary cap on employees returning to municipal service; and

Whereas, the City of Lockport desires to facilitate the appointment and employment of the current Confidential Assistant to the Mayor; now, therefore, be it Resolved, that the salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2023; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$35,000.00 for the year 2023.

Seconded by Alderman Beakman and adopted. Ayes 5.

#### **111622.13**

By Alderman Devine:

Whereas, the City of Lockport's Water Filtration department has requested funding to be made available for a number of minor capital improvements to existing equipment; and

Whereas, said purchases would include new digital panel meters, a transducer, a conductivity meter, a turbidimeter, a vacuum pump, a block incubator, 2 stirring plates, a top loading balance, and 2 heat blocks, each item individually under the \$3k threshold required for competitive bidding and has a grand total of \$12,281; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby authorizes the use of \$12,281 for said projects from the H204 capital project (FX Infrastructure Improvements).

Seconded by Alderman Beakman and adopted. Ayes 5.

#### **111622.13A**

By Alderman Fogle:

Whereas, the State of New York has required certain changes to the City Inspection Code and local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the City of Lockport; and

Whereas, the City is required to adopt said changes via an adoption of a local law pursuant to section 10 of the Municipal Home Rule Law; and

The Lockport City Common Council must conduct a public hearing prior to implementing the modification to the Code with regard to said changes;

NOW, THEREFORE, BE IT RESOLVED THAT:

A Public Hearing shall be held at the Common Council Meeting of Wednesday, December 7, 2022, starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the modification of the Building Code ordinances.

Seconded by Alderman Barnard and adopted. Ayes 5.

#### **111622.14**

#### **ADJOURNMENT**

At 6:50 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 7, 2022.

Seconded by Alderman Fogle and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

December 7, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**120722.1**

**APPROVAL OF MINUTES**

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

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed local law to establish the City of Lockport Code Enforcement Program.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed local law have been received.

Recess for public input.

The Mayor closed the public hearing.

#### **FROM THE MAYOR**

##### **Appointments:**

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

12/5/22 Mark J. Haenle II, 6538 Heather Drive, Lockport, NY – appointed to Tree Trimmer for the City of Lockport Highways & Parks Department effective November 29, 2022. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

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

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

Received and filed.

#### **FROM THE CITY CLERK**

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

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

11/28/22 Dani Kelkenberg, Lockport C.A.R.E.S, requests permission to conduct a walk-a-thon fundraiser, "Coldest Night of the Year" to benefit Lockport C.A.R.E.S Homeless Shelter on February 25, 2023.

12/1/22 Tracy A. Farrell, City Assessor – notification that the General City Tax rolls have been completed, corrected and filed.

12/2/22 Sarah K. Lanzo, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December for Christmas and New Year's.

Friday, December 23<sup>rd</sup>, 2022

Monday, December 26<sup>th</sup>, 2022

Monday, January 2<sup>nd</sup>, 2023

There will be no change in the garbage collection schedule.

Referred to the Media

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

## MOTIONS & RESOLUTIONS

### 120722.2

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on December 7, 2022 as follows:

General Fund	Fund A	\$149,748.16
Water Fund	Fund FX	\$53,351.06
Sewer Fund	Fund G	\$46,795.48
Capital Projects	Fund H	\$71,655.50
Refuse Fund	Fund CL	\$426.55
Self-Insurance	Fund MS	\$75,289.80
Community Dev.	Fund CD	\$98,344.24

Payroll Pay Date 12/1/22 \$590,887.16

Seconded by Alderman Fogle and adopted. Ayes 6.

### 120722.3

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Mark A. Smith	15	Water Treatment Plant Operator

Eric P. Heineman	15	Sr. Water Treatment Plant
Operator		
Nicholas D. Saunders	5	Sr. Water Treatment Plant
Operator		
Jason S. Richards	5	Water Treatment Plant Operator

Seconded by Alderman Kantor and adopted. Ayes 6.

By Alderman Barnard:

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **120722.4**

By Alderman Devine:

Whereas: The Governor of the State of New York ended her emergency powers in September 2022, thereby eliminating the ability for public bodies to conduct meetings through videoconferencing; and

Whereas: Public Officers Law §103-a permits public bodies to conduct videoconferencing of meetings under certain conditions; and

Whereas: The Lockport City Common Council desires to have videoconferencing as an option for common council meetings, in compliance with Public Officers Law §103-a; and

Whereas: The Lockport City Common Council conducted a public hearing on October 26, 2022, regarding implementing the Videoconferencing Policy.

Now, therefore, be it resolved that:

The Common Council hereby adopts the attached Videoconferencing Policy, relative to permitting the City Common Council from having videoconferencing and/or hybrid meetings, and amends that section of the Charter § C-52. Said Policy is incorporated herein and attached hereto.

#### **Lockport City Common Council Videoconferencing Policy**

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

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

1. Common Council Aldermen, and the Mayor, must be physically present at any regular or special meeting, or committee meeting, unless an Alderman or the Mayor is unable to attend due to extraordinary circumstances, including, but not limited to: disability, illness, caregiving responsibilities, or any other significant or unexpected

factor or event which precludes the Alderman's or Mayor's physical attendance at such meeting.

2. A quorum of Aldermen must be present, in person, in the same physical location or locations where the public can attend. In the event that no "in person" quorum is reached, the Aldermen appearing by videoconferencing shall not be permitted to vote at said meeting. No Alderman appearing virtually shall be considered in establishing a quorum. Once an "in person" quorum is reached, the Alderman attending by videoconference may fully participate in said meeting, and vote upon any resolutions presented.

3. Except during executive session, the Public shall be permitted to attend the meeting virtually and participate, if applicable, in the event videoconferencing is utilized.

4. The public notice for said meeting shall inform the public that videoconferencing will be utilized with the virtual link and physical location of the meeting.

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

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

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

The Lockport Common Council shall, in the minutes of each meeting, keep record of any Alderman that participated remotely, pursuant to section 106 of Public Officers Law. This policy shall be suspended, and the limitations therein shall not apply, in the event that the New York State Governor, or the President of the United States, declares a State of Emergency affecting public assembly or public meetings.

Alderman Barnard VOTING	NO
Alderman Beakman VOTING	YES
Alderman Devine VOTING	YES
Alderman Fogle VOTING	NO
Alderman Kantor VOTING	NO
Alderman Pasceri VOTING	NO

The ordinance was thereupon declared duly adopted.

Seconded by Alderman Beakman and NOT adopted.



**120722.5**

By Alderman Barnard:

Whereas, the City of Lockport was involved in protracted litigation with the Estate of Troy Hodge as a result of Mr. Hodge deceasing while in Lockport Police Department custody; and

Whereas, the Insurance Company attorneys representing the City of Lockport settled the matter for \$3,000,000 to the Estate of Troy Hodge with payments to be made in installments; and

Whereas, the Insurance Company has presented the City with a bill for the City's deductible of \$15,000; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The FY 2022 General Fund Budget is hereby amended as follows:

Expenditures:

Decrease

A.1900.54775	Contingency	\$15,000
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Increase:

A.1900.54765	Judgements and Claims	\$15,000
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And; The City is directed to pay \$15,000 to settle this claim to: NYMIR New York Municipal Insurance Reciprocal 119 Washington Avenue Albany, NY 12210.

Seconded by Alderman Fogle and adopted. Ayes 6.

**120722.6**

By Alderman Fogle:

Resolved, that pursuant to their request, permission is hereby granted to Lockport CARES, to conduct a fundraiser called "Coldest Night of the Year" which is a 2.5K walk and a 5K walk on Saturday, February 25, 2023 from 4 pm to 7 pm. The walk will begin and end at Christ Community Church, 140 Genesee Street, subject to the approval of the walk route by the Police Chief, and filing a certificate of insurance with the City Clerk prior to the walk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman Kantor and adopted. Ayes 6.

**120722.7**

By Alderman Pasceri:

Whereas, the City of Lockport has Canal Permit C50702 in place for the use/management of the Flight of Five, and

Whereas, the City entered into an agreement with the Locks Heritage District Corporation (LHDC) for the operation and maintenance of the Flight of Five, and

Whereas, the LHDC is a not-for-profit arm/entity formed by the City and it has agreed to assume the responsibilities outlined in the Permit and the Agreement, and

Whereas, the City has \$121,170.99 in excess grant funding for the rehabilitation of the Flight of Five, and

Whereas, the City expects to receive an additional \$26,532.09 in grant funding for the Flight of Five, for a total of \$147,703.08 of funding committed to the Flight of Five,

Whereas, the City desires to ensure the funds are used for their intended purpose of further rehabilitation and interpretation of the Flight of Five,

Now therefore be it;

Resolved, that the Mayor be and is hereby authorized to execute an agreement with the LHDC for further rehabilitation and interpretation of the Flight of Five project, subject to Corporation Counsel review of said grant reimbursement and

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **120722.8**

By Alderman Fogle:

Whereas, in resolution 092822.6, the Common Council approved the replacement of the Lockport Fire Department's ("LFD") 1997 Aerial Platform Truck with a 2001 Pierce Aerial Platform Truck from Brighton Fire District; and

Whereas, while said replacement is intended to provide necessary relief to decaying equipment, the LFD and Common Council have acknowledged the need to pursue a proactive replacement plan which can promote better public safety in the City; and

Whereas, the Fire Chief has identified a Sourcewell contract (number 113021-RSD from Empire Emergency Apparatus, Inc. in the amount of \$1,637,531, which will fulfill the needs of the department and is within the guidelines of the procurement policy (as a purchase from another government agency); and

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Empire Emergency Apparatus, Inc. in the amount of \$1,637,531 for the fire ladder purchase, to be charged to Capital Projects; and be it further,

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare a bond ordinance in an amount equal to the project cost plus issuance costs for the Type II action project.

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

#### **120722.9 – Bond Ordinance: Ladder Truck – WITHDRAWN**

**120722.10**

By Alderman Pasceri:

Resolved, that a public hearing be held at the Common Council meeting of December 14, 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Restore NY Communities Initiative Funding from the Empire State Development Corporation for restoration of the Historic F&M Building, 116 Main Street and Adjacent Property, 120 Main Street, Lockport; and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**120722.11**

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council meeting of December 14, 2022 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to Restore NY Communities Initiative Funding from the Empire State Development Corporation for redevelopment of the Harrison Place Complex; and be it further

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

Seconded by Alderman Barnard and adopted. Ayes 6.

**120722.11A**

By Alderman Kantor:

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

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

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

Seconded by Alderman Fogle and adopted. Ayes 6.

**120722.12****ADJOURNMENT**

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

Seconded by Alderman Fogle and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

December 14, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, & Kantor. Alderman Pasceri was absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**121422.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of December 7, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on the submission of an application for Restore NY Communities Initiative funding for the F&M building.

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

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing on the submission of an application for Restore NY Communities Initiative funding for the Harrison Place building.

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

Recess for public input.

The Mayor closed the public hearing.

### **PUBLIC HEARING**

The Mayor announced a public hearing on a proposed Local Law amending the City of Lockport Hotel Occupancy Tax Law.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing

### **Appointments:**

12/14/22 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby make the following appointments:

#### **For the term of one year beginning 1/1/23 and expiring on December 31, 2023.**

President of Common Council	Paul Beakman
Corporation Counsel	Laura Miskell Benedict
Deputy Corporation Counsel	Jason Cafarella
Deputy Corporation Counsel	Patricia McGrath
Traffic Advisory Committee	Patricia McGrath
Niagara Community Action Program	John Lombardi, III
<b><u>Police Board</u></b>	Alderman Mark Devine
<b><u>Fire Board</u></b>	Alderman Paul Beakman
<b><u>Community Cable Commission</u></b>	Alderman Mark Devine

#### **2023 Common Council Standing Committees:**

**Finance Committee** - Alderman Beakman, Chairman  
Members: Aldermen Barnard, Devine, Fogle, Kantor, Pasceri  
City Treasurer, Principal Account Clerk, Director of Finance

**Public Health & Safety Committee** - Alderman Barnard, Chairman

Members: Fire Chief, Police Chief, and Chief Building Inspector, Aldermen Beakman, Devine, Fogle, Kantor, Pasceri

**Highways & Parks Committee** - Alderman Pasceri, Chairman

Members: City Engineer, Director of Streets and Parks

**Water & Sewer Committee** - Alderman Devine, Chairman

Members: City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water, Water Distribution Supervisor

**Youth Board** - Alderman Kantor, Chairman; Members: Alderman Fogle, Personnel Director, and mayor appointed community members

**Personnel Committee** - Alderman Beakman Chairman

Members: Aldermen Barnard, Devine, Fogle, Kantor, Pasceri  
City Clerk, Personnel Director

**Washington Hunt Committee** - Mayor Roman, Chairman

Members: Alderman Kantor, Corporation Counsel Laura Miskell Benedict

**Board of Estimate & Apportionment** – Director of Finance- Chair, Members:

Treasurer, Mayor, Finance Committee Chair, Corporation Counsel, City Clerk

**License Revocation Board** - Alderman Kantor- Chairman

Members - Chief Building Inspector, Mayoral appointed residents

**Buildings & Grounds Accessibility Committee-(Ad-Hoc)** - Alderman Barnard,

Chairman Members: City Clerk, Mayoral appointed community members

**Tree Advisory Committee-(Ad-Hoc)** - Alderman Fogle, Chairman

12/13/22 Roxanne M. Devine, 114 Maple Street, Lockport – re-appointed to the Zoning Board effective November 15, 2022. Said term expires on November 15, 2025.

12/13/22 Nancy Babis, 138 Grant Street, Lockport – re-appointed to the Zoning Board effective November 15, 2022. Said term expires November 15, 2025.

12/13/22 Meghan Lutz, 207 Washington Street, Lockport – re-appointed to the Zoning Board effective November 15, 2022. Said term expires November 15, 2025.

**FROM THE CITY CLERK**

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

Referred to the Finance Committee.

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

**12/9/2022** 214 Green St. - Ambulance Service

**12/12/2022** 735 Walnut St – Ambulance Service

**12/13/2022** – 454 Willow St – Ambulance Service

**12/14/2022** – 5932 Corinne Lane, Clarence, NY – Ambulance Service

Referred to the Corporation Council

**Notice of Complaint:**

**12/8/22** 225 Lincoln Avenue - tree

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

**MOTIONS & RESOLUTIONS**

**121422.2**

By Alderman Beakman:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on December 15, 2022 as follows:

General Fund	Fund A	\$91,315.29
Water Fund	Fund FX	\$47,371.87
Sewer Fund	Fund G	\$65,000.37
Capital Projects	Fund H	\$564,550.32
Refuse Fund	Fund CL	\$101,805.91

Payroll	Pay Date 12/15	\$691,866.91
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Seconded by Alderman Barnard and adopted. Ayes 5.

**121422.3 – WITHDRAWN**

By Alderman Barnard:

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

Seconded by Alderman Devine, and adopted. 5 Ayes.

**121422.4**

By Alderman Barnard:

Whereas: The Corporation Council, together with the Chief Building Inspector, prepared a Local Law relative to Establishing the City of Lockport Code Enforcement

Program amending Section 4 (Building Permits); Section 9 (Unsafe Buildings, Structures and Equipment and Conditions of Immanent Danger) and Section 10 (Operating Permits);

Whereas: The Lockport City Common Council conducted a public hearing at the Common Council meeting of Wednesday, December 7, 2022, in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said Local Law and Amendment; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Common Council hereby adopts the attached City of Lockport Code Enforcement Program amending Sections 4, 9 and 10. Said Law is incorporated herein and attached hereto.

### **CITY OF LOCKPORT CODE**

#### **ENFORCEMENT PROGRAM**

- Section 4 ("Building Permits") imposes the requirement that a building permit be obtained before any work is performed. If a local government wishes to exempt certain categories of work from the building permit requirement, the local government should use the Alternative 1 versions of subdivisions (a), (b), and (c) of Section 4, and should include in subdivision (b) only those categories of work that the local government wishes to exempt from the building permit requirement. (Note that the Alternative 1 version of Section 4, subdivision (b), lists all of the categories of work that a local government is allowed to exempt from the building permit requirement – the local government may not exempt any category of work not listed there.) If a local government does not wish to exempt any category of work from the building permit requirement, the local government should use the Alternative 2 versions of subdivisions (a), (b), and (c) of Section 4.
- Section 9 ("Unsafe Buildings, Structures, and Equipment and Conditions of Imminent Danger") requires the local government to make reference to another local law that establishes the local government's procedures for identifying and addressing unsafe buildings, structures, and equipment and conditions of imminent danger (Alternative 1) or to draft and insert such provisions in Section 9 (Alternative 2).
- Section 10 ("Operating Permits") imposes the requirement that an operating permit be obtained for operating certain buildings and/or conducting certain activities. If a local government wishes to allow exemptions from the operating permit requirement, the local government should use the Alternative 1 version



of subdivision (c) of Section 10. If a local government does not wish to allow exemptions from the operating permit requirement, the local government should use the Alternative 2 version of subdivision (c) of Section 10.

**NOTE 3:** The local government's provisions for identifying and addressing unsafe buildings, structures, and equipment and conditions of imminent danger, whether in another local law (Section 9, Alternative 1) or in this local law (Section 9, Alternative 2), must recognize and protect the right of all persons and entities to due process of law. In particular, but not by way of limitation, provisions authorizing the local government to post, placard, or condemn any building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any building or structure should (1) require the local government to first give such notice and opportunity to be heard (and, if applicable, right to appeal) as may be required under the applicable circumstances by applicable Federal and/or New York State Constitutional Provisions; (2) provide that in cases of imminent danger, posting, placarding, and condemning a building or structure and/or removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted but only to the extent consistent with applicable Federal and New York State Constitutional provisions; and (3) provide that in any case of imminent danger where posting, placarding, and condemning a building or structure and/or removing owners and occupants or causing owners and occupants to be removed does occur without first providing an opportunity to be heard, the local government shall afford the affected persons and entities the opportunity for a post-action hearing to the extent required by applicable Federal and/or New York State Constitutional provisions. The local government should consult with its own attorney for further information and for legal advice regarding the applicable Federal and New York State Constitutional provisions and the drafting of provisions that recognize and protect due process rights.

**NOTE 4:** With respect to inspections referred to in this model local law, the local government should bear in mind that in most cases, in the absence of consent from the building owner or other authorized person, the local government must obtain a warrant or court order before performing the inspection. The local government should consult with its own attorney for further information and for legal advice regarding the need for a warrant or court order in any given situation.

**NOTE 5:** Section 14 ("Climatic and Geographic Design Criteria") requires the code enforcement official to determine the climatic and geographic design criteria for buildings and structures constructed within the jurisdiction as required by the Uniform Code. Please

see Technical Bulletin TB-1009-RCNYS entitled "Requirements for Completing Table R301.2(1) in the 2020 Residential Code of New York State" and note that some values could be a range depending upon the boundaries of the jurisdiction.

## **Local Law #8 of 2022.**

Be it enacted by the **Common Council** of the **City of Lockport**, in the County of Niagara, as follows:

### **SECTION 1. PURPOSE AND INTENT**

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this **City of Lockport**. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law.

Except as otherwise provided in the Uniform Code, the Energy Code or other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

### **SECTION 2. DEFINITIONS**

In this local law, the following terms shall have the meanings shown in this section:

"Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Certificate of Compliance" shall mean a document issued by the **City of Lockport** stating that work was done in compliance with approved construction documents and the Codes.

"Certificate of Occupancy" shall mean a document issued by the **City of Lockport** certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the **City of Lockport**, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

**[ "City" shall mean the City of Lockport.]**

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement

Officer pursuant to subdivision (a) of section 17 of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"PMCNYS" shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

"RCNYS" shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

"Repair" shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

"Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.

"Sugarhouse" shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

"Temporary Certificate of Occupancy" shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
  - (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
  - (4) to issue Stop Work Orders;
  - (5) to review and investigate complaints;
  - (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
  - (7) to maintain records;
  - (8) to collect fees as set by the **Common Council** of this **City**;
  - (9) to pursue administrative enforcement actions and proceedings;
  - (10) in consultation with this **City's** attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and
  - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) The Code Enforcement Officer shall be appointed by the Mayor of the City of Lockport. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

- (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by **the Mayor of the City of Lockport** to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors may be appointed by the Mayor to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- (e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Common Council of this City of Lockport.

#### **SECTION 4. BUILDING PERMITS.**

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the City.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
  - (1) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
  - (2) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (3) installation of partitions or movable cases less than 5'-9" in height;

**(4)** painting, wallpapering, tiling, carpeting, or other similar finish work;

**(5)** installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

**(6)** replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural,

electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firmname (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.



(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within **6 months** following the date of issuance. Building Permits shall expire **12 months** after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

## **SECTION 5. CONSTRUCTION INSPECTIONS.**

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit;
  - (2) footing and foundation;
  - (3) preparation for concrete slab;
  - (4) framing;
  - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar servicesystems of the building;
  - (6) fire resistant construction;
  - (7) fire resistant penetrations;
  - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
  - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energyrecovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
  - (10) installation, connection, and assembly of factor manufactured buildings andmanufactured homes; and
  - (11) a final inspection after all work authorized by the Building Permit has beencompleted.
- (c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same leveland quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the

applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

- (d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

## **SECTION 6. STOP WORK ORDERS.**

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
  - (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
  - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
  - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated

and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.
- (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## **SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE**

- (a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;

- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code

Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

### **SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The Chief of the Fire Department providing firefighting services for a property within this **City** shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

### **SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER**

Unsafe buildings, structures, and equipment and conditions of imminent danger in this City shall be identified and addressed in accordance with the procedures established by City Code Chapter 72, as now in effect or as hereafter amended from time to time.

### **SECTION 10. OPERATING PERMITS.**

- (a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
  - (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
  - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
    - (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
    - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

- (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
- (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
- (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
- (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
- (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
- (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
- (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
- (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
- (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;



(xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by this Local Law, as now in effect or as hereafter amended from time to time.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

(4) buildings containing one or more assembly areas;

(5) outdoor events where the planned attendance exceeds 1,000 persons;

(6) facilities that store, handle or use hazardous production materials;

(7) parking garages as defined in subdivision (a) of section 13 of this local law;

(8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) This subdivision is intentionally omitted.

- (d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the City sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- (e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.
- (f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:
- (1) not to exceed 180 days for tents, special event structures, and other membrane structures;
  - (2) not to exceed 60 days for alternative activities at a sugarhouse;
  - (3) not to exceed one (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- (g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- (h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

#### **SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
  - (1) at least once every twelve (12) months for buildings which contain an assembly area;
  - (2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
  - (3) at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.
- (b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- (c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and

property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

**(d)** OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1)** the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2)** the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3)** such inspections are performed no less frequently than once a year;
- (4)** a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5)** upon receipt of each such report, the Code Enforcement Officer takes the

appropriate action prescribed by section 17 (Violations) of this local law.

- (e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## **SECTION 12. COMPLAINTS**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

## **SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.**

(a) Definitions. For the purposes of this section:

- (1) the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

- (2) the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
  - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
  - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
  - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term "professional engineer" means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term "responsible professional engineer" means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term "unsafe condition" includes the conditions identified as "unsafe" in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term "unsafe structure" means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment

shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the City, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to March 1, 2023.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional

condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

- (2) If the City becomes aware of any new or increased deterioration which, in the judgment of the City, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the City to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the **City** within fourteen days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;



- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
  - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
  - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) Review Condition Assessment Reports. The City shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the City shall, by Order to Remedy or such other means of enforcement as the City may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the City to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

- (h) The City shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the City with a written statement attesting to the fact that he or she has been so engaged, the City shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The City shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This section shall not limit or impair the right or the obligation of the City:
- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
  - (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
  - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the City by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

## **SECTION 14. PARKING LOTS.**

### **A. Applications and plans.**

**(1)** All applications for a building permit shall show the required off-street parking pursuant to the area requirements of the Zoning Ordinance of the City of Lockport. If off-street parking is not required, a statement to that effect shall be endorsed on said application by the Code Enforcement Officer.

**(2)** Parking areas and parking lots not included in an application for a building permit require an application to be filed accompanied by plans for a permit to construct same and shall show the layout and location of off-street parking and loading areas, layout of the individual parking spaces, type and thickness of pavement, landscaping, drainage, details, fences, barricades, drives, aprons, sidewalks, signs and public lighting.

### **B. Restrictions.**

**(1)** No part of any street right-of-way shall be included in a parking lot.

**(2)** Individual parking spaces shall be marked on the pavement when the lot is complete.

**(3)** Parking lots at all times shall be clean and orderly and free of rubbish and weeds and shall not be used for the storage of vehicles and materials of any description.

**C. Applicability.** The provisions of this section will not apply to single-family dwellings in the R-1- and R-2-zoned Districts unless there exists an accessory use which requires more than a normal residential parking area.

**D. Paving.** Every parking lot shall be paved with the type material and thickness sufficient to support the loads to be imposed and with a surface not subject to excessive dusting.

**E. Drainage.**

**(1)** All parking lots shall be so graded that stormwater will flow away from any building and will not drain upon abutting properties, sidewalks and pavements.

**(2)** Drainage for all parking lots shall be designed in accordance with standards and recommendations in the Storm Drainage Manual, published by the Erie and Niagara Counties Regional Planning Board, using the rational method and a minimum recurrent storm of 10 years, and shall lead to an approved public outfall.

**(3)** All drainage pipes and appurtenances shall be installed by a licensed master plumber and only after receiving a permit from the Senior Plumbing Inspector and paying the prescribed fee.

**F. Barricades.**

**(1)** Every parking space that abuts a property line shall be provided with a barricade to prevent the encroachment of vehicles over the property line.

**(2)** The following barricades are approved for use in parking lots in the City of Lockport:

**(a)** The following, provided that they are located four feet from any property line and installed in accordance with Drawing No. 1:[<sup>1</sup>]

**[1]** City of Lockport standard concrete curb.

**[2]** Reinforced concrete bumper.

**[3]** Reinforced timber bumper.

[1]*Editor's Note: Drawing No. 1 is on file in the office of the Building Inspector.*

**(b)** The following, provided that they are located two feet from any property line and installed in accordance with Drawing No. 1:[<sup>2</sup>]

**[1]** Guardrail bumper.

**[2]** Welded four-inch-pipe bumper.

**[3]** Pole and timber bumper.

[2]*Editor's Note: Drawing No. 1 is on file in the office of the Building Inspector.*

**(3)** The color of all barricades shall be such that they contrast with the pavement and are readily discernible at all times of the day or night.

**(4)** Barricades other than the typical barricades listed above may be installed upon approval of the Code Enforcement Officer. A buffer zone, shrubs, fencing, etc., shall be installed and maintained for privacy of adjoining properties.

#### **G. Aprons.**

**(1)** All aprons installed on driveways connecting to a City street shall conform to the City of Lockport Engineering Department Specifications available at the Engineering Department of the City of Lockport.

**(2)** All apron widths connecting to a City street or a state arterial shall be installed in accordance with approved plans and City and state laws, rules and regulations.

### **SECTION 15. SIDEWALKS.**

#### **A. General requirements.**

**(1)** Sidewalks will be required along the entire street frontage of a lot or parcel that abuts a major collector or local street when the lot or parcel is developed and along the entire frontage of such other lots or parcels as the Planning Board or Common Council shall direct. Walks along City streets shall be located in accordance with Figure 1.<sup>[1]</sup> If the street is a state highway, the walks shall be located in accordance with the work permit issued therefor.

[1] *Editor's Note: Figure 1 is on file in the office of the Building Inspector.*

**(2)** The Planning Board, as a part of the site plan approval, or the Common Council may waive the requirement for a street walk on a given parcel or development.

**(3)** Sidewalks need not be installed on new collector and local streets unless required by the Planning Board as part of an approved site plan or by the Common Council, in which event they shall be located in accordance with Figure 1.<sup>[2]</sup>

[2] *Editor's Note: Figure 1 is on file in the office of the Building Inspector.*

**(4)** Sidewalks shall be installed at the time of development along the entire street frontage of any lot or parcel abutting a collector or local street existing on the effective date of this chapter, unless waived by resolution of the Planning Board as a part of the approved site plan or by the Common Council.

**(5)** "Site plan," as used in this chapter, shall mean the document and/or procedure as defined in the Zoning Ordinance.<sup>[3]</sup> The determination of whether a particular street is a major collector, arterial or local street shall be made by the Planning Board either as part of the site plan review or as a separate determination. (See Subdivision Regulations.<sup>[4]</sup>)

[3] *Editor's Note: See Ch. 190, Zoning.*

[4] *Editor's Note: See Ch. 162, Subdivision of Land.*

## **B. Construction standards.**

**(1)** Sidewalks shall be a minimum of four feet wide and a maximum of five feet wide in all residential areas. In all other areas, the sidewalk width shall be determined by the Planning Board.

**(2) Elevation and grading.**

**(a)** The elevation of the sidewalk shall be the curb elevation, plus 1/4 inch to one foot for the distance measured from the curbline to the outer line of the sidewalk. Where no curb exists, the elevation of the crown of the street shall be used in place of the curb elevation. Drives shall be so graded that the portion occupying the space reserved for sidewalks shall meet the requirements for sidewalks.

**(b)** Where no grades have been established or where local conditions warrant a deviation from the foregoing, the Engineering Department shall establish lines and elevations.

**(3)** Within the street right-of-way where any sidewalks(s) and/or drives exist in the same block, additional sidewalk(s) and/or drives shall conform to those existing in such blocks or to the ruling of the Code Enforcement Officer.

**C. Maintenance of sidewalks and snow removal.**

**(1)** The owner or occupant of any premises fronting or abutting on any street shall repair, keep and maintain the sidewalk of such premises free and clear of snow, ice, dirt and other obstructions. Any such owner or occupant shall be liable for any injury or damage by reason of omission, failure or negligence to repair, keep and maintain such sidewalk or to remove snow, ice or other obstructions therefrom.

**(2)** No person shall plow, shovel, sweep or pile snow, ice or other materials in or beyond the right-of-way of any street or public thoroughfare, or cause such to be done, so as to interfere with the safety and convenience of public travel.

**SECTION 16. ELECTRICAL STANDARDS.**

**A. Licensing.**

**(1)** License; when required. No person shall conduct electrical inspections pursuant to applicable codes unless the person undertaking such inspections has obtained a license to inspect from the Chief Building Inspector.

**(2)** Application for license.

**(a)** Applications for licenses shall be made at the Building Inspection Office. Such applications shall be made on forms prescribed by the Chief Building Inspector and shall contain such information as he or she may require.

**(b)** Persons seeking a license must submit documentation and certify that they meet the standards for an electrical inspection agency established by the Chief Building Inspector. The standards shall be filed in the office of the Commissioner and the City Clerk.

**(3)** Issuance of license. The Chief Building Inspector shall issue a license if, in his or her judgment, the applicant meets the standards for an electrical inspector and is competent to conduct electrical inspections. The City shall maintain a minimum of one and a maximum of three licensed inspectors.

**(4)** Licensee. No person licensed under this chapter shall be deemed as an employee, officer or independent contractor of the City of Lockport.

**(5)** Revocation and expiration.

**(a)** The Chief Building Inspector, at any time subsequent to the issuance of a license, if he or she has reason to believe that the licensee no longer meets the standards for an electrical inspector or is no longer competent to conduct electrical inspections, shall, after a hearing before the City's Corporation Counsel, have the power to suspend or revoke the license.

**(b)** All licenses, unless sooner revoked, shall expire on the last day of December after the date of issuance, and application for a new license shall be made in the same manner as for the original license by the last day of November.

## **B. Inspections.**

**(1)** Conformance with standards. All electrical installations, alterations and repairs of wiring for electrical, light, heat and power shall be made in conformity with the requirements of the edition of the National Electrical Code, published by the National Fire Protection Association, designated by order or regulation of the Code Enforcement Officer.

**(2)** Inspections.

**(a)** Inspections shall only be conducted by individuals licensed by the Chief Building Inspector.

**(b)** The inspector shall make inspections and reinspections of electrical installations within the City of Lockport upon the written request of the Building Inspections Department pursuant to this chapter.

**(c)** In the event of any emergency, the inspector shall make electrical inspections upon the oral request of an official or officer of the City of Lockport.

**(3)** Applicability. The provisions of this chapter shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings exclusively for that purpose.

**(4)** Reporting. The inspector shall issue a written report to the Chief Building Inspector within 72 hours after conducting an inspection. The Chief Building Inspector shall enforce all the provisions of this chapter, the electrical provisions of the National Electric Code, all local laws and ordinances, and the Building Code, insofar as any of the same apply to electrical wiring.

**(5)** Certificate of compliance. The inspector shall issue a certificate of compliance when the electrical installations and equipment are completed and are in conformity with this chapter. The inspector shall cause a copy of the certificate of compliance to be filed with the Chief Building Inspector in the City of Lockport within 72 hours from the completion of the inspection. The certificate of compliance shall be in writing, on the licensee's letterhead, and shall contain the address of the premises and a description of the work approved.

**(6)** Additional provisions. This § **66-19**, entitled "Electrical Standards," is a supplement to the Electrical Ordinance of the City of Lockport that was approved by Common Council and effective September 30, 1964, along with any additional amendments. For further information regarding electrical inspections, permits and other pertinent information, refer to Chapter **89**, Electrical Standards.

**(7)** Penalties for offenses. Any person found to be in violation of the provisions under this chapter by the Chief Building Inspector shall be subject to penalties as



determined by the Chief Building Inspector. Penalties shall include written warnings, license suspension or license revocation. The inspector shall have the right to request a hearing in the event that its license is suspended or revoked. Said hearing shall be conducted before the City Corporation Counsel.

## **SECTION 17: CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this City as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
  - (i) the accompanying Flood Insurance Rate Map (FIRM);
  - (ii) Flood Boundary and Floodway Map (FBFM); and
  - (iii) related supporting data along with any revisions thereto.
- (b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

## **SECTION 18. DEFINITIONS; BUILDING PERMIT FEES.**

**A.** Definitions. For purposes of this section, the following definitions apply:

## **FLOOR AREA**

The habitable floor, using exterior building dimensions, plus the floor area of any accessory structure, such as a garage, shed, tennis court, etc.

**B. Building permit fees.** The following fees shall be payable to the Department of Building Inspection before the issuance of a building permit, certificate of occupancy or home occupation:

- (1)** One- and two-family dwellings and additions.
  - (a)** Six hundred fifty square feet or less: \$250.
  - (b)** Each additional square foot: \$0.15.
- (2)** Multiple dwellings.
  - (a)** Multiple dwelling, including three or more dwelling units, townhouses, apartment buildings and additions.
    - [1]** First five units: \$0.15 per square foot.
    - [2]** Next 10 units: \$50 each.
    - [3]** Additional units: \$25 each.
- (3)** Detached residential storage buildings, porches, decks and miscellaneous structures/buildings.
  - (a)** One hundred forty-four square feet or less: \$40.
  - (b)** One hundred forty-four square feet to 360 square feet: \$75.
  - (c)** Each additional square foot: \$0.10.
- (4)** Residential alterations and repairs.
  - (a)** Up to \$1,000 of cost: \$35.
  - (b)** For each \$1,000 over \$1,000 of cost: \$2.
- (5)** Swimming pools: \$50.
- (6)** Solid-fuel-burning devices and/or chimneys: \$50.
- (7)** Residential driveways.
  - (a)** Not included with building permit: \$30.
  - (b)** Resurface driveway: \$30.
- (8)** Nonresidential buildings, including buildings and structures accessory thereto and additions.
  - (a)** Zero to 1,000 square feet of floor space: \$350.
  - (b)** each additional square foot of floor space: \$0.25 per square foot.
- (9)** Nonresidential alterations and repairs.
  - (a)** Up to \$1,000: \$100.
  - (b)** For each \$1,000 over \$1,000: \$2.
- (10)** Demolition of buildings.
  - (a)** Residential.

- [1]** Up to 1,000 square feet: \$50.
  - [2]** Over 1,000 to 2,000 square feet: \$75.
  - [3]** Over 2,000 square feet: \$100.
  - [4]** Detached accessory structure: \$25.
- (b)** Nonresidential.
  - [1]** From zero to 5,000 cubic feet: \$75.
  - [2]** Five thousand one to 10,000 cubic feet: \$100.
  - [3]** Ten thousand one to 20,000 cubic feet: \$125.
  - [4]** Twenty thousand one to 50,000 cubic feet: \$150.
  - [5]** Fifty thousand one to 100,000 cubic feet: \$175.
  - [6]** One hundred thousand one to 200,000 cubic feet: \$225.
  - [7]** Two hundred thousand one to 500,000 cubic feet: \$300.
  - [8]** Over 500,000 cubic feet: \$1,000.
- (11)** Fences: \$20.
- (12)** Signs.
  - (a)** Permanent sign (12 square feet or under), per face: \$25.
  - (b)** Permanent sign (13 square feet and up), per face: \$50.
  - (c)** Alteration to or relocation of existing signs: \$30.
  - (d)** Temporary signs:
    - [1]** Thirty-day permit: \$50.
  - (e)** A-frame sign: \$50.
- (13)** Plumbing fixtures.
  - (a)** One to five: \$60.
  - (b)** Six to ten: \$85.
  - (c)** Eleven to fifteen: \$135.
  - (d)** Sixteen to twenty: \$225.
  - (e)** each additional fixture: \$10.
- (14)** Sewer laterals.
  - (a)** First 100 feet: \$50.
  - (b)** For each additional 50 feet: \$10.
- (15)** Water laterals.
  - (a)** First 100 feet: \$50.
  - (b)** For each additional 50 feet: \$10.
- (16)** Hot water tanks and furnaces: \$30.
- (17)** Tanks.
  - (a)** Aboveground: \$0.05 per gallon.
  - (b)** Underground: \$0.05 per gallon.
  - (c)** Removal of residential tanks: \$50
  - (d)** Removal of commercial tanks: \$100

- (18)** Home occupation application fee: \$100.
  - (a)** Annual fee: \$50.
- (19)** Temporary building or trailers: \$100.
- (20)** Certificates of compliance.
  - (a)** Single family: \$100.
  - (b)** Two-family: \$125.
  - (c)** Multiple-family, each dwelling unit or sleeping room: \$25, with a minimum fee of \$150.
  - (d)** Commercial, per tenant: \$75, with a minimum fee of \$250.
  - (e)** Industrial, per tenant: \$125, with a minimum fee of \$500.
  - (f)** Copy of any certificate: \$25.
- (21)** Recreation fees.
  - (a)** Single-family dwelling or building lot: \$50.
  - (b)** Two-family dwelling: \$75.
  - (c)** Multiple-family (per unit): \$35.
  - (d)** Multiple-family development (per acre or portion thereof): \$150.
- (22)** Parking lot: \$200.
  - (a)** Resurface parking lot: \$100.
  - (b)** Less than 25% of total area (i.e., patch): \$50.
- (23)** Operating permits:
  - (a)** Tents: \$25
  - (b)** Food Trucks: \$25 annually (January 1 through December 31)
  - (c)** All others: \$50
- (24)** Marking property lines and curb box location: \$20.

## **SECTION 20. EXCAVATIONS ; DRAINAGE ; CHIMNEYS.**

- A. Natural ponds, excavations, quarries and gravel pits. Owners of property upon which ponds, excavations, quarries and gravel pits excavated or formed by natural causes exist shall be responsible for the posting of "no trespassing" signs.
- B. Yard drainage.
  - (1)** Yards and areas must always be properly drained and connected to a storm sewer or other approved outfall. Where storm- or roof water connects to four-inch drain tile under curb or open gutter, there must be a four-inch T just inside of curb or gutter and a four-inch cast-iron pipe brought three inches above grade capped with a mushroom vent cap for overflow.
  - (2)** The rear yard of all lots upon which a structure is to be constructed shall be drained either:

- (a) By grading of the lot with a one-percent grade pitching from the rear lot line toward the front property line, using the curb level or the crown of the road as the base level; or
- (b) With an approved swale system that will direct all water to an approved outfall without spilling any on adjacent property and only after filing of an appropriate deed restriction to prevent the altering of the swales; or
- (c) By a stormwater drainage system designed to drain a minimum ten-year recurrent storm at such a rate that water will not enter the lowest architectural opening of a building on the lot. This system must have appropriate provisions for cleaning and maintenance.

C. Chimneys, gasvents and smokepipes. If a fire or related heating problem should occur, as referenced in the New York State Uniform Fire Prevention and Building Code Section 1163.9e, in any chimney, smokestack flue, gasvent, smoke-pipe or connector, then that item shall be inspected for safety of operation, unhealthful emission of smoke, structural and fire safety by the Code Enforcement Official or his designated representative before any further use. Any cost connected to this inspection shall be the responsibility of the property owner. If any equipment is found unsafe, the device shall be withdrawn from service until the necessary repairs have been made and the device reinspected.

## **SECTION 20. BUILDING CONTRACTORS.**

### **A. License required; definitions.**

- (1) It shall be unlawful to engage in business in the City of Lockport as a building contractor without first having obtained a license therefor as hereinafter provided
- (2) As used in this section, the following terms shall have the meanings indicated:

### **BUILDING CONTRACTOR**

Includes anyone engaged in the business of cement or concrete contracting, either flat form or wall work, or as a masonry contractor or as a carpenter contractor or as a general building contractor and any person engaged in the construction, alteration or repair of buildings or other structures or sidewalks or street pavements or demolition of buildings or any other similar activity requiring a permit from the City of Lockport.

### **LICENSE REVOCATION BOARD**

A Board that will meet periodically at the request of the Chief Building Inspector when he feels the need to remove or suspend a license from a person or corporation doing business within the City of Lockport. This Board shall consist of the Chief Building Inspector, one Council member, two contractors and one citizen, all appointed by the Mayor for two-year terms.

**B. License.** Any person desiring to engage in the contracting business shall make application for a license to the Building Inspector on a form prescribed by him. The application shall be signed and verified under oath by the applicant if an individual and by a duly authorized agent if a partnership or by a duly authorized officer of a corporation. The application shall contain the following information:

- (1) If a person, the name, residence and business address of the applicant.
- (2) If a partnership, the name, residence and business address of each partner.
- (3) If a domestic corporation, the name and business address of the corporation, the name and residence address of the principal officer of the corporation; if a foreign corporation, the date it was authorized to do business in the State of New York, together with the names of the particular officers and local agents and their residence and business addresses.
- (4) The number of years the applicant has engaged in the contracting business.
- (5) The specific type of business or work performed by the applicant.
- (6) The approximate number of persons to be employed by the applicant.
- (7) Satisfactory evidence that employees of the applicant are covered by workmen's compensation and disability insurance.
- (8) Satisfactory evidence that the applicant is covered by general liability, personal injury and property damage insurance.
- (9) Such other information as the Building Inspector may require.

**C. Issuance of license; fees.** The Building Inspector, upon satisfactory proof of the above requirements, shall issue a license. Any application so approved shall be issued by the Building Inspector upon payment to him of the fee required by this section.

**D. Duration; posting; renewal; duplicates; transferability; fees.**

- (1) All licenses shall expire each year on the 31st day of December.
- (2) Each license issued shall be posted in a conspicuous place on the contracting establishment.
- (3) Any license which has not been suspended or revoked may, upon the payment of a fee prescribed by this section, be renewed for an additional period of one year from its expiration upon the filing of an application for renewal on a form to be prescribed by the Building Inspector.

**(4)** A duplicate license may be issued for a lost, destroyed or mutilated license upon application therefor to the Building Inspector upon payment of the fee prescribed therefor by this section.

**(5)** No license shall be assignable or transferable.

**(6)** The fee for a license or for a renewal thereof to conduct a contracting business shall be \$200.

**E.** Compliance with regulations. It shall be the duty of all building contractors to comply with all ordinances relating to the construction of buildings or other structures, to the construction of streets or sidewalk pavement and all laws or ordinances pertaining to or regulating the activities engaged in.

**F.** Revocation of license. Any building contractor's license may be revoked by the License Board for repeated violations of any ordinance relating to the construction of buildings, building permits, the use of streets or the replacing of streets, sidewalks or parkways or any other ordinance relating to the work performed by such contractor. The Building Inspector shall also revoke any license upon the building contractor's failure to keep insurance coverage in force. Such revocation may be in addition to any fine imposed for violating this section.

**G.** Insurance. No permit shall be issued for the construction of a building or structure in the City or for the repair or alteration of the interior or exterior of any building or structure unless a certificate or other proof is filed showing that the contractor carried workmen's compensation insurance and public liability insurance with limits of at least \$100,000 for each person. \$300,000 for each accident or bodily injury liability and \$10,000 on property damage liability.

**H.** Penalties for offenses. Any person, firm or corporation violating any provision of this section shall be guilty of a violation and subject to a fine not to exceed \$250 or imprisonment for a period not exceeding 15 days, or both.

## **SECTION 21. RECORD KEEPING.**

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

## **SECTION 22. PROGRAM REVIEW AND REPORTING**

(a) The Code Enforcement Officer shall annually submit to the Common Council of this City a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this City, on a form prescribed by the Secretary of State, a report of the activities of this City relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and

complete copies of the records and related materials this City is required to maintain;



true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

## **SECTION 23: VIOLATIONS**

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

"The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [*specify date*], which is thirty (30) days after the date of this Order to Remedy."

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned

in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250.00 per day of violation, or imprisonment not exceeding fifteen (15) days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250.00 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this City.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this City, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this City, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Common Council of this City.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

#### **SECTION 24: FEES**

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

#### **SECTION 25. INTERMUNICIPAL AGREEMENTS**

The Common Council of this City may, by resolution, authorize the Mayor of this City to enter into an agreement, in the name of this City, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

#### **SECTION 26. PARTIAL INVALIDITY**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

## **SECTION 27. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Seconded by Alderman Devine. A roll call vote was taken which resulted as follows

Alderman Barnard VOTING	YES
Alderman Beakman VOTING	YES
Alderman Devine VOTING	YES
Alderman Fogle VOTING	YES
Alderman Kantor VOTING	YES

The Local Law was thereupon declared duly adopted.

By Alderman Barnard:

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

Seconded by Alderman Devine, and adopted. 5 Ayes.

## **121422.5**

By Alderman Kantor:

City of Lockport  
Local Law No. 9 of the year 2022

## **A local law amending the City of Lockport Hotel Occupancy Tax Law**

Be it enacted by the Common Council of the City of Lockport as follows:

### **SECTION 1 TITLE**

This local law shall be known as the City of Lockport Hotel Occupancy Tax Law.

### **SECTION 2 DEFINITIONS**

When used in this enactment the following terms shall mean:

**“Hotel or Motel”** A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" or "motel" includes an apartment hotel, a motel, boarding house or club, bed and breakfast, inns, and tourist homes, whether or not meals are served.

**“Occupancy”** The use or possession, or the right to the use or possession, of any room in a hotel.

**“Occupant”** A person who, for consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

**“Operator”** Any person operating a hotel.

**“Permanent resident”** Any occupant of any room or rooms in a hotel for at least ninety consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

**“Rent”** The consideration received for occupancy valued in money, whether received in money or otherwise.

**“Room”** Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

### **SECTION 3 IMPOSITION OF SALES TAX**

On and after December 1, 2022, for a period of three years from the date of the enactment of this Local Law, there is hereby imposed and there shall be paid a tax of 5 percent upon the rent for every occupancy of a room or rooms in a hotel in this state, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of two dollars per day.

The tax imposed herein shall be paid upon any occupancy on and after December 1, 2022, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed herein to the extent that it covers any period on and after December 1, 2022 and such rent shall be apportioned on the basis of the ratio of the number of days falling within said period to the total number of days covered thereby.

### **SECTION 4 EXEMPT ORGANIZATIONS**

Except as otherwise provided in this section, any occupancy by any of the following shall not be subject to the tax imposed under this enactment:

- (1) The State of New York, or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement of compact with another state or Canada) or political subdivisions where it is the purchaser, user or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons;

- (2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private person;
- (3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;
- (4) Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, (except as otherwise provided in subsection (h) of section five hundred one of the United States internal revenue code of nineteen hundred fifty-four, as amended), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;
- (5) A post or organization of past or present members of the armed forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization:
  - (a) organized in this state,
  - (b) at least seventy-five percent of the members of which are past or present members of the armed forces of the United States and substantially all of the other members of which are individuals who are cadets or are spouses, widows, or widowers of past or present members of the armed forces of the United States or of cadets, and
  - (c) no part of the net earnings of which inures to the benefit of any private shareholders or individual.
- (6) The following Indian nations or tribes residing in New York State: Cayuga, Oneida, Onondaga, Poospatuck, Saint Regis Mohawk, Seneca, Shinnecock, Tonawanda and Tuscarora, where it is the purchaser, user or consumer.
- (7) A not-for-profit corporation operating as a health maintenance organization subject to the provisions of article forty-four of the public health law.

- (8) Cooperative and foreign corporations doing business in this state pursuant to the rural electric cooperative law.

## **SECTION 5 TERRITORIAL LIMITATIONS**

Any tax imposed under the authority of this enactment shall apply only within the territorial limits of the City of Lockport except that any establishment located partially within the City of Lockport and partially within a town or towns and receiving any services or utilities provided by the City of Lockport shall be deemed to be wholly within the City of Lockport for the purposes of the taxes imposed herein.

## **SECTION 6 REGISTRATION**

Within ten days after the effective date of this local law or amendment, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the City Clerk a certificate of registration in a form prescribed by the City Clerk. The City Clerk shall, within five days after such registration, issue, without charge to each operator, a certificate of authority empowering such operator to collect the tax from occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the City Clerk upon the cessation of business at the hotel named or upon its sale or transfer.

## **SECTION 7 ADMINISTRATION AND COLLECTION**

- (1) The tax imposed by this local law shall be administered and collected by the City Treasurer.
- (2) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant.
- (3) The City Treasurer may, wherever he deems it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file

returns and pay directly to the City Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

- (4) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the City Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the City Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

## **SECTION 8 RECORDS TO BE KEPT**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the City Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the City Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the City Treasurer may consent to their destruction within that period or may require that they be kept longer.

## **SECTION 9 RETURNS**

- (1) Every operator shall file with the City Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first of each year. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The City Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the City Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.
- (2) The forms of returns shall be prescribed by the City Treasurer and shall contain such information as he may deem necessary for the proper administration of this local law. The City Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.



- (3) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face, the City Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

## **SECTION 10**

### **PAYMENT OF TAX**

At the time of filing a return of occupancy and of rents each operator shall pay to the City Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this local law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the City Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the City Treasurer in his discretion deems it necessary to protect revenues to be obtained under this local law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to the solvency and responsibility, in such amount as the City Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the City Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the City Treasurer at which the necessity, propriety and amount of the bond shall be determined by the City Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the City Treasurer or case in such amount as he may prescribe may be deposited which shall be kept in the custody of the City Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

## **SECTION 11**

### **DETERMINATION OF TAX**

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the City Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale or rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed within thirty days after giving of notice of such determination, shall apply to the City Treasurer for a hearing, or unless the City Treasurer of his own motion shall redetermine the same. After such hearing, the City Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the City shall be reviewable for error, illegality or

unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided however, that such proceeding is instituted in the Supreme Court within thirty days after the giving of the notice of such determination. A proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

## **SECTION 12**

### **REFUNDS**

- (1) In the manner provided in this section the City Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the City Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the City Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application when made by an operator who has collected and paid over such tax to the City Treasurer, provided that the application is made within one year of the payment by the occupant to the operator, shall be acted upon and refunded any moneys due, only after such operator shall first establish to the satisfaction of the City Treasurer, under such regulations as the City Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the application for refund is made. The City Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.
- (2) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the City Treasurer, and such City Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that final determination of tax due was not previously made, and that an undertaking be filed with the City Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner

will pay all costs and charges which may accrue in the prosecution of such proceeding.

- (3) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section thirteen of this local law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the City Treasurer made pursuant to section thirteen of this local law unless it be found that such determination was erroneous or unconstitutional or otherwise improper by the City Treasurer after a hearing or of his own motion or in a proceeding under article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event or refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

### **SECTION 13 DISPOSITON OF REVENUES**

All revenues from the imposition of the tax under this local law shall be paid into the treasury of the City of Lockport and shall be credited to and deposited in the General Fund Account of the City of Lockport. Four percent (4%) of said revenue shall be retained by the City of Lockport for administration and collection costs. The disposition of the remaining "net" revenues shall be as follows: Twenty-five percent (25%) of the net revenue from the tax shall be used for the promotion of community and economic development in the City of Lockport; Seventy-five percent (75%) of the net revenue shall be allocated and paid to a not-for-profit Corporation under contract with the County for the promotion of tourism in the County. The terms "economic development" and "tourism" may be defined by resolution of the Lockport City Council. Upon approval of the Governor, the additional 1% of such revenue of this tax shall be dedicated to the operation of the Discover Niagara Shuttle.

### **SECTION 14 RESERVES**

In cases where the occupancy or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the City Treasurer shall set up appropriate reserves to meet any decision adverse to the City.

### **SECTION 15 REMEDIES EXCLUSIVE**

The remedies provided in this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes

suit within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the City Treasurer prior to the institution of such suit and posts a bond for costs as provided in this local law.

## **SECTION 16**

### **PROCEEDING TO RECOVER TAX**

- (1) Whenever any operator or any officer of a corporate operator or any occupancy or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as therein provided, the Corporation Counsel shall, upon the request of the City Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of the City of Lockport in any court of the State of New York or of any other state or of United States. If, however, the City Treasurer in his discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- (2) As an additional or alternate remedy, the City Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or of the occupant or other person liable for the tax, which may be found within the City for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the City Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall within five days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon any interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the City Treasurer a warrant of like terms, force and effect may be issued and directed to any officer or employee of the City Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the City Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the City has recovered judgment therefore and execution thereon has been returned unsatisfied.

- (3) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or his lease, license or other agreement or right to possess or operate such hotel, apartment hotel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, of the said premises or lease, license or other agreement or right to possess or operate such hotel, apartment hotel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of such hotel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the City Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the City Treasurer as required by the preceding paragraph or whenever the City Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the City's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the Uniform Commercial Code, shall be personally liable for the payment to the City of any such taxes theretofore or thereafter determined to be due to the City from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

#### **SECTION 17**

#### **GENERAL POWERS OF THE CITY TREASURER**

In addition to the powers granted to the City Treasurer in this local law, he is hereby authorized and empowered:

- (1) To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- (2) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percentum per annum; and to compromise disputed claims in connection with the taxes hereby imposed;

- (3) To request information from the tax commission of the State of New York or the Treasury Department of the United States relative to any person, any other provision of this local law to the contrary notwithstanding;
- (4) To delegate his functions hereunder to a Deputy City Treasurer or any employee or employees of the office of City Treasurer;
- (5) To prescribe methods for determining rents for occupancy and to determine the taxable and non-taxable rents;
- (6) To require any operator within the City to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the City Treasurer.
- (7) To assess, determine, revise and readjust the taxes imposed under this local law.

## **SECTION 18**

### **ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY**

- (1) The City Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The City Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.
- (2) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called from by the subpoena of the City Treasurer under this local law.
- (3) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the City Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of no more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.
- (4) The officers who serve the summons or subpoena of the City Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as

herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the City Treasurer, designated to serve such process.

## **SECTION 19 PENALTIES AND INTEREST**

- (1) Any person failing to file a return or to pay or pay over any tax to the City Treasurer within the time required by this local law shall be subject to a penalty of five percentum of the amount of tax due plus interest at the rate of one percentum of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.
- (2) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to this local law, or failing to file a registration certificate and such data in connection therewith as the City Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator failing to keep the records required by section nine of this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties herein above imposed.
- (3) The certificate of the City Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

## **SECTION 20 RETURNS TO BE SECRET**

Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the City Treasurer or any officer or employee of the office of City Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the City Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Corporation Counsel or other legal representatives of the City or by the District Attorney of Niagara County, of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the City Treasurer permits them to be destroyed.

## **SECTION 21**

### **NOTICES AND LIMITATIONS OF TIME**

- (1) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of filing of such notice.
- (2) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the City to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.
- (3) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be



extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

## **SECTION 22 CONSTRUCTION AND ENFORCEMENT**

This enactment shall be construed and enforced in conformity with articles twenty-eight and twenty-nine of the tax law of the State of New York pursuant to which the same is enacted.

## **SECTION 23 SEPARABILITY**

If any provision of this enactment or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this enactment but shall be confined in its operation to the provisions thereof directly involved in the controversy in which such judgment shall have been rendered and the application of such provision to other persons or circumstances shall not be affected thereby.

## **SECTION 24 EFFECTIVE DATE**

This enactment shall take effect on the first day of December, two thousand twenty-two, and continue for a period of three years from the date of said enactment, except that certificates of registration may be filed and certificates of authority to collect tax may be issued prior to said date.

Seconded by Alderman Beakman. A roll call vote was taken which resulted as follows

Alderman Barnard VOTING	YES
Alderman Beakman VOTING	YES
Alderman Devine VOTING	YES
Alderman Fogle VOTING	YES
Alderman Kantor VOTING	YES

The Local Law was thereupon declared duly adopted.

### **121422.6**

By Alderman Kantor:

WHEREAS, the City of Lockport desires to apply for \$5,000,000 in financial assistance under the Restore New York Communities Initiative; and

WHEREAS, the application proposes funding to rehabilitate two properties in downtown Lockport, the Harrison Place Complex, located at 160 Washburn, 190 Walnut, 171 Washburn, 17 Works Place and 280 Walnut.

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the proposed financing is appropriate for the specific project; and

WHEREAS, the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

WHEREAS, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities; and

WHEREAS, the applicant requests the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Lockport approves and endorses the 2022 Restore New York Communities Initiative Grant Application to be submitted by the City of Lockport.

Seconded by Alderman Barnard and adopted. Ayes 5.

#### **121422.7**

By Alderman Devine:

Whereas, the City of Lockport desires to apply for \$2,000,000 in financial assistance under the Restore New York Communities Initiative; and

Whereas, the application proposes funding to rehabilitate two properties in downtown Lockport, the Historic F&M Building, located at 116 Main Street and Adjacent Property, located at 120 Main Street.

Whereas, the proposed funding will contribute to ongoing community revitalization efforts; and

Whereas, the proposed financing is appropriate for the specific project; and

Whereas, the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

Whereas, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities; and

Whereas, the applicant requests the approval and endorsement of the governing body of the municipality in which the project will be located.

Now, therefore, be it resolved, that the Common Council of the City of Lockport approves and endorses the Restore New York Communities Initiative Grant Application to be submitted by the City of Lockport.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **121422.8**

By Alderman Kantor:

Whereas, the Greater Lockport Development Corporation is developing a rehabilitation project at the Harrison Place Complex and

Whereas, the Greater Lockport Development Corporation has completed a Short Environmental Assessment Form that the Council has reviewed; and

Whereas, the Greater Lockport Development Corporation is requesting that the City review the Assessment Form and declare the project a Type 2 Impact (no to small impact); and

Now therefore, be it

Resolved, that the Council has reviewed the Short Environmental Assessment Form and is confident that the project will have minimal or no impact if effectuated as described, and hereby permits the Mayor to sign the Part 3 of the Short Environmental Assessment Form.

Seconded by Alderman Beakman and adopted. Ayes 5.

#### **121422.9**

By Alderman Barnard:

Whereas, the Greater Lockport Development Corporation is developing a rehabilitation project at the Historic F&M Building and Adjacent Property Project and

Whereas, the Greater Lockport Development Corporation has completed a Short Environmental Assessment Form that the Council has reviewed; and

Whereas, the Greater Lockport Development Corporation is requesting that the City review the Assessment Form and declare the project a Type 2 Impact (no to small impact); and

Now therefore, be it

Resolved, that the Council has reviewed the Short Environmental Assessment Form and is confident that the project will have minimal or no impact if effectuated as described, and hereby permits the Mayor to sign the Part 3 of the Short Environmental Assessment Form.

Seconded by Alderman Devine and adopted. Ayes 5.

#### **121422.10**

By Alderman Barnard:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct a wedding reception on Saturday July 29, 2023, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue on Friday, July 28<sup>th</sup> and Saturday July 29<sup>th</sup> for said event be it further

Resolved, that permission is hereby granted to allow live music, 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 said permission is subject to obtaining proper permits from the City of Lockport Building Inspection, 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.

Seconded by Alderman Kantor and adopted. Ayes 5.

**121422.10A**

By Alderman Devine:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Robert (Bob) Symes Jr, a retired assistant chief who worked at the City of Lockport Fire Department from 1960-1993, who recently passed away.

Seconded by Beakman and adopted. Ayes 5.

**121422.10B**

By Alderman Fogle:

Whereas: The City of Lockport is a member of the Niagara County Emergency Services Mutual Aid Plan; and

Whereas, in order to address public need in the Community, the City of Lockport has utilized said mutual aid agreements with various local fire companies in the County; and

Whereas, the City does not currently pay reimbursement costs for said services; and

Whereas, the City of Lockport Common Council wishes to offer mileage reimbursement at a total maximum cap of \$5,000, for the 2022 fiscal year, on a first-come-first-serve basis. Any fire company looking for reimbursement must first submit a detailed invoice containing dates and miles driven, and charge at the IRS mileage rate. However, should the City get multiple invoices simultaneously that exceed the allotted \$5,000, the City shall pay said invoices on a pro-rata basis; and

Whereas, the City has not budgeted funds in the FY 2022 fiscal year to accommodate the reimbursements; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The FY 2022 General Fund budget is hereby amended as follows:

Expenditures

Decrease

A.1900.54775	Contingency	\$5,000
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Increase

A.3410.54055	Professional Services	\$5,000
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Seconded by Devine and adopted. Ayes 5.

**121422.11**

**ADJOURNMENT**

At 8:10 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, January 11, 2023

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Special Meeting  
Official Record

December 19, 2022  
6:30 P.M.

A Special Meeting was called by Mayor Michelle M. Roman relative to ambulance service.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**121922.1**

By Alderman Beakman:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman Devine and adopted. Ayes 6.

**121922.2**

By Alderman Beakman:

Whereas: The City of Lockport is a member of the Niagara County Emergency Services Mutual Aid Plan; and

Whereas, the private ambulance service that has operated within the City of Lockport has provided the City with notice that it will not be able to operate in the City fully effective February 1, 2023; and

Whereas, in conjunction with the private ambulance service, the City of Lockport has utilized said mutual aid agreements with various local fire companies in the County,

and the City's need has far exceeded the local volunteer fire companies' ability to provide service to the City, which is a detriment to the citizens and visitors of the City of Lockport; and

Whereas, the City of Lockport Common Council hired Freed Maxick to perform an Audit on Ambulance Service which concluded that a City run ambulance service could operate at a long term non-net loss for the City; and

Whereas, the Mayor appointed an ad hoc committee entitled the City of Lockport Ambulance Advisory Board that studied the need and implementation for City Fire Department operated ambulances; and

Whereas, the City of Lockport Ambulance Advisory Board recommended the City begin operating a Fire Department operated ambulance service within the City; and

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Lockport Fire Department shall make the two ambulances in the LFD's possession fully operational, including any necessary funding for the required equipment for same, required licensing and insurance;
- (2) The City shall immediately apply for a Certificate of Need for Ambulance Services; and
- (3) The City shall commence appropriate negotiations for reimbursements and billing for ambulance services and care with appropriate insurance providers.

NOW, THEREFORE, BE IT RESOLVED THAT THE FY 2023 GENERAL FUND BUDGET IS AMENDED AS FOLLOWS:

#### **Revenue**

##### **Increase**

A.3410.31640	Ambulance Charges	\$750,107
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#### **Expenditures**

##### **Decrease**

A.1900.54775	Contingency	\$11,958
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##### **Increase**

A.3410.51010	Full Time Wages	\$46,603
A.3410.51100	Overtime	\$114,093
A.3410.58010	FICA	\$12,293
A.3410.58050	Retirement	\$39,354
A.3410.58040	Medical Insurance	\$20,954
A.3410.58020	Workers Compensation	\$3,586
A.3410.54055	Professional Services	\$178,219
A.1900.54076	Gasoline, Oil, and Fuel	\$80,000
A.1640.54300	Vehicle Maintenance	\$17,500
A.1900.54070	Insurance	\$2,620
A.3410.54115	Computer Software	\$8,100

A.3410.54515	Special Supplies	\$99,000
A.3410.54085	Clothing and Uniform	\$16,380
A.3410.54050	Equipment Maintenance	\$20,306
A.3410.52030	Motor Vehicle Equipment	\$103,057

And be it further resolved that the Mayor, subject to Corporation Counsel approval is authorized to enter into a purchasing agreement with Stryker for two (2) powered lifts and a year of annual maintenance under FSS (Federal Supply Schedule) Contract Number 36F79721D0021 for a total of: \$121,362.12.

Seconded by Alderman Devine and adopted. Ayes 3; Alderman Beakman, Devine and Kantor voted yes. Nays 2. Alderman Barnard and Alderman Pasceri voted no. Alderman Folgle abstained. Mayor Roman voted in the affirmative. Motion passed.

### **121922.3 – WITHDRAWN**

### **121922.4**

### **ADJOURNMENT**

At 7:24 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, January 11, 2023.

Seconded by Alderman Devine and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk