

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

Lockport Municipal Building

Regular Meeting  
Official Record

January 11, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, and Kantor.

**MAYOR'S UPDATE**

No quorum was met. No record of meeting.

Next meeting will be held at 6:30 pm, Wednesday, January 25, 2023.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

January 25, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Swanson-Gellerson, Kantor, and Lupo. Alderman Fogle was absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**012523.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of December 14, 2022 and Special Meeting of December 19, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

**FROM THE MAYOR**

**Resignations:**

01/07/2023 Gina Pasceri, resigned as Alderman at Large effective January 9, 2023.

01/10/2023 Kristin Barnard, resigned as the 5<sup>th</sup> Ward Alderman effective January 10, 2023.

**Appointments:**

12/20/22 Wade M. Andes, 6644 Sheetram Road, Lockport, NY – appointed to Heavy Equipment Operator for the City of Lockport Highways and Parks Department effective January 1, 2023. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

1/3/23 Richard Clark, 289 Washington Street, Lockport, NY – appointed to the Building and Grounds Accessibility Committee effective January 1, 2023. Said term expires December 31, 2024.

1/20/23 Lisa A. Swanson-Gellerson, 86 Roby Street, Lockport, NY - appointed to Alderwoman at Large to fill unexpired term of Gina Pasceri. Said term expires December 31, 2023.

1/20/23 Margaret P. Lupo, 17 Bobolink Lane, Lockport, NY - appointed as 5th Ward Alderwoman to fill unexpired term of Kristin Barnard. Said term expires on December 31, 2023.

1/24/23 Rick Hamilton, 7068 Akron Road, Lockport, NY – re-appointed to the Plumbing Board effective December 24, 2022. Said term expires December 31, 2025.

**Commissioner of Deeds:** For the term of two years expiring on December 31, 2024.

1. Paul M. Beakman, Jr., 104 Caledonia Street, Lockport, NY 14094
2. Benjamin Briskey, 120 Grant Street, Lockport, NY 14094
3. Marco Notaro, 5251 Bridgeman Road, Sanborn, NY 14132
4. Daryl Bodewes, 2462 Woodthrush Court, Niagara Falls, NY 14304
5. Colin Ligamarri, 4210 Washington Street, Niagara Falls, NY 14305
6. John Jacoby 4621 Lower River Road, Lewiston, NY 14092
7. Paul Drabinski, 1495 Abington Place, North Tonawanda, NY 14120
8. Maggie Lupo, 17 Boblink Lane, Lockport, NY 14094
9. Doug Mooradian, 6964 Lakeside Drive, Niagara Falls, NY 14304
10. Anita Mullane, 93 Lindhurst Drive, Lockport, NY 14094
11. Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY 14094
12. Jeanann Page, 532 Irving Drive, Lewiston, NY 14092
13. David Keegan, 3772 McKoon Avenue, Niagara Falls, NY 14305
14. Michelle M. Roman, 30 Cherry Street, Lockport, NY 14094
15. William C. Rutland, 5798 Locust Street, Lockport, NY 14094
16. Carla L. Speranza, 6438 Lincoln Avenue, Lockport, NY 14094
17. Sarah Waechter, 4791 Oakridge Lane, Lewiston, NY 14092
18. Tom Reynolds, 739 E. Robinson Street, North Tonawanda, NY 14120
19. Steve Allore, 154 Locust Street, Apt 2, Lockport, NY 14094
20. Adam Dickey, 324 Ward Road, North Tonawanda, NY 14120

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)

12/7/22 Vinny Cappadora, Happily Running – request permission to conduct their Beast of Burden event on January 28-29<sup>th</sup> and August 12<sup>th</sup>-13<sup>th</sup>, 2023 at Wide Waters Marina.

12/8/22 Brooke Chavanne, Director of Coaching of Soccer Shots Buffalo – request permission to use Altro Park for their upcoming 2023 season.

12/15/22 Ed Sandusky, Vice President of Optimist Club of Lockport – request permission to conduct the 47<sup>th</sup> annual Lockport Optimist Outdoor Arts & Crafts Festival on June 24<sup>th</sup> & 25<sup>th</sup>, 2023.

1/18/23 Sarah K. Lanzo, City Clerk – notification of bids received on January 17, 2023 in response to the **RFP for Ambulance Consultation Services** are as follows:

Municipal Resources Inc.	\$150 per hour
Niagara Falls, NY	

1/18/23 Sarah K. Lanzo, City Clerk - notification of bids received on January 17, 2023 in response to the **RFP for Emergency Medical Services Billing** are as follows:

AMB – Ambulance Medical Billing	7% / \$10 Per Medicaid Claim
Med Ex Billing Inc.	6.8% / \$15 Per Medicaid Claim

Referred to the Committee of the Whole.

#### **Notice of Claim:**

1/19/23 Karlene D. Pratt, 143 Waterman Street, Lockport, NY

Referred to Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **012523.2**

By Alderman Beakman:

Resolved, that the Finance Committee has reviewed orders in favor of the claimants for payrolls, bills, and services to be paid on January 12 and 19, 2023 as follows:

#### **2022 Expenses**

General Fund	Fund A	\$302,735.81
Water Fund	Fund FX	\$99,841.34
Sewer Fund	Fund G	\$109,020.72
Capital Projects	Fund H	\$1,493,300.85
Refuse Fund	Fund CL	\$189.72
Self-Insurance	Fund MS	\$7,400.00
Community Devel.	Fund CD	\$36,700.00

**Total - \$2,049,188.44**

**2023 Expenses**

General Fund	Fund A	\$190,753.16
Community Devel.	Fund CD	\$73,875.00
Refuse Fund	Fund CL	\$94,328.34
Water Fund	Fund FX	\$21,500.52
Sewer Fund	Fund G	\$23,527.85
Self-Insurance	Fund MS	\$78,462.90
Worker's Comp	Fund S	\$116,269.00

**Total - \$598,716.77**

Payroll	Pay Date	12/29	\$512,172.64
		1/12:	\$774,097.63
		1/26	\$511,681.66

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

**012523.3**

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>
Clayton Dimmick Water	15	Director of Streets, Parks, &
Jason Dool	15	Chief Building Inspector
Ryan Magee	15	WWTP Operator
Jon Cavagnaro	5	HEO
Scott Sakellaris	5	Tree Trimmer
Christian Landry	5	Public Works Supervisor
Michele Gelnett	5	Senior Account Clerk

Seconded by Alderman Kantor and adopted. Ayes 4.

**012523.4**

By Alderman Swanson-Gellerson:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring, Summer and Fall Soccer Program on Saturday's at Altro Park beginning April 15, 2023 through November 11, 2023, 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 Lupo and adopted. Ayes 4.

**012523.5**

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 28 and 29 and August 12 and 13, 2023, 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.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

**012523.6**

By Alderman Lupo:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 47<sup>th</sup> Annual Lockport Optimists Arts and Crafts Festival on June 24<sup>th</sup> and 25<sup>th</sup>, 2023 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 Lockport Optimist Club shall obtain the required operating permits for the mobile food vehicles
- (3) The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers from the show area not possessing an exhibitor's permit.
- (4) 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.
- (5) The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and 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.

Seconded by Alderman Kantor and adopted. Ayes 4.

**012523.7**

By Alderman Swanson-Gellerson:

Resolved, that pursuant to their request, The Historic Palace, Inc. is hereby granted permission to conduct the 51<sup>st</sup> Annual Lockport 10 Open Road Race on Saturday, February 11, 2023. 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 from 8 am – 12:30 pm. Permission is granted subject to approval of the race route by the Police Chief and subject to The Historic Palace, Inc. 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 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 Kantor and adopted. Ayes 4.

**012523.8**

By Alderman Beakman\_:

Whereas, the City of Lockport is prepared to enter into a Payment In Lieu Of Tax agreement with OAHS Urban Park Housing Development Fund Corporation (hereinafter, "OAHS") pursuant to the Public Housing Finance Law regarding the property commonly known as Urban Park Tower; and

Whereas, the Project is located within the boundaries of the City of Lockport; and

Whereas, OAHS shall agree to make payments in lieu of Real Estate Taxes ("PILOT Payments") pursuant to the 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 OAHS, subject to Corporation Counsel review.

- (1) The payments in lieu of taxes ("PILOT") period is to commence on January 1, 2024 (the Commencement Date), and be concurrent with the Project's use as apartment units for the community, but shall in no event exceed forty (40)

years from the Commencement Date as authorized in the Public Housing Finance Law.

- (2) Beginning with the first fiscal year following the Commencement Date, and continuing through the fortieth (40th) fiscal tax year following, OAHS shall make annual payments in lieu of general real estate taxes on the property located at 77 Main Street, Lockport, commonly known as Urban Park Tower, in the amount of \$61,353.00 with a two percent (2%) annual escalation. Such payments shall be due and payable on January 1<sup>st</sup> of each year.
- (3) In the event of a default in payment of the PILOT agreement contemplated by this resolution, the City shall retain all rights afforded it under law and the PILOT Agreement.

Seconded by Alderman Lupo and adopted. Ayes 4.

#### **012523.9**

By Alderman Swanson-Gellerson:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Hospice to conduct the 10th Annual Hospice Gran Fondo Bike Ride, on Saturday, August 5, 2023 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 7am 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 Lupo and adopted. Ayes 4.

#### **012523.10**

By Alderman Lupo:

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

Whereas, said resolution included \$125,000 in FY 2023 funding for ambulance consultation services, to be primarily focused on the implementation of the first-year revenue cycle, third-party insurance contract negotiation, and other aspects of operations to make ambulance services as effective and efficient as possible;

Where the City distributed a Request for Proposals (RFP) and collected one bid from Municipal Resources Inc. for a fee of \$150 per hour;



Now therefore be it resolved that the Mayor is hereby authorized to enter into an agreement with Municipal Resources Inc for an annual cost not to exceed the budgeted allocation.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

**012523.11**

By Alderman Lupo:

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

Whereas, said resolution included \$53,219 in FY 2023 funding for emergency service billing service, which is a third party group that would assume billing responsibilities for the City's ambulance operations;

Where the City distributed a Request for Proposals (RFP) and collected two bids: MedEx Billing Inc for 6.8% of revenue / \$15 per Medicaid claim (estimated total of \$52,040 for the year) and Ambulance Medical Billing for either (1) 7% of revenue / \$10 per Medicaid claim (estimated total of \$49,234 for the year) or (2) \$19.50 per claim of any type (for an estimated annual total of \$44,226);

Where the City's Fire Chief and Director of Finance have reviewed the bids and recommends proceeding with MedEx Billing Inc. for their local expertise, professional experience, financial reporting capabilities, and recommendation from provided resources;

Now therefore be it resolved that the Mayor is hereby authorized to enter into an agreement with MedEx Billing Inc..

Seconded by Alderman Kantor and adopted. Ayes 4.

**012523.12**

By Alderman Kantor:

Whereas, 4<sup>th</sup> Generation Construction Inc., a contractor for the City's GIGP capital project, damaged a street clock located at 50 Main Street at an estimated damage of \$31,000;

Whereas, 4<sup>th</sup> Generation Construction Inc.'s insurance carrier, Wesco Insurance Co, has issued the City \$31,000 to cover the costs associated to this damage in claim number 3567192-1 with vendor "Essence of Time" on 6672 East Canal Road;

Now therefore be it resolved that the FY 2023 General Fund is hereby amended as follows:

**Increase**

**Revenue**

A.0000.32680	Insurance Recoveries	\$31,000
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**Expenditures**

A.5182.54050	Equipment Maintenance and Repair	\$31,000
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Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

**012523.13**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Paul “Ollie” Oliver, a former laborer in the City of Lockport at Water Distribution, employed from 1972 – 1997, who recently passed away.

Seconded by Alderman Lupo and adopted. Ayes 4.

**012523.14**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Chuck Sattler, a former Heavy Equipment Operator with the City of Lockport Water Department from 1981 – 2004, who recently passed away.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

**012523.15**

By Alderman Beakman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Wayne Carpenter, a former laborer with the City of Lockport Highways and Parks Department from 1972 – 1998, who recently passed away.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 4.

**012523.16**

**ADJOURNMENT**

At 7:02 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, February 8, 2023.

Seconded by Alderman Kantor and adopted. Ayes 4.

SARAH K. LANZO  
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 Beakman, Swanson-Gellerson, Devine, Fogle, Kantor, and Lupo.

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

**RECESS**

Recess for public input.

**020823.1**

**APPROVAL OF MINUTES**

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

**FROM THE CITY CLERK**

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

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

Monday, February 20<sup>th</sup>

There will be no change in the garbage pickup schedule.

Referred to the media.

**MOTIONS & RESOLUTIONS**

**020823.2**

By Alderman Beakman:

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

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **020823.3**

By Alderman Fogle:

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

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

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

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

Resolved, that said permission is subject to The Shamus Restaurant filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades, traffic cones, and street closed signs to the area prior to the event, and be it further

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **020823.4**

By Alderman Kantor:

Resolved, that pursuant to their request, Lock City Circus is hereby granted permission to use city bleachers for the Lock City Circus charity performance to be held February 24<sup>th</sup> & 25<sup>th</sup>, 2023 at the Kenan Center Arena. Said permission is subject to

Lock City Circus filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of the bleachers.

Seconded by Alderman Fogle and adopted. Ayes 6.

**020823.5 – WITHDRAWN**

**020823.6**

By Alderman Beakman:

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

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

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

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

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

**020823.7**

By Alderman Beakman:

Whereas, in resolution 092822.6, the Common Council approved the replacement of the Lockport Fire Department’s (“LFD”) 1997 Aerial Platform Truck with a 2001 Pierce Aerial Platform Truck from Brighton Fire District; and

Whereas, while said replacement is intended to provide necessary relief to decaying equipment, the LFD and Common Council have acknowledged the need to pursue a proactive replacement plan which can promote better public safety in the City; and

Whereas, the Fire Chief has identified a Sourcewell contract (number 113021-RSD from Empire Emergency Apparatus, Inc. in the amount of \$1,677,191, which will fulfill the needs of the department and is within the guidelines of the procurement policy (as a cooperative bidding purchase through another government agency); and

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute an Agreement with Empire Emergency Apparatus, Inc. in the amount of \$1,677,191 for the fire ladder purchase, to be charged to Capital Projects; and be it further,

Resolved, that the City Attorney and City Treasurer are hereby directed to prepare a bond ordinance in an amount equal to the project cost plus issuance costs for the Type II action project.

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

By Alderman Devine:

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

Seconded by Alderman Beakman. Ayes 6.

**020823.8**

By Alderman Beakman:

BOND ORDINANCE DATED FEBRUARY 8, 2023.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,717,191 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A FIRE-FIGHTING VEHICLE, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

**Section 1.** The purchase of a fire-fighting vehicle, for the City of Lockport, Niagara County, New York, including original apparatus and equipment, and incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,717,191.

**Section 2.** It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$1,717,191 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law.

**Section 4.** The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be

levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

**Section 6.** All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 8.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 9.** This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

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

The ordinance was thereupon declared duly adopted.

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

### **020823.9**

By Alderman Lupo:

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

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

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

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

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

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

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

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

### **Increase**

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



G.8130.51010	Full Time Wages	\$674
G.8130.58010	FICA	\$52
G.8130.58050	Retirement	\$74

**Decrease**

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

Seconded by Alderman Devine and adopted. Ayes 6.

**020823.10**

By Alderman Kantor:

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

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

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**020823.11**

By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**020823.12**

**ADJOURNMENT**

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

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 22, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**022223.1**

**APPROVAL OF MINUTES**

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

**FROM THE MAYOR**

**Appointments:**

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

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

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

1. Lisa Swanson-Gellerson, 86 Roby Street, Lockport, NY 14094
2. Thomas Lupo, 17 Bobolink Lane, Lockport, NY 14094
3. Roxanne Devine, 114 Maple Street, Lockport, NY 14094
4. Kevin Newman, 18 McIntosh Drive, Lockport, NY 14094
5. John M. Wick, 6617 North Canal Road, Lockport, NY 14094

### **FROM THE CITY CLERK**

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

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

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

Moley Industries  
5202 Commerce Drive  
Lockport, NY 14094

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

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

Transmitter (less meter)

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

**MOTIONS & RESOLUTIONS**

**022223.2**

By Alderman Beakman:

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

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

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

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

Seconded by Alderman Devine and adopted. Ayes 6.

**022223.3**

By Alderman Swanson-Gellerson:

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

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**022223.4**

By Alderman Fogle:

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**022223.5**

By Alderman Beakman:

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

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

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

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

Expenditures

Decrease

A.1900.54775	Contingency	\$56,245
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Increase

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

Alderman Fogle and Alderman Kantor voted NO.

By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**022223.6**

By Alderman Devine:

## Procurement Policy

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

***NOW THEREFORE BE IT RESOLVED, that the City of Lockport does hereby adopt 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 vendors	Formal written/emailed quotes from at least three separate vendors
\$20,000 and up 53	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)/ 103 (4);
- Sole source situations;
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods purchased from or through another governmental agency (such as Sourcewell);
- Goods purchased at auction;
- Goods purchased through a governmental (local/State/or Federal) contract (needs approval with a Council Resolution when substituting for the sealed bidding procedures).
- Professional services; defined as a service requiring special or technical skill, training, or expertise, to be chosen based on accountability, reliability, responsibility, skill, education and training, judgement, integrity, and moral worth.

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

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.



By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**022223.7**

By Alderman Devine:

## **Budget Amendment Policy**

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

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

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

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

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

- To approve requests for the transfer of funds, not to exceed \$25,000, within the Personal Services account or from Personal Services to Equipment and Contractual, provided said authority is further limited to modifications for temporary, overtime and/or shift differential appropriations, which shall not result in the creation of permanent full time or part-time positions.

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

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

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Kantor:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

022223.8

By Alderman Kantor:

## Investment Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

transfer or with an assignment to the City of Lockport or its custodial bank.

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

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

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

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

**Guideline #11 – Authorized Financial Institutions and Dealer:** The financial institutions so designated by the Common Council as outlined in paragraph VII of this policy shall be the authorized institutions approved for investment purposes. All financial institutions with which the City of Treasurer conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call

Report) at the request of the City of Lockport. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City Treasurer is responsible for evaluating the financial position.

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

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

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

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

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

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.
- (iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation

of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**022223.9**

By Alderman Devine:

## **Fund Balance Policy**

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

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

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

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

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

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

**Guideline #5 – Internal Service Funds:** To ensure adequate maintenance reserves,



cash flow

balancing requirements, and legal restrictions, the Self-Insurance Funds shall maintain a cash balance equal to the unpaid claim reserves payable amount on its balance sheet, as defined by the independent actuary plus 10% of the annual department operating budgets within the fund. Net position within the fund should not fall below zero.

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

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**022223.10**

By Alderman Swanson-Gellerson:

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

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

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

Resolved, LMS and the LCFM are hereby granted permission to place yard signs in the city rights-of-way, May through October, and A-frame directional signage at the intersections of Main and Pine, Main and Cottage, Ontario and Church, and Ontario and

Pine, for the open hours of the market on assigned days and during hours of LMS special events, including “Rock the Locks” concert series, Family Funday, Locktoberfest, and Lockport Food Fest; and be it further

Resolved, LMS is granted permission to sell concessions, including bottles of water and merchandise, during all LMS and LCFM events on Canal Street, May 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, September 30<sup>th</sup>, 2023 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 29th at 9pm through Sunday, October 1st at 9am
- Permission for vendors and restaurants to set up in the parking lot off Canal Street and access electricity from the light post
- Permission to conduct the sale of alcoholic beverages from an enclosed and enforced beer tent at the festival as part of fundraising for LMS (tentative addition to festival), provided that necessary licenses are obtained from other governmental authorities

- Hosting a potential 'makers market' in conjunction with a city-wide sidewalk sale on Sunday, October 2nd, 2022; and be it further

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **022223.11**

By Alderman Devine:

Whereas, The Governor of the State of New York ended her emergency powers in September 2022, thereby eliminating the ability for public bodies to conduct meetings through videoconferencing; and

Whereas, Public Officers Law §103-a permits public bodies to conduct videoconferencing of meetings under certain conditions; and

Whereas, The Lockport City Common Council desires to have videoconferencing as an option for common council meetings, in compliance with Public Officers Law §103-a; and

Whereas, The Lockport City Common Council must conduct a public hearing prior to implementing the Videoconferencing Policy. Now, therefore be it,

Resolved, that a public hearing be held at the Common Council Meeting of Wednesday, March 8, 2023, starting at 6:30PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to permitting the City Common Council from having videoconferencing and/or hybrid meetings.

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

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **022223.12**

By Alderman Beakman:

Resolved, that pursuant to their request, Trinity Buildings and Construction Management Corporation, 1 Jewel Drive #322, Wilmington, MA 01887 is hereby granted permission to place two dumpsters (30-yard dumpsters) in the parking spaces directly in front of 13 West Main Street, where they have a project taking place. Said permission is subject to Trinity Buildings and Construction Management Corporation

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll Off Containers.

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

Seconded by Alderman Kantor and adopted. Ayes 6.  
(Motion approved as amended on the floor)

**022223.13**

By Alderman Lupo:

Whereas, the City of Lockport completed a Wayfinding and Signage study in 2009, and

Whereas, the study recommended a comprehensive Wayfinding and Signage plan, including a \$224,000 first phase, and

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

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

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

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**022223.14**

By Alderman Devine:

Resolved, that the bid proposal of Moley Industries, Lockport, NY, received on March 8, 2023 for water meters, being the only bid received, be accepted in the amount

as reported in a communication from the City Clerk – report of bid proposals. Cost of same to be charged to account H127.8397.52015 Water Meters.

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

**022223.15**

## **ADJOURNMENT**

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

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 8, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

**030823.1**

## **APPROVAL OF MINUTES**

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

## **PUBLIC HEARING**

The Mayor announced a public hearing on a 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 MAYOR**

### **Appointments:**

03/06/2023 Jeffrey H. Brodsky, 170 Allen Street, Lockport, NY – appointed to Human Relations Committee effective March 6, 2023. Said term expires on July 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. Reviewed by the Finance Committee.

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

### **Notice of Complaint:**

03/02/23 Steve O'Mara, 197 Jackson Street - Pothole  
Referred to the Director of Highways, Parks and Water Distribution.

### **Notice of Claim:**

Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **030823.2**

By Alderman Beakman:

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

<b><u>Employee</u></b>	<b><u>Years of Service</u></b>	<b><u>Title</u></b>
Kendra L. DiTullio	20	Police Captain
Kevin R. High	20	Fire Department
Henry P. Nevins	20	Police Officer
Joel P. Diel	20	Waste Water Department
Christopher Peacock Operator	20	Chief Compost Plant
Kristopher W. Pratt	15	Heavy Equipment Officer
Marshall K. Belling	15	Police Lieutenant
Heather M. Glenn	15	Police Detective
Paul C Meerboth Jr	15	Police Officer
Demetrius J Grant	5	Sr Account Clerk
Jennifer L. Previte	5	Staff Accountant
Michael J. Litten	5	Police Officer

Seconded by Alderman Kantor and adopted. Ayes 6.

### **030823.3**

By Alderman Devine:

WHEREAS New York State Law requires the legislative body of the municipality of a public housing authority to approve the compensation of all employees of the housing authority; and

WHEREAS the City of Lockport Housing Authority (CLHA) is operated within the City of Lockport; and

WHEREAS the CLHA is an autonomous Authority created under the laws of the State of New York and the City of Lockport Common Council has no legal oversight or control over the housing authority; and

WHEREAS, the CLHA negotiated the Collective Bargaining Agreement with CSEA Local 832 and the City of Lockport had no input or involvement in the negotiations; and

WHEREAS the CLHA negotiating committee has recommended to the Board of Commissioners of the City of Lockport Housing Authority a salary increase for its employees; and

WHEREAS the CLHA (City of Lockport Housing Authority) negotiating committee has recommended to the Board of Commissioners of the City of Lockport Housing Authority a salary increase for its employees; and

WHEREAS the Board of Commissioners of the City of Lockport Housing Authority has by resolution approved the recommendation; and NOW THEREFORE BE IT

RESOLVED that pursuant to Section 32(1) of the NYS Public Housing Law the salary increases for the City of Lockport Housing Authority employees are approved as follows:

For the CSEA Local 832 union employees:

7% increase for the fiscal year beginning April 1, 2023  
3% increase for the fiscal year beginning April 1, 2024  
3% increase for the fiscal year beginning April 1, 2025

For the Management Association employees:

7% increase for the fiscal year beginning April 1, 2023  
3% increase for the fiscal year beginning April 1, 2024  
3% increase for the fiscal year beginning April 1, 2025

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **030823.4**

By Alderman Beakman:

Resolved, that pursuant to their request, Friends of Outwater Park is hereby granted permission to use the baseball field at Outwater Park at 1PM on July 1, 2023 for a dedication ceremony for Charles Sobieraski, subject to approval of the schedule by the Highways & Parks Department, and be it further

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

Seconded by Alderman Devine and adopted. Ayes 6.

#### **030823.5**

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 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, March, 22, 2023 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 Lupo and adopted. Ayes 5. Alderman Fogle voted no.

#### **030823.6**

By Alderman Kantor:

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.

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

#### **030823.7**

By Alderman Beakman:

Resolved, that pursuant to their request, the VFW Post 2535, organizers for a Leprechaun 5K run and Leprechaun-in-training 1.5-mile walk are hereby granted permission to conduct the run and walk on Saturday, March 25, 2023 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 Swanson-Gellerson and adopted. Ayes 6.

#### **030823.8**

By Alderman Swanson-Gellerson:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run on Saturday, April 29, 2023 beginning at 7:30 am subject to approval of the race route by the Police Chief, and 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, Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and street closed signs to the area prior to the event.

Seconded by Alderman Kantor and adopted. Ayes 6.

### **030823.9**

By Alderman Lupo:

Whereas, in resolution 121922.2, the Common Council approved in-house ambulance services which included funding an Administrative Coordinator position in the Fire Department;

Whereas, said position will also be responsible for Senior Account Clerk duties such as payroll and accounts payable entry;

Whereas, the FY 2023 budget contains split funding for a Senior Account Clerk in the Fire and Police Departments;

Whereas, the Administration would like to utilize said split position entirely in the Police Department for increased duties such as oversight of crossing guards and traffic duties that are currently done in the Clerk's Office;

Now therefore be it resolved that the FY 2023 Operating Budget Personnel Detail is hereby updated to reflect this change and that the FY 2023 General Fund is amended as follows:

#### **Expenditures**

##### **Decrease**

A.3410.51010	Full Time Wages	\$16,604
A.3410.58010	FICA	\$1,270
A.3410.58020	Workers Compensation	\$1,419
A.3410.58040	Medical Insurance	\$9,454
A.3410.58050	Retirement	\$1,270

##### **Increase**

A.3127.51010	Full Time Wages	\$16,604
A.3127.58010	FICA	\$1,270
A.3127.58020	Workers Compensation	\$1,419
A.3127.58040	Medical Insurance	\$9,454
A.3127.58050	Retirement	\$1,270

Seconded by Alderman Swanson-Gellerson and adopted. Ayes \_\_6\_\_.

### 030823.9A

By Alderman Devine:

Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-Led Contract

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of the Highway Rehabilitation Project in the City of Lockport located in Niagara County, PIN 5037.14, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the work on NY Route 31 (West Avenue) from Park Avenue to NY Route 78 pursuant to Section 10, Subdivision 24, or the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the City of Lockport approves of the work on NY Route 31 (West Avenue) from Park Avenue to NY Route 78 and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Lockport will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED: That the Mayor of Lockport – Honorable Michelle M. Roman has the authority to sign, with the concurrence of the City of Lockport Common Council, any and all documentation that may become necessary as a result of this project as it relates to the City of Lockport, and

BE IT FURTHER RESOLVED: That the clerk of the City of Lockport is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation

Seconded by Alderman Kantor and adopted. Ayes 6.

### 030823.10

### ADJOURNMENT

At 7:02 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, March 22, 2023.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes \_\_\_\_6\_\_.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 22, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Fogle, Swanson-Gellerson, Kantor, and Lupo. Devine was absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**032223.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Swanson-Gellerson, the minutes of the Regular Meeting of March 8, 2023 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 – Modification of Parking Ordinance, to permit overnight parking on the City Streets from April 15<sup>th</sup> to November 1<sup>st</sup> each year.

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 MAYOR**

#### **Appointments:**

03/13/2023 David P. Smith, 49 Regent Street, Lockport NY, 14094 – reappointed to the City of Lockport Housing Authority. Said term expires on April 26, 2028.

### **FROM THE CITY CLERK**

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

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

03/14/2023 Adam Vandemark, on behalf of the Kenan Center, requested letter of support for the new Kenan Civic Arena for the 2023 Federal appropriations. Referred to the Common Council

03/17/2023 Sarah K. Lanzo, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of April in observance of Good Friday:

Friday, April 7th

There will be no change in the garbage pickup schedule.

Referred to the Media

#### **Notice of Complaint:**

03/09/2023 705 Market Street – trees

03/08/2023 25 Adam Street – trees

03/13/2023 56 Livingston Place - tree

Referred to the Director of Highways & Parks.

### **MOTIONS & RESOLUTIONS**

**032223.2 WITHDRAWN**

**032223.3**

By Alderman Beakman:

Resolved, that a public hearing be held at the Common Council meeting Wednesday, April 12, 2023 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 by Eula Mae Collings for 135 Charlotte Street, Lockport, NY 14094 to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May 1<sup>st</sup> to October 31st, and be it further

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

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.4**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to WNY Disc Golf Club to conduct a Tournament at Outwater Memorial Park on April 15, 2023, from 7 am until 6 pm, and be it further

Resolved that said permission is subject to WNY Disc Golf Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**032223.5 WITHDRAWN**

**032223.6**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted for the Discovery Channel's Expedition X to utilize Upson Park and the surrounding area to film Expedition X overnight on April 10 and 11, 2023, and be it further

Resolved that said permission is subject to Discovery Channel's Expedition X filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured and be it further

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

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.7**

By Alderman Kantor:

Whereas the VFW Auxiliary Post 2535, received generous donations from local resident Laurie Garver George, the City of Lockport will host the Annual Easter egg hunt, rain or shine, on Saturday, April 8 at 11 am at Outwater Park and be it further

Resolved, that the Director of Highways 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 Swanson-Gellerson and adopted as corrected. Ayes 5.

**032223.8**

By Alderman Beakman:

Whereas: Governor Hochul proposed a ban on gas stoves in newly constructed buildings, beginning with smaller buildings in 2025, and larger buildings in 2028; and

Whereas, Governor Hochul's proposal to ban gas and oil-powered furnaces in newly constructed buildings and homes has sparked concerns among City of Lockport homeowners and businesses that they would have to replace their existing heating equipment with electrified options such as geothermal pumps, which may be expensive to install and maintain; and

Whereas, New York State (NYS) has committed to reducing greenhouse gas emissions by 40% from 1990 levels by 2030 and 85% by 2050 under a 2019 state law; and

Whereas, the 2023 State of the State book states that building highly efficient, zero-emission buildings will not only reduce greenhouse gas emissions but also provide safer, healthier, and more comfortable homes for residents; and

Whereas, NYS has a higher percentage of people who cook with gas, with 62% of homes having a gas stove, cooktop, or oven, compared to the national average of 38%; and

Whereas, Western New York's severe winter weather has historically resulted in power outages that have made it difficult to use electric stoves, a proposed ban on gas-stove hookups and gas water heaters in new buildings could pose a significant challenge for the region during emergency situations; and

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Lockport Common Council acknowledges the need to reduce greenhouse gas emissions, but sees that the proposed ban is as a potentially unnecessary overreach that will negatively impact the families and restaurateurs who depend on gas stoves and water heater elements in the City;
- (2) The Council strongly expresses their concerns and urges Governor Hochul's office to reconsider the ban on gas and water heater elements; and
- (3) The Council requests that the City Clerk sends a copy of this Resolution to Governor Hochul.

Seconded by Alderman Kantor and adopted as corrected. Ayes 5.

**032223.9**

By Alderman Lupo:

Whereas, resolution #022223.10, adopted by the Common Council at their February 22, 2023 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 Lockport Food Fest on Sunday, August 13, 2023 from 11 am to 4 pm; and

Whereas, LMS requests permission to waive the open-container law for the duration of the event, to conduct the sale of alcoholic beverages from an enforced beer tent, and allowing Lock 34 to open their outside bar for patrons to access; 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 2023 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 alcoholic beverages from an enclosed and enforced beer tent at its 2023 Lockport Food Fest.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

#### **032223.10**

By Alderman Lupo:

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

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

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **032223.11**

By Alderman Beakman:



Whereas, the Friends of Outwater Park is a local group consisting of community members and businesses who are interested in the advancement of the facilities at Outwater Park;

Whereas, the Friends of Outwater Park have developed a plan to help improve the Charles Sobieraski Memorial Field in Outwater Park via means of new amenities and upgrades with the intent to have it completed by July 1, 2023 for a dedication ceremony;

Whereas, said plan totals \$24,773 and consists of donated items (\$3,525), funding to be provided directly donated to the City for purchases (\$3,100), in-kind services from local businesses (\$7,600), and a portion through the use of City funding (\$10,548);

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;

Whereas, the FY 2023 General Fund operating budget did not appropriate funds for this obligation and wishes to use funds from the capital project – FY 2021 Parks Revitalization Project – for said City-costs in the General Fund;

Now therefore be it resolved that the City's Director of Streets, Parks, and Water Distribution is hereby authorized to direct City staff and resources as limited by the funding parameters mentioned above to implement the new amenities and upgrades;

Now therefore be it resolved that the Mayor and Common Council do hereby extend thanks and appreciate to the Friends of Outwater park and all community members and businesses that contributed;

Now therefore be it resolved that the FY 2023 General Fund and Capital Project Funds are amended as follows:

#### **Revenue**

Increase

A.7110.32705	Gifts and Donations
\$3,100	
A.9901.35031.H	Interfund Transfer from Capital
\$10,548	

#### **Expenditures**

Increase

A.7110.51100	Overtime	
\$3,750		
A.7110.58010	FICA	\$286
A.7110.58050	Retirement	\$412
A.7110.54110	Landscape Materials	
\$1,600		
A.7110.54077	Construction and Maintenance Supplies	
\$7,600		
H206.7110.59000.A	Interfund Transfer to General	
\$10,548		

Decrease  
H206.7110.52490 Capital Improvement Expense  
\$10,548

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.12**

By Alderman Fogle:

Whereas, on February 8, 2023 the mayor and common council of the City of Lockport received notice of claim of the existence of a hostile work environment that exists in the city government:

Whereas the City of Lockport Office of the Mayor determined that they would conduct an internal investigation to review the claim of the existence of a hostile work environment;

Whereas the Common Council has determined that it is necessary to have an independent analysis, third party investigation to whether or not a hostile work environment exists in the city government and presents its findings and recommendations to the City of Lockport;

Now therefore it be resolved the common council here by authorizes and directs the mayor to enter into an agreement with an independent third party to investigate the claim of the existence of a hostile work environment and present the findings and recommendations to the mayor and the common council.

Resolved, the cost of the same shall be charged to account A.1420.54055

Seconded by Alderman Kantor and NOT adopted. Ayes 2. Nays 2. Alderman Lupo and Alderman Swanson-Gellerson voted no. Alderman Beakman abstained.

**032223.13**

**ADJOURNMENT**

At 7:28 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 12, 2023.

Seconded by Alderman Lupo and adopted. Ayes 5.

SARAH K. LANZO  
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 Beakman, Fogle, Swanson-Gellerson, Kantor, and Lupo. Devine was absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**032223.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Swanson-Gellerson, the minutes of the Regular Meeting of March 8, 2023 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 – Modification of Parking Ordinance, to permit overnight parking on the City Streets from April 15<sup>th</sup> to November 1<sup>st</sup> each year.

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 MAYOR**

**Appointments:**

03/13/2023      David P. Smith, 49 Regent Street, Lockport NY, 14094 –  
reappointed to the City of Lockport Housing Authority. Said term expires on April 26,  
2028.

## FROM THE CITY CLERK

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

**Communications** (which have been referred to the appropriate City officials)  
03/14/2023 Adam Vandemark, on behalf of the Kenan Center, requested letter of support for the new Kenan Civic Arena for the 2023 Federal appropriations.  
Referred to the Common Council

03/17/2023 Sarah K. Lanzo, City Clerk – notification the Lockport Municipal Offices will be closed as follows in the month of April in observance of Good Friday:

Friday, April 7th

There will be no change in the garbage pickup schedule.

Referred to the Media

### **Notice of Complaint:**

03/09/2023 705 Market Street – trees  
03/08/2023 25 Adam Street – trees  
03/13/2023 56 Livingston Place - tree

Referred to the Director of Highways & Parks.

## **MOTIONS & RESOLUTIONS**

**032223.2 WITHDRAWN**

**032223.3**

By Alderman Beakman:

Resolved, that a public hearing be held at the Common Council meeting Wednesday, April 12, 2023 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 by Eula Mae Collings for 135 Charlotte Street, Lockport, NY 14094 to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May 1<sup>st</sup> to October 31<sup>st</sup>, and be it further

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

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.4**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to WNY Disc Golf Club to conduct a Tournament at Outwater Memorial Park on April 15, 2023, from 7 am until 6 pm, and be it further

Resolved that said permission is subject to WNY Disc Golf Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**032223.5 WITHDRAWN**

**032223.6**

By Alderman Beakman:

Resolved, that pursuant to their request, permission is hereby granted for the Discovery Channel's Expedition X to utilize Upson Park and the surrounding area to film Expedition X overnight on April 10 and 11, 2023, and be it further

Resolved that said permission is subject to Discovery Channel's Expedition X filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured and be it further

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

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.7**

By Alderman Kantor:

Whereas the VFW Auxiliary Post 2535, received generous donations from local resident Laurie Garver George, the City of Lockport will host the Annual Easter egg hunt, rain or shine, on Saturday, April 8 at 11 am at Outwater Park and be it further

Resolved, that the Director of Highways 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 Swanson-Gellerson and adopted as corrected. Ayes 5.

**032223.8**

By Alderman Beakman:

Whereas: Governor Hochul proposed a ban on gas stoves in newly constructed buildings, beginning with smaller buildings in 2025, and larger buildings in 2028; and

Whereas, Governor Hochul's proposal to ban gas and oil-powered furnaces in newly constructed buildings and homes has sparked concerns among City of Lockport homeowners and businesses that they would have to replace their existing heating equipment with electrified options such as geothermal pumps, which may be expensive to install and maintain; and

Whereas, New York State (NYS) has committed to reducing greenhouse gas emissions by 40% from 1990 levels by 2030 and 85% by 2050 under a 2019 state law; and

Whereas, the 2023 State of the State book states that building highly efficient, zero-emission buildings will not only reduce greenhouse gas emissions but also provide safer, healthier, and more comfortable homes for residents; and

Whereas, NYS has a higher percentage of people who cook with gas, with 62% of homes having a gas stove, cooktop, or oven, compared to the national average of 38%; and

Whereas, Western New York's severe winter weather has historically resulted in power outages that have made it difficult to use electric stoves, a proposed ban on gas-stove hookups and gas water heaters in new buildings could pose a significant challenge for the region during emergency situations; and

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Lockport Common Council acknowledges the need to reduce greenhouse gas emissions, but sees that the proposed ban is as a potentially unnecessary overreach that will negatively impact the families and restaurateurs who depend on gas stoves and water heater elements in the City;
- (2) The Council strongly expresses their concerns and urges Governor Hochul's office to reconsider the ban on gas and water heater elements; and
- (3) The Council requests that the City Clerk sends a copy of this Resolution to Governor Hochul.

Seconded by Alderman Kantor and adopted as corrected. Ayes 5.

**032223.9**

By Alderman Lupo:

Whereas, resolution #022223.10, adopted by the Common Council at their February 22, 2023 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 Lockport Food Fest on Sunday, August 13, 2023 from 11 am to 4 pm; and

Whereas, LMS requests permission to waive the open-container law for the duration of the event, to conduct the sale of alcoholic beverages from an enforced beer tent, and allowing Lock 34 to open their outside bar for patrons to access; 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 2023 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 alcoholic beverages from an enclosed and enforced beer tent at its 2023 Lockport Food Fest.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**032223.10**

By Alderman Lupo:

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

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

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 5.

**032223.11**

By Alderman Beakman:

Whereas, the Friends of Outwater Park is a local group consisting of community members and businesses who are interested in the advancement of the facilities at Outwater Park;

Whereas, the Friends of Outwater Park have developed a plan to help improve the Charles Sobieraski Memorial Field in Outwater Park via means of new amenities and upgrades with the intent to have it completed by July 1, 2023 for a dedication ceremony;

Whereas, said plan totals \$24,773 and consists of donated items (\$3,525), funding to be provided directly donated to the City for purchases (\$3,100), in-kind services from local businesses (\$7,600), and a portion through the use of City funding (\$10,548);

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;

Whereas, the FY 2023 General Fund operating budget did not appropriate funds for this obligation and wishes to use funds from the capital project – FY 2021 Parks Revitalization Project – for said City-costs in the General Fund;

Now therefore be it resolved that the City's Director of Streets, Parks, and Water Distribution is hereby authorized to direct City staff and resources as limited by the funding parameters mentioned above to implement the new amenities and upgrades;

Now therefore be it resolved that the Mayor and Common Council do hereby extend thanks and appreciate to the Friends of Outwater park and all community members and businesses that contributed;



Now therefore be it resolved that the FY 2023 General Fund and Capital Project Funds are amended as follows:

**Revenue**

Increase

A.7110.32705	Gifts and Donations	
\$3,100		
A.9901.35031.H	Interfund Transfer from Capital	
\$10,548		

**Expenditures**

Increase

A.7110.51100	Overtime	
\$3,750		
A.7110.58010	FICA	\$286
A.7110.58050	Retirement	\$412
A.7110.54110	Landscape Materials	
\$1,600		
A.7110.54077	Construction and Maintenance Supplies	
\$7,600		
H206.7110.59000.A	Interfund Transfer to General	
\$10,548		

Decrease

H206.7110.52490	Capital Improvement Expense	
\$10,548		

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.12**

By Alderman Fogle:

Whereas, on February 8, 2023 the mayor and common council of the City of Lockport received notice of claim of the existence of a hostile work environment that exists in the city government:

Whereas the City of Lockport Office of the Mayor determined that they would conduct an internal investigation to review the claim of the existence of a hostile work environment;

Whereas the Common Council has determined that it is necessary to have an independent analysis, third party investigation to whether or not a hostile work environment exists in the city government and presents its findings and recommendations to the City of Lockport;

Now therefore it be resolved the common council here by authorizes and directs the mayor to enter into an agreement with an independent third party to investigate the

claim of the existence of a hostile work environment and present the findings and recommendations to the mayor and the common council.

Resolved, the cost of the same shall be charged to account A.1420.54055

Seconded by Alderman Kantor and NOT adopted. Ayes 2. Nays 2. Alderman Lupo and Alderman Swanson-Gellerson voted no. Alderman Beakman abstained.

**032223.13**

## **ADJOURNMENT**

At 7:28 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, April 12, 2023.

Seconded by Alderman Lupo and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 12, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

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

**032223.10**

By Alderman Lupo:

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

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

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 5.

**041223.1**

**APPROVAL OF MINUTES**

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

**PUBLIC HEARING**

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

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

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

Recess for public input.

The Mayor closed the public hearing.

## FROM THE MAYOR

### Appointments:

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

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

Received and filed.

## FROM THE CITY CLERK

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

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

### Notice of Complaint:

03/25/2023 202 Cottage Street – tree  
03/26/2023 144 Waterman Street – trees  
03/26/2023 225 Lock Street - tree  
03/27/2023 200 Cottage Street – tree  
03/30/2023 20 Cleveland Place - tree

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

## MOTIONS & RESOLUTIONS

### 041223.2

By Alderman Beakman:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Dennis McNamara	20	Chief Operator Filtration
Kristin M. Schubring	15	Principal Account Clerk
Mark J Haenle II	15	Tree Trimmer
Michael P. Stroud	5	Police Officer

Seconded by Alderman Lupo and adopted. Ayes 6.

**041223.3**

By Alderman Kantor:

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

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

Seconded by Alderman Devine and adopted. Ayes 6.

**041223.4**

By Alderman Swanson-Gellerson:

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

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**041223.5**

By Alderman Kantor:

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

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

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Beakman and adopted. Ayes 6.

**041223.6**

By Alderman Lupo:

**Lockport City Common Council  
Videoconferencing Policy**

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

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

1. Common Council Aldermen, and the Mayor, must be physically present at any regular or special meeting, or committee meeting, unless an Alderman or the Mayor is unable to attend due to extraordinary circumstances, including, but not limited to: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Alderman's or Mayor's physical attendance at such meeting.
2. A quorum of Aldermen must be present, in person, in the same physical location or locations where the public can attend. In the event that no "in person" quorum is reached, the Aldermen appearing by videoconferencing shall not be permitted to vote at said meeting. No Alderman appearing virtually shall be considered in establishing a quorum. Once an "in person" quorum is reached, the Alderman attending by videoconference may fully participate in said meeting, and vote upon any resolutions presented.
3. Except during executive session, the Public shall be permitted to attend the meeting virtually and participate, if applicable, in the event videoconferencing is utilized.
4. The public notice for said meeting shall inform the public that videoconferencing will be utilized with the virtual link and physical location of the meeting.
5. All resolutions and any relevant documents, with the exception of privileged or protected documents, will be made available to the public on the City website prior to said meeting.
6. Any meeting that utilizes videoconferencing shall be recorded and said recording must be posted on the City's website for public viewing within five (5) business days of

the conclusion of said meeting. Said recording shall remain available to the public to view for a minimum of five years thereafter. Upon request, the recording of said meeting shall be transcribed.

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

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

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

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

The Local Law was thereupon declared duly adopted.

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

#### **041223.7**

By Alderman Beakman sponsored as amended:

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

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

Section 183.23(E)

- I. Overnight parking shall be permitted on all streets not subject to noparking restrictions pursuant to Section C-183.24 from April 15th of each year to November 1st of each year.
- II. Only 2-axle non-commercial passenger vehicles and motorcycles, properly registered and insured, may remain on a city street overnight during this period.

No vehicle shall be permitted to stand for a continuous 48-hour period during the months set forth above.

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

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

The Local Law was thereupon declared duly adopted.

#### **041223.8**

By Alderman Fogle:

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

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

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

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

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



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

**Revenue**

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

**Expenditures**

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

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Beakman:

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

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

**041223.9**

By Alderman Swanson-Gellerson:

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

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

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

**Purpose and Mission Statement**

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

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

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

### **Responsibilities**

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

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

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

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

### **Meetings and Materials**

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

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

Materials to be reviewed will primarily consist of:

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

### **Committee Expectations and Outputs**

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

This policy supersedes any resolutions regarding this committee.

Seconded by Alderman Kantor and adopted. Ayes 6.

### **041223.10**

By Alderman Lupo:

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

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

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

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

Expense

Increase

A.1680.54075

Maintenance and Service Contracts

\$3,500

Decrease

A.1900.54775

Contingency

\$3,500

Seconded by Alderman Devine and adopted. Ayes 6.

**041223.11**

By Alderman Beakman:

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

**WHEREAS**, the intent of bail reform was to respond to legitimate concerns relating to the disparity between low income and minority populations being unfairly and unjustly impacted by a monetized bail system. While the intent behind bail reform was to address the disparities, there have been unexpected negative ramifications to same, and we want to ensure the safety of our community; and

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

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 6.

**041223.12 - WITHDRAWN**

**041223.13**

Alderman Lupo:

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

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

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

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

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

Seconded by Alderman Fogle and adopted. Ayes 6.

**041223.14**

By Alderman Devine:

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

Resolved, that said permission includes the following:

- (6) 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
- (7) The show area shall include Ida Fritz Park and the city rights of way on West Avenue, Hawley Street, and Park Avenue
- (8) Barricades on West Avenue and Park Avenue at Hawley Street to North Transit Street, and Hawley Street between Park Avenue and West Avenue

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

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

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

Seconded by Alderman Beakman and adopted. Ayes 6.

#### **041223.15**

By Alderman Swanson-Gellerson:

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

Seconded by Alderman Kantor and adopted. Ayes: 6.

#### **041223.16 –**

By Alderman Beakman:

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

Whereas the demolition/construction project is not yet complete; now therefore be it

Resolved, that pursuant to its request, Trinity Buildings and Construction Management Corporation, 1 Jewel Drive #322, Wilmington, MA 01887 is hereby granted permission to place two dumpsters (30-yard dumpsters) in the parking spaces directly in front of 13

West Main Street or in the alley to the east of 13 West Main Street whenever possible through November 2023. Said permission is subject to Trinity Buildings and Construction Management Corporation filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll-Off Containers

Seconded by Alderman Lupo and adopted. Ayes: 6.

**041223.17**

By Alderman Devine:

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**041223.18**

**ADJOURNMENT**

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

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

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 26, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

## **INVOCATION**

## **MAYOR'S UPDATE**

## **RECESS**

Recess for public input.

## **042623.1**

## **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Swanson-Gellerson, the minutes of the Regular Meeting of April 12, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

## **PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the existing building located at 115 Oakhurst Street to utilize the existing single-family dwelling while simultaneously operating an industrial use permit.

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

03/06/2023 Jeff Tracy, Lockport Planning and Zoning Board – the board recommends the request.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

04/24/2023 Emily A. Stoddard, 1 Willow Street, Apt 6, Lockport, NY 14094 appointed to Deputy City Clerk for the City of Lockport Clerks Department effective April 24, 2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

04/24/2023 Mary A. Bucolo, 593 East Ave, Lockport, NY 14094 appointed to the City of Lockport Audit Committee.

## **FROM THE CITY CLERK**



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

**Communications** (which have been referred to the appropriate City officials)  
4/1/2023 Wallace J. Linderman III, Lock City Moose Lodge #617, requesting permission to pave in front of chain link in front of property

**Notice of Complaint:**

04/9/2023 27 Vine Street – Tree  
04/10/2023 587 Pine Street – Tree  
04/10/2023 131 Church St; 281 Pine St; 69 Chapel St; 156 Vine St; 7 Priscilla Lane; 51 Genesee St - Trees  
04/11/2023 258 Niagara Street – Storm Drain  
04/14/2023 179 Park Ave – tree  
04/18/2023 60 Adam Street

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

**Notice of Claim:**

04/6/2023 Joseph N. Shaw, 5599 Bear Ridge Road, Lockport, NY  
04/10/2023 Lydia McCarthy, 60 Chapel St, Lockport, NY

Referred to the Corporation Counsel.

**Notice of Petition** (for a judgment pursuant to Article 78 of the New York Civil Practice Laws and Rules)

4/10/2023 – Maxus Energy Corporation/Maxus Liquidating Trust –vs– YPF SA. YPF Holdings Inc, CLH Holdings, Inc; Repsol, SA, Repsol Exploracion, SA; Repsol USA Holding Corp; Repsol E&P USA Inc; Repsol Offshore E&A USA Inc; Repsol E&P T&T Limited and Repsol Services Co.

4/20/2023 - Blake Lemoi; Kathryn Fogle; Gina Pasceri; Joseph Kibler –vs- City of Lockport; Michelle Roman, Mayor; Paul M. Beakman Jr, Council President; Luke D. Kantor, Council Member; Mark S. Devine, Council Member; Margaret Lupo Council Member; Lisa Swanson-Gellerson Council Member; Lockport Professional Firefighters IAFF Local 963

Referred to Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**042623.2**

By Alderman Devine:

Resolved, that the request for a special use permit made by Eula Mae Collins to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May to October, located at 135 Charlotte Street, 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.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property if other than the applicant; 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 Lupo and adopted. Ayes 5.

#### **042623.3**

By Alderman Kantor:

Resolved, that pursuant to their request, Thunderwolves Baseball, LLC is hereby granted permission to use the baseball field at Outwater Park for their 2023 Youth Baseball Tournaments, subject to approval of the schedule by the Highways & Parks Department, for games to be played between June 4, 2023 and July 23, 2023, 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 Swanson-Gellerson and adopted. Ayes 5.

#### **042623.4**

By Alderman Devine:

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 Kantor and adopted. Ayes 5.

**042623.5**

By Alderman Swanson-Gellerson:

Resolved, 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 Tuesday, July 4, 2023, with the rain date being Wednesday, July 5, 2023.

Seconded by Alderman Lupo and adopted. Ayes 5.

**042623.6**

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to 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 5, 2023, 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 to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Beakman and adopted. Ayes 5.

**042623.7**

By Alderman Lupo:

Resolved, that pursuant to their request Orleans/Niagara BOCES is hereby granted permission to conduct an outdoor concert on June 9, 2023 from 10 AM – 12 PM on Canal Street in Lockport, subject to Orleans Niagara BOCES filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**042623.8 Purchase of Electric Vehicle Charge Station Equipment –**

By Alderman Beakman:

**Authorization for purchase of EV Charging Equipment for Pine St. Parking Lot**

**WHEREAS**, the City of Lockport (City) was awarded a grant from the New York Department of Environmental Conservation (NYSDEC) for installation of a two port Electric Vehicle (EV) charging station in the Pine Street Parking lot (Contract Number DEC01-T01010GG-3350000); and

**WHEREAS**, the City currently owns and operates an EV charging station manufactured and supported by ChargePoint; and

**WHEREAS**, the City received a quote from PPR Energy Solutions, an authorized reseller of ChargePoint product listed on OGS Contract PC68451 to furnish the necessary ChargePoint EV charging station equipment and appurtenances for \$14,252.00 with pricing based on OGS Award PGB-23035;

**NOW, THEREFORE, BE IT:**

**RESOLVED** that the Mayor is authorized to execute an Agreement with PPR Energy Solutions, PO Box 1521, Buffalo, New York 14231, in the amount of \$14,525.00 contingent upon legal review.

Seconded by Alderman Lupo and adopted. Ayes 4, No 1(Kantor).

**042623.9**

By Alderman Beakman:

Resolved, that pursuant to their request, permission be granted to the Moose Lodge 617 at 204 Monroe Street be paved in front of the chain link fence; the area is approximatively 20 x100.

Whereas, this would allow people with disabilities to have access to the Moose Lodge 617. Let it be known that this is considered a city right-a way. Subject to approval of the Planning Board.

Seconded by Alderman Kantor and adopted. Ayes 5.

**042623.10**

By Alderman Lupo:

**RESOLUTION URGING THE STATE TO ENACT MEASURES TO PROTECT FIRST RESPONDERS AND CHILDREN FROM ACCIDENTAL ILLEGAL DRUG OVERDOSES**

**WHEREAS**, in the past few years, the City of Lockport, like many other municipalities, have endured a spike in illegal opioid related overdoses and deaths; and

**WHEREAS**, often first responders are exposed to illegal opioids while responding to emergencies; and

**WHEREAS**, recently, three Lockport first responders were injured due to exposures to illegal opioids whereby emergency naloxone was administered to the first responders; and

**WHEREAS**, children have also been the victim of exposure to illegal opioids due to drug use or drug residue in their immediate vicinity; and

**WHEREAS**, some children have suffered overdoses or other injuries due to the exposure to illegal opioids; and

**WHEREAS**, first responders, children and people not using illegal opioids need to be protected from harmful and dangerous exposure to opioids, drug paraphernalia and residue; and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City of Lockport Common Council urges the New York State Legislature and Governor Kathy Hochul to enact strong legislation and criminal sanctions to curb the exposure of illegal opioid residue to first responders, children and people not using illegal opioids; and be it further

**RESOLVED**, that the City of Lockport Common Council urges Senator Rob Ortt and Assemblyman Michael Norris to sponsor legislation intended to address this very serious issue; and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to Senator Rob Ortt, Assemblyman Michael Norris, Governor Kathy Hochul, and any other elected official deemed necessary and proper.

Seconded by Alderman Lupo and adopted. Ayes 5.

**042623.11**

By Alderman Beakman:

**Whereas:** The City of Lockport is a member of the Niagara County Emergency Services Mutual Aid Plan; and

**Whereas**, the City of Lockport was notified in late 2022 that it will not have ambulance operation effective February 1, 2023, as the City's need has far exceeded the local volunteer fire companies' ability to provide ambulance 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, no net loss, to 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 run Fire Department operated ambulances, and said Board recommended that the City begin operating a Fire Department operated ambulance service within the City; and

**Whereas** due to the forgoing, the prior Council called a Special Meeting held on December 19, 2022, to vote on a Resolution calling for Lockport Fire Department (LFD) to operate its own City-run ambulance service; and

**Whereas** the Resolution for said Ambulance service (Resolution No. 121922.2) passed, and LFD run ambulance service began servicing the City on February 14, 2023; and

**Whereas** the City was just served with a frivolous lawsuit, filed by one sitting common council member and other Petitioners, attempting to overturn that lawful vote, and to put the Citizens of Lockport in danger by immediately halting LFD run ambulance services; and

**Whereas** this life-saving operation being provided to the City residents is so important to the Lockport common council members, that despite the meeting and the vote of December 19, 2022; being properly administered, the Common Council wishes to reaffirm their position and again vote on LFD run ambulance service, in an effort to save taxpayers potentially tens of thousands of dollars in legal fees fighting an ill-considered and unnecessary lawsuit; and

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

- (1) The Lockport Fire Department shall make two of the ambulances in the LFD’s possession fully operational (with a third in reserve for when the other two are in repair, or not 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; and
- (4) The FY 2023 General Fund Balance 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

(5) That the Mayor is authorized to enter into a purchasing agreement with Stryker for two 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 Lupo and adopted. Ayes 5.

#### **042323.12**

By Alderman Lupo:

Resolved that the Mayor and the Common Council do hereby extend condolences to the family of Wendy Herman, a former Cashier/Typist for the Treasures Office with the City of Lockport employed from 1988- 1998, who recently passed away.

#### **042623.13**

#### **ADJOURNMENT**

At 7:14 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 10, 2023.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 10, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input

**051023.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Lupo the minutes of the Regular Meeting of April 26, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

**4/27/2023** Daniel J Wojewoda, 345 High Street has been appointed to Building Inspector for the City of Lockport Building inspection Department effective January 21, 2022.

**Resignation:**

**4/28/2023** Henry W. Schmidt, 578 Willow Street, Lockport, NY, resignation from the Board of Directors of Assessment Review, effective 3/7/2023.

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. Reviewed by the Finance Committee.

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

Sarah K.Lanzo, City Clerk, notification that bid proposals for the Upgrading of Traffic Signal Components at Three Intersections within the City of Lockport received on 4/28/2023 are as follows:

Contractor name	Bid item #1	Bid item #2	Bid item #3	Total bid
Eastwood Industries, Inc.	\$68,445	\$67,795	\$57,445	\$193,685
Spoth Electric, Inc.	\$60,657	\$59,565	\$53,662	\$173,885
CATCO	\$60,538	\$60,944	\$53,520	\$175,002

**Notice of Complaint:**

4/17/2023 31 Sunnyside Street – trees  
4/24/2023 2271 West Creek Road – pothole  
4/24/2023 705 Market Street – tree

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

**MOTIONS & RESOLUTIONS**

**051023.2**

By Alderman Beakman:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Paul Chaffin	25	Municipal Worker
Toby Trowbridge	15	Police Lieutenant
Nicholas Palumbo	5	Police Officer
Steven Barone	5	WWTD Operator
Daniel Wenner	5	Police Officer

Seconded by Alderman Kantor and adopted. Ayes 6.

**051023.3**

By Alderman Devine:

WHEREAS Zeton US Properties, Inc. (Zeton) has applied for a Special Use Permit for 115 Oakhurst to utilize an existing single-family home while simultaneously operating an industrial use; and

WHEREAS the Planning Board, at its March 6, 2023 meeting, recommended the special use permit to utilize the existing single-family dwelling home on the parcel at 115 Oakhurst Street, while simultaneously operating an industrial use situated in an I-2 Zone, with the stipulation that the utilization of the single-family home is valid for the current tenants occupying the home only; and

WHEREAS, at the April 26, 2023 meeting of the Common Council, a public hearing on the special use permit application was held, with no opposition thereto; now be it

RESOLVED that Zeton is granted a special use permit in accordance with the recommendations of the Planning Board during the tenancy of the current occupants of the single-family residence at 115 Oakhurst Street, while simultaneously utilizing the property for a permitted industrial use be and the same is hereby approved; subject to the following provisions:

- No change in the character of the neighborhood
- No excessive noise or disturbance of neighborhood
- No appreciable change in traffic
- No outside storage materials

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

Seconded by Alderman Kantor and adopted. Ayes 5.  
Alderman Beakman recused himself from the vote.

#### **051023.4**

By Alderman Swanson-Gellerson:

WHEREAS, the City of Lockport's Collective Bargaining Agreement with Local 855 of the International Union, American Federation of State, County, and Municipal Employees, AFL-CIO, District Council 66 ("AFSCME") expires on December 31, 2026; and

WHEREAS, the City of Lockport is in need of a fire hydrant maintenance worker to maintain and repair the City's fire hydrants; and

WHEREAS, the City of Lockport and AFSCME desire to enter into a Memorandum of Understanding providing for the addition of the fire hydrant maintenance worker as a member of the Collective Bargaining Unit; and

WHEREAS, the City of Lockport and AFSCME agree that the Fire Hydrant Maintenance Worker shall be a Grade 5 position as provided for in the Collective Bargaining Agreement; and

WHEREAS, the Common Council has reviewed the attached Memorandum of Understanding executed \_\_\_\_\_, 2023; and

WHEREAS, the Common Council would like to amend the FY 2023 personnel detail to add said position in Water Distribution and to remove funding for a vacant water treatment operator position in Water Filtration; and

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

FURTHER RESOLVED that the FY 2023 Personnel detail be amended as described and that the Water Fund operating budget is amended as follows:

Expenditures

Decrease

FX.8330.51010	Full Time Wages	\$34,435
FX.8330.58010	FICA	\$2,700
FX.8330.58020	Worker's Compensation	\$3,022
FX.8330.58050	Retirement	\$3,882
FX.8330.58040	Health Insurance	\$7,761

Increase

FX.8340.51010	Full Time Wages	\$30,186
FX.8340.58010	FICA	\$2,309
FX.8340.58020	Worker's Compensation	\$2,015
FX.8340.58050	Retirement	\$3,320
FX.8340.58040	Health Insurance	\$13,969

Seconded by Alderman Lupo and adopted. Ayes 6.

**051023.5**

By Alderman Lupo:

WHEREAS, the City wishes to alter the FY 2023 Sewer Fund Personnel Detail by eliminating funding for a Wastewater Treatment Mechanic and increase funding for a Maintenance Supervisor position, and

WHEREAS, the current department's operating budget contains enough vacancy savings to fund the alteration without additional budgetary action;  
Now therefore be it resolved that the FY 2023 Sewer Fund Personnel Detail is amended as described.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**051023.6**

By Alderman Fogle:

WHEREAS, East Avenue/West Main Street/East Main Street in the City of Lockport (City) is listed by the New York State Department of Transportation (NYSDOT) a part of the Local Highway Inventory and Touring Route funding eligible; and

WHEREAS, the City has determined that East Avenue/Main Street/West Main Street is in need of upgrading traffic signal components at three intersections, located at Washburn Street and East Avenue, North Transit Street and West Main Street, and Locust Street/Market Street and East Main Street; and

WHEREAS, the City issued a Request for Proposals for interested contractors for the Upgrading of Traffic Signal Components Project and subsequently received and publicly opened and read bids at the Municipal Building on April 28, 2023 at 2:00 pm as follows;

CONTRACTOR	Spoth Electric, Inc.	CATCO	Eastwood Industries, Inc.
TOTAL BID AMOUNT	\$173,885.00	\$175,002.00	\$193,685.00

And

WHEREAS, the Director of Engineering reviewed the contractor bids and determined that Spoth Electric, Inc. has submitted the lowest complete and responsible bid and recommends that the City award the contract to Spoth Electric, Inc., for a total amount of \$173,885.00; now, therefore, be it

RESOLVED, that the Mayor is authorized to execute an Agreement with Spoth Electric, Inc., 8542 Erie Road, Angola, NY 14006, in the amount of \$173,885.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Kantor and adopted. Ayes 5.

#### **051023.7**

By Alderman Swanson-Gellerson:

Whereas, the City of Lockport's FY 2023 Operating Budget contains an appropriation of \$180,000 to fund a new dispatch radio in the police department, replacing a 23-year-old Zetron console; and

Whereas, the department has identified that Avtec is the only compatible console system due to the Avtec console's unique integration ability with our analog and digital radio connections, controllers, antennas, and frequencies, as well as the ability to connect to our current garage door openers and intercoms all within the same Avtec console; and

Whereas, the sole regional distributor of Avtec equipment in Western New York is FM Communications Inc., in Tonawanda, NY, with a provided quote of \$178,560; and Resolved; that the City is authorized to enter into said purchasing agreement and utilize funding appropriated in the FY 2023 Operating Budget.

Seconded by Alderman Devine and adopted. Ayes 6.

**051023.8**

By Alderman Swanson-Gellerson:

Whereas, the City has utilized mutual aid requests almost 60 times since February 14, 2023 with projections to have an annual number of around 300 requests this year; and

Whereas, with the local hospital closure set to occur in coming months, the City wishes to prepare having the third ambulance staffed as allowable by back-fill availability; and

Whereas, the Fire Department has requested that all municipal-owned ambulances are advance life support (ALS) equipped as well as with an automatic CPR unit in the third rig to alleviate staffing requirements; and

Whereas, the Fire Chief has collected a quote for the auto CPR hardware from Stryker totaling \$18,660.95 under cooperative bidding contract reference NASPO17 #OK-SW-300; and

Whereas, the Fire Chief has collected a quote for the cardiac monitor from Zoll Medical Corporation totaling \$38,255.31 under cooperative bidding NPP Gov contract number PS20200; and

Resolved, the City is authorized to enter into said purchasing agreements with Stryker and Zoll Medical Corporation; and

Resolved that the FY 2023 General Fund Operating Budget is amended as follows:

**Expenditures****Increase**

A.3410.52070	Public Safety Equipment	\$56,917
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**Decrease**

A.9000.58055	Benefits to Disabled Fire Retirees	\$56,917
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Resolved that this resolution and funding is made in memory of Drew Orton.

Seconded by Alderman Lupo and adopted. Ayes 6.

**051023.9**

By Alderman Beakman:

RESOLVED, that pursuant to their request, permission is hereby granted to Victory Express to hold an outreach event in the City of Lockport Walnut Street #5 Parking Lot on Saturday, May 13<sup>th</sup> from 10:00 am – 4:00 pm.

RESOLVED, that said permission is subject to the Victory Express filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Lupo and adopted. Ayes 6.

**051023.10 - WITHDRAWN (DUPLICATE)**

**051023.11**

By Alderman Devine:

RESOLVED, that the Mayor and the Common Council do hereby extend condolences to the family of retired Firefighter James J. Schiffert, a former City of Lockport employee who was employed from 2/22/1957 until 6/10/1987, who recently passed away.

Seconded by Alderman Beakman and adopted. Ayes 6.

**051023.11A**

By Alderman Fogle\_:

WHEREAS, the City issued a Request for Proposals for the purchase of a Correlator for Water Leak Detection and subsequently received and publicly opened and read bids at the Municipal Building on May 2, 2023 at 2:00 pm as follows;

CONTRACTOR	Core & Main LP
TOTAL BID AMOUNT	\$28,705.00

Resolved, that the bid proposal of Core & Main LP, 650 West Avenue BR 407, Lockport, NY 14094, received for the Correlator for Water Leak Detection Purchase be accepted in the amount of \$28,705.00. The City reserves its rights to reject this award if the materials and equipment associated with the Correlator for Water Leak Detection do not meet specifications or such said equipment fails to detect water leaks within tolerable limits of accuracy specified in the Contract Documents - Correlator for Water Leak Detection Purchase, and be it further

Resolved, that the Mayor is authorized to execute an Agreement with Core & Main LP, 650 West Avenue BR 407, Lockport, NY 14094, in the amount of \$28,705.00, contingent upon legal review, and to utilize funding in the H204 Infrastructure Improvement fund.

Seconded by Alderman Kantor and adopted. Ayes 6.

**051023.12**

**ADJOURNMENT**

At 7:12 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 31, 2023.

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

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 31st, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**053123.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of May 10th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

5/8/2023 Matthew Sova, 233 High Street, Lockport, NY 14094 appointed to the City of Lockport Audit Committee.

5/12/2023 Scott Cercone, 353 Hawley Street, Lockport, NY 14094 appointed to the City Of Lockport's Parks Board. Said term expires January 1, 2027.

5/26/2023 Scott Previte, 54 Regent Street, Lockport, NY 14094 appointed to Network Coordinator for the city of Lockport IT Department. 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. Reviewed by the Finance Committee.

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

4/20/2023 Letter from Kenan Center requesting permission to hang banner in promotion of the 52<sup>nd</sup> Annual American Craftsman event.

5/8/2023 Cornell Cooperative Extension of Niagara County requesting permission to hang banner in promotion of the 2023 Niagara County Fair.

5/9/2023 Kyle and Dawn Lambalzer, Matthew and Danielle Warchocki, 2023 Lockport in Bloom Committee- request permission to hold their 20th Annual Garden Walk on July 14<sup>th</sup> and 15<sup>th</sup> and 16<sup>th</sup>. Also request permission to place signs in Lockport parks promoting same.

05/10/2023 Holly Dickinson, on behalf of the Lockport City School District My Brother's Keeper (MBK) Program Advisory Council – request permission to use Dolan Park for end of year “MBK Celebration” on June 10, 2023.

5/12/2023 NYSDOT requesting designation of restricted highway on Saunders Settlement Road, continuing on West Avenue through West Genesee Street in both east and west bound directions.

5/15/2023 Amy Castle and Jonathan George provided notification related to a retail dispensary on 20 Lock Street, Lockport, NY.

5/22/2023 Terry Bryant, Pastor, God's Voice Ministries, Lockport, NY – requesting permission to use Altro Park for their 3<sup>rd</sup> Annual “Community in Unity” event held at on August 12, 2023.

5/18/2023 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 4th fireworks display.

5/25/2023 Ellen Martin requesting to block off Berkley Drive from Sargent to the dead end on June 21<sup>st</sup>.

Referred to Committee of the Whole.

**Notice of Complaint:**

5/1/2023 77 Webb Street – tree

5/3/2023 265 Pine Street - tree

5/4/2023 184 Locust Street – dead tree removal  
5/5/2023 159 Washington Street – tree branches  
5/11/2023 239 Niagara Street – dead tree  
5/25/2023 86 N Adam Street – tree in front of home  
5/20/2023 120 West Grant St. – tree in front of home  
5/22/2023 Akron Rd and Davison Road – dips in the road and pothole in front of 622 Davison Rd.

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

## **MOTIONS & RESOLUTIONS**

### **053123.2**

By Alderman Swanson-Gellerson:

**WHEREAS** the City of Lockport has entered into a contract with Young Explosives Corporation for Fourth of July fireworks at a cost of \$8,000; 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 at dusk on July 4<sup>th</sup> with a rain date of July 5th;

**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 City Clerk will obtain certificate of insurance naming the Lockport City School District 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 event.

Seconded by Alderman Lupo and adopted. Ayes 6.

### **053123.3**

By Alderman Lupo:

**RESOLVED** that pursuant to their request, permission is hereby granted to WNY Disc Golf Club to conduct a Tournament at Outwater Memorial Park on May 28, 2023, from 7 am until 6 pm, and be it further

**RESOLVED** that said permission is subject to WNY Disc Golf Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Beakman and adopted. Ayes 6.

### **053123.4**

By Alderman Devine:

**WHEREAS** the City is the owner of Exchange Field at Outwater Park and the Rotary Club Community Pool's Men's Locker Room located on Corinthia Street, Lockport, New York.

**WHEREAS** Lockport Wildcats Minor Professional Adult Football team wishes to use said field and locker rooms for the purpose of playing semi-professional football on the following dates: 6/10, 7/8, 7/15, 8/5, 8/19 and 8/26.

**WHEREAS** the Wildcats have partnered with Lockport Little Loop football club this season to bring Saturday night entertainment to the Lockport community.

**WHEREAS** Lockport Wildcats Minor Professional Adult Football is a For-Profit organization that promotes social welfare and physical fitness and it lessens the burdens of government by promoting the participation of people in sports, thereby enhancing their quality of life, by providing a public venue or venues for sports and recreational activities in the City of Lockport, New York.

**RESOLVED** that said permission is subject to Lockport Wildcats Minor Professional Adult Football Team filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to Corporation Counsel approval and be it further

**RESOLVED** that the Lockport Wildcats maintain the conditions of the Exchange Field at Outwater Park and the Rotary Club Community Pool's Locker Rooms when in use.

Seconded by Alderman Kantor and adopted as amended. Ayes 6.

#### **053123.5**

By Alderman Swanson-Gellerson:

**RESOLVED** that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 20th annual Lockport In Bloom "City Garden Tour 2023" event the weekend of Friday July 14<sup>th</sup> 6:00pm-10:00pm, Saturday July 15<sup>th</sup> 10:00am-4:00pm and Sunday, July 16<sup>th</sup>, 10:00am-4:00pm, and be it further

**RESOLVED** that permission is also granted to place signs advertising the event in 3 city parks, Children's Memorial Park on Transit Rd, Locust Street Park and Ida Fritz Park.

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **053123.6**

By Alderman Kantor:

**RESOLVED** that pursuant to their request, the Kenan Center, Inc. is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the 52nd Annual 100 American Craftsman event from May 24<sup>th</sup> through June 4<sup>th</sup>, 2023. 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.

Seconded by Alderman Beakman and adopted. Ayes 6.

**053123.7**

By Alderman Swanson-Gellerson:

**RESOLVED** that pursuant to their request, the Lockport City School District My Brother's Keeper (MBK) Program Advisory Council is hereby granted permission to use Dolan Park for their end of year MBK Celebration on Saturday, June 10, 2023 beginning at 9 am.

Subject to Lockport City School District filing a certificate of insurance with the City Clerk, naming the City of Lockport as additional insured.

Seconded by Alderman Lupo and adopted. Ayes 6.

**053123.8**

By Alderman Swanson-Gellerson:

**RESOLVED** that pursuant to their request, Cornell Cooperative Extension of Niagara County is hereby granted permission to erect a banner across East Avenue to promote the 2023 Niagara County Fair from July 26th through August 6<sup>th</sup>. Said permission is subject to the Cornell Cooperative Extension of Niagara County 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.

**053123.9**

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 (Widewaters), Sundays and Thursday's and Outwater Park on Monday's; beginning June 4, 2023 until August 28, 2023. 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 Swanson-Gellerson and adopted. Ayes 6.

**053123.10**

By Alderman Lupo:

**WHEREAS** the NYSDOT has awarded the City of Lockport a total of \$2,411,485.60 in CHIPS, PAVE NY, EWR, STR, and POP funding for the FY 2023 capital budget year; now, therefore, be it

**RESOLVED** that the FY 2023 Capital Fund budget is amended to add the apportioned balances as follows:

Revenue:

Increase

H082.5112.33501	Consolidated Highway Aid	\$1,238,468.02
H208.5112.33501	Consolidated Highway Aid	\$1,173,017.58

Expense:

Increase

H082.5112.52450	Infrastructure – Roads	\$1,238,468.02
H208.5112.52450	Infrastructure – Roads	\$1,173,017.58

Seconded by Alderman Kantor and adopted. Ayes 6.

**053123.11**

By Alderman Devine:

**WHEREAS** the Chief Operator of Wastewater Treatment has proposed a plan to remove debris from the diffusers (mixing zone) at the creek, redo the biofilter at the Compost plant, and to help redirect water during high flows away from the plant property; and

**WHEREAS** said plan requires further equipment that is not currently available with that of City-owned equipment, but is available via short term leases; and

**WHEREAS** funding has not been allotted for this purposes;

**NOW THEREFORE BE IT RESOLVED** that the FY 2023 Sewer Fund Operating Budget is amended as follows:

Expense:

Decrease

G.1900.54775	Contingency	\$5,500
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Increase:

G.8130.54065	Equipment Rental / Lease	\$5,500
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Seconded by Alderman Beakman and adopted. Ayes 6.

**053123.12**

By Alderman Lupo:

**WHEREAS** the NYS Department of Transportation has awarded the City of Lockport \$781,155.13 in CHIPS funding in the FY 2023 capital budget;

**WHEREAS** the Director of Streets, Parks, and Water Distribution has recommended to purchase a 12-ton truck for street operations that are eligible for CHIPS reimbursement;

**WHEREAS** a quote from Kenworth and Viking under Onondaga pricing agreement #8996 provides said equipment for a total price of \$217,281 and is within the parameters of the procurement policy;

**NOW THEREFORE BE IT RESOLVED** that the City is authorized to enter into a purchasing agreement with Kenworth and Viking and to utilize account number H082.5112.52450.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6

**053123.13**

By Alderman Devine:

**WHEREAS** the City of Lockport recognizes the importance of providing efficient waste management services to its residents and businesses; and

**WHEREAS** the current bulk item allowance of one item per single, two, and three family units, as well as commercial and industrial properties, may not adequately meet the needs of the community during certain months; and

**WHEREAS** the City of Lockport aims to ensure the responsible disposal of bulk items while maintaining cleanliness and orderliness within the community; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Lockport, that the following temporary allowance is hereby approved:

- Effective from June to August 2023, the bulk item allowance for single, two, and three family units, as well as commercial and industrial properties, shall be increased from one item to two items.
- The additional bulk item allowance shall apply to the specified months only, and the previous limit of one item shall be reinstated outside of this period.

Seconded by Alderman Kantor and adopted. Ayes 6.

**053123.14**

By Alderman Devine:

**RESOLVED** that pursuant to their request, 18 U Travel Baseball League, is hereby granted permission to use the baseball field at Outwater Park for their 2023 Travel Baseball Team, subject to approval of the schedule by the Highways & Parks Department, for June 13<sup>th</sup> and June 20, 2023, and be it further

**RESOLVED** that 18 U Travel Baseball League file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Swanson-Gellerson 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.

**053123.15**

By Alderman Beakman:

**WHEREAS** the City of Lockport (City), is seeking a grant from the Inflation Reduction Act Funding Opportunity and intends to submit via the online portal to the USDA Forest Service Urban & Community Forestry, and;

**WHEREAS** the City of Lockport is applying for a waiver for the city match, as the city meets the requirements in four (4) census tracts, 36063023500, 36063023600, 36063023700, and 36063023800, and;

**WHEREAS** the Inflation Reduction Act through USDA Forest Service Urban & Community Forestry is authorized to fund \$150,000 of the project budget for The City of Lockport Street Tree Canopy Restoration project;  
Now, therefore, be it:

**RESOLVED** that the City of Lockport authorizes and appropriates a minimum of 0% local match as per the waiver, by the USDA Forest Service Urban & Community Forestry program for The City of Lockport Street Tree Canopy Restoration project. Under the USDA Forest Service Urban & Community Forestry, this local match will be 0%. The Mayor may increase this local match through the use of in-kind services without further approval from the City.

***Authorization for representative to sign documents:***

**WHEREAS** Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the online portal to USDA Forest Service Urban & Community Forestry program for The City of Lockport Street Tree Canopy Restoration project in the amount of \$150,000; and

**WHEREAS** the Mayor is authorized to sign the grant application for The City of Lockport Street Tree Canopy Restoration project via the USDA Forest Service Urban & Community Forestry on behalf of the City of Lockport and will sign the Grant Agreement with the USDA 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 Mayor is authorized to sign a grant application in the amount of \$150,000 on behalf of the City for The City of Lockport Street Tree Canopy Restoration project via USDA Forest Service Urban & Community Forestry, and;

**BE IT FURTHER RESOLVED** that should a USDA Forest Service Urban & Community Forestry grant be awarded to the City for The City of Lockport Street Tree Canopy Restoration project, the Mayor is authorized to execute a Grant Agreement with the USDA and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the USDA Forest Service Urban & Community Forestry Program through USDA.

Seconded by Alderman Lupo and adopted. Ayes 6.

**053123.16**

By Alderman Devine:

**WHEREAS** Rubberform Recycled Products, located at 75 Michigan Street, will be installing a new roof on the building, and will need a crane to pick up the materials onto the roof. Rubberform Recycled Products estimates that they will need the crane situated on South Niagara Street, for a duration of approximately 3-4 weeks; and

**WHEREAS** the crane situated on South Niagara Street will require a road closure for the entirety of the duration of approximately 3-4 weeks; and  
Now therefore be it:

**RESOLVED** that pursuant to their request, RB Mac Construction, the general contractor for RubberForm Recycled Products, is hereby granted permission to barricade South Niagara Street to through traffic, from Michigan Street and extending approximately six-hundred (600) feet west along South Niagara Street beginning on June 1<sup>st</sup> and ending on or about the week of June 26<sup>th</sup>; subject to approval of the closure by the Police Chief and Fire Chief; and be it further

**RESOLVED** that said permission is subject to RB Mac Construction filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

**RESOLVED** that RB Mac Construction send a letter to affected residents and local businesses informing them of the closure of South Niagara Street to through traffic, no later than May 22, 2023, with a copy of same provided to the City Clerk's Office; and be it further

**RESOLVED** that RB Mac Construction will provided all barricades, cones, 'detour', and 'street closed' signs as required.

Seconded by Alderman Beakman and adopted. Ayes 6.

#### **053123.17**

By Alderman Lupo:

**WHEREAS** the City of Lockport is prepared to enter into a Payment In Lieu Of Tax agreement with Capital Realty Group, Inc., regarding the property commonly known as Autumn Gardens Phase II; and

**WHEREAS** the Project is located within the boundaries of the City of Lockport; and

**WHEREAS** Capital Realty Group 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 Capital Realty Group, subject to Corporation Counsel review.

(4) The payments in lieu of taxes ("PILOT") period is to commence on January 1, 2024 (the Commencement Date), and be concurrent with the Project's use as



apartment units for the community, but shall in no event exceed twenty (20) years from the Commencement Date.

- (5) Beginning with the first fiscal year following the Commencement Date, and continuing through the twentieth (20th) fiscal tax year following, Capital Realty Group shall make annual payments in lieu of general real estate taxes on the property located at 800-822 East High Street, Lockport, commonly known as Autumn Gardens Phase II, in the amount of \$25,445 with a three percent (3%) annual escalation for each of five (5) years, then four percent (4%) for each of eight years, and finally five percent (5%) for each of seven years. Such payments shall be due and payable on January 1<sup>st</sup> of each year.
- (6) In the event of a default in payment of the PILOT agreement contemplated by this resolution, the City shall retain all rights afforded it under law and the PILOT Agreement.

Seconded by Alderman Beakman and adopted. Ayes 4.  
Alderman Fogle and Alderman Kantor voted NO.

**053123.18**

By Alderman Swanson-Gellerson:

**RESOLVED** that pursuant to their request, permission is hereby granted to the residents of Berkley Drive, through the Lockport Public Arts Council, to barricade said street from Sargent to the dead end on June 21, 2023 from 5-9pm 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 during the week prior to said event; and be it further

**RESOLVED** that if the Lockport Public Arts Council wishes to erect a tent on the Parkway during the term of the picnic, it shall obtain insurance coverage for same, naming the City of Lockport as an additional insured as its interests may appear.

Seconded by Alderman Lupo and adopted. Ayes 6.

**053123.19**

By Alderman Beakman:

**RESOLVED** that pursuant to their request, permission is hereby granted to the residents of Lakeview Parkway, through the Lakeview Parkway Association, to barricade said street on June 24, 2023, with a rain date of June 25, 2023, 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 during the week prior to said event; and be it further

**RESOLVED** that if the Lakeview Parkway Association wishes to erect a tent on the Parkway during the term of the picnic, it shall obtain insurance coverage for same, naming the City of Lockport as an additional insured as its interests may appear.

Seconded by Alderman Kantor and adopted. Ayes 6.

**053123.20**

## **ADJOURNMENT**

At 7:27 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 14, 2023.

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

June 14, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION – Sue Mawhiney**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**061423.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Lupo, the minutes of the Regular Meeting of May 31<sup>st</sup>, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

**FROM THE CITY CLERK**

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

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

Referred to Committee of the Whole.

**Notice of Claim:**

6/5/2023 Mark Danna, 145 Autumnvale Drive, Lockport.

Referred to the Corporation Counsel.

**Notice of Complaint:**

5/30/2023 16 Alabama Place – tree

6/1/2023 19 Cave Street – tree

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

**MOTIONS & RESOLUTIONS****061423.2**

By Alderman Beakman:

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

<b><u>Employee</u></b>	<b><u>Years of Service</u></b>	<b><u>Title</u></b>
Joshua T. Fiegl	20	Electrician
Andrew J. George	5	Water Treatment Operator
Mark A. Cocco	5	Senior Water/Sewer Maintenance Worker
Willfrederick Volmy	5	Senior Water/Sewer Maintenance Worker

Seconded by Alderman Devine and adopted. Ayes 6.

**061423.3**

By Alderman: Swanson-Gellerson

**Resolved** that pursuant to their request, God's Voice Ministries Church is hereby granted permission to hold a community outreach event, "Community in Unity" for the third year, in Altro Park on Willow Street, with use of the pavilion, to be held on August 12, 2023, from 12 p.m. 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 6.

**061423.4**

By Alderman: Kantor

**Whereas** the City of Lockport's Water Filtration department has requested that the City pursue expanded maintenance provisions to improve (1) turbidity meter systems, (2) generator belts, and (3) river intake precaution measures; and

**Whereas** the Chief Water Treatment Plant Operator has compiled quotes for said services, with the turbidity costs contained in NY State Contract #PC67243 and the remaining items falling under the existing procurement guidelines; now there fore be it

**Resolved** that the City of Lockport Common Council hereby authorizes \$26,189.93 to be used in funding from the H204 capital project (FX Infrastructure Improvements) for Hatch, Pen Power Systems, and Pharos Marine Automatic Power.

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **061423.5**

By Alderman: Swanson–Gellerson

**Whereas** Title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulations on Reporting for Elected or Appointed Officials requires the reporting of time for certain elected or appointed officials participating in the New York State Retirement System, and

**Whereas** Title 315.4 required that the Common Council establish by resolution a standard work day for each Elected or Appointed official serving the City of Lockport, and

**Whereas** elected or appointed offices must prepare and file a time record for the first 180 days of taking office which is good for a period of eight years, and

**Whereas** section 315.3 of Chapter VI, Title 2 of the New York Code of Rules and Regulations require the Common Council establish by resolution a standard work day for each elective or appointed official, and

**Whereas** none of the participants listed below are in Tier 1, and

**Whereas** all of the participants below have submitted their respective Record of Activities to the City Clerk.

**Now therefore be it resolved** that the City of Lockport, a municipal corporation located at One Locks Plaza, Lockport, New York 14094 hereby establishes the following standard workdays for these titles for the calendar year of 2023 and will report the officials to the New York State and Local Retirement System based on their record of activities:

<u>Title</u>	<u>Std.</u> <u>Work Day</u>	<u>Name</u>	<u>Term</u>	<u>Record</u> <u>Activity</u> <u>Results</u>
Deputy Corporation Counsel	7	Jason Cafarella	1/1/2023-x/x/xxxx	11.97 12/31/2023

Seconded by Alderman Devine and adopted. Ayes 6.

**061423.6**

By Alderman: Lupo

**Whereas** the City of Lockport Common Council wishes to discuss the implementation of the City of Lockport Microenterprise Program that received Community Development Block Grant ("CDBG") funding from the New York State Office of Community Renewal (the "OCR"), and

**Whereas** the Lockport Common Council is required to hold a public hearing to consider citizen comments regarding implementation of the program, be it

**Resolved** that a public hearing be held on June 28, 2023, at 6:30 p.m. at City Hall, One Locks Plaza, Lockport, New York, before the City of Lockport Common Council, whereat all interested parties shall be heard regarding the CDBG program, and be it further

**Resolved** that at least eight (8) days' notice of such hearing shall be given by the City Clerk by the due posting thereof on the City's website and by publishing such notice at least once in the official newspaper of the City.

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

**061423.7**

By Alderman: Lupo

**Whereas** The City of Lockport received Community Development Block (CDBG) funding from the New York State Office of Community Renewal (Project No. 663CVPF24-21) to implement the City of Lockport CARES Business Restoration Fund (the "Program") and to provide public facilities funding to assist The Dale Association, Inc. (the "Public Facilities Project"), and

**Whereas** the City of Lockport Common Council wishes to discuss the implementation of the Program and the Public Facilities Project, and

**Whereas** the Lockport Common Council is required to hold a public hearing to consider citizen comments regarding implementation of the Program and the Public Facilities Project, be it

**Resolved** that a public hearing be held on June 28, 2023, at 6:30 p.m. at City Hall, One Locks Plaza, Lockport, New York, before the City of Lockport Common Council, whereat all interested parties shall be heard regarding the Program and the Public Facilities Project, and be it further

**Resolved** that at least eight (8) days' notice of such hearing shall be given by the City Clerk by the due posting thereof on the City's website and by publishing such notice at least once in the official newspaper of the City.

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

**061423.8**

By Alderman: Lupo

**Whereas** the City of Lockport received Community Development Block (CDBG) funding from the New York State Office of Community Renewal (Project No. 663CVPF24-21) to provide public facilities funding to assist The Dale Association, Inc. (the “Public Facilities Project”), and

**Whereas** the City of Lockport entered into a Grant Agreement with the Greater Lockport Development Corporation (“GLDC”) which provides for implementation of the CDBG funding and the Public Facilities Project by GLDC, and

**Whereas** the City of Lockport Common Council wishes to designate a Labor Standards Officer to oversee the labor portion of the implementation of the Public Facilities Project, and

**Resolved** that Heather Peck, President and CEO of the GLDC, is hereby appointed and designated as the Labor Standards Officer for the Public Facilities Project.

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

#### **061423.9**

By Alderman: Beakman

**Whereas** the City of Lockport is committed to ensuring the safety and well-being of its residents and visitors; and

**Whereas** there has been an observed increase in speeding, failure to comply with stop signs and red lights, and the unauthorized use of off-road vehicles within the city limits; and

**Whereas** it is imperative to take immediate action to address these traffic-related concerns and promote a safer environment for all community members;

**Now, therefore, be it resolved** by the City Council of Lockport that the Lockport Police Department (LPD) shall assign additional officers to strategic locations, including high-traffic areas, intersections prone to violations, and areas identified as hotspots for off-road vehicle activities to better enforce traffic laws, issue citations, and educate the public on the importance of adhering to traffic regulations; and

**Now, therefore, be it resolved** that the LPD is encouraged to collaborate with other relevant city departments, such as Public Works and Engineering, to identify and implement traffic-calming measures where appropriate, such as speed bumps and signage; and

**Now, therefore, be it resolved** that the FY 2023 General Fund operating budget is amended as follows:

#### Expenditures

Decrease		
A.1900.54775	Contingency	\$20,000
Increase		
A.3120.51100	Overtime	\$20,000

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

**061423.10 WITHDRAWN**

**061423.11**

By Alderman Beakman:

**Whereas** Resolution 040721.8 established a Park Revitalization Program (H206) in the Capital Budget; and

**Whereas** the City has compiled three quotes for the design and printing of a banner for the fence at the Outwater Park baseball field and has recommended to move forward with the lowest bidder; now, therefore, be it

**Resolved** that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, with Signworks Sportswear for a total of \$6,485.55 and utilize funds in the H206 capital project.

Seconded by Alderman Lupo and adopted. Ayes 6.

**061423.12**

**ADJOURNMENT**

At 7:00 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, June 28, 2023.

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

June 28, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION – Moment of Silence**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**062823.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Lupo, the minutes of the Regular Meeting of June 14, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on the NYS Community Development Block Grant program to provide funding to communities under the Microenterprise Program to create or expand job opportunities.

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

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING**

The Mayor announced a public hearing to consider citizen comments regarding implementation of the Program and the Public Facilities Project.

The Mayor asked the City Clerk if any petitions or communications relative to said implementation.

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. Reviewed by the Finance Committee.

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

6/12/2023 Patrick Tighe from Niagara County Deputy Sheriff's Benevolent Association requesting us of Nelson C. Goehle Park for 5k on October 15<sup>th</sup> 2023.

6/22/2023 Eula Mae Collins requesting to hold event in honor of her mother, "Mrs. Ribs".

6/21/2023 Ann Furlong thanking the city for a swift removal and cleanup of a fallen tree at her residence, 466 Hawley Street.

6/22/2023 Niagara County Clerk Joseph Jastrzemski requesting assistance from the city for a Purple Heart award ceremony on August 6, 2023.

6/12/2023 Sarah K. Lanzo – notification that the bid proposals for Clinton St and North Adam Street received on June 12, 2023 as follows:

<b>CONTRACTOR Bid No.</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>CONTRACTOR NAME</b>	<b>Northeast Diversification, Inc.</b>	<b>Occhino Corp.</b>	<b>Milherst Construction, Inc.</b>
Bid Item No. 1	\$11,020.00	\$11,400.00	\$12,750.00
Bid Item No. 2	\$22,000.00	\$25,000.00	\$20,000.00
Bid Item No. 3	\$44,505.00	\$47,610.00	\$51,750.00

Bid Item No. 4	\$19,425.00	\$22,575.00	\$21,000.00
Bid Item No. 5	\$9,000.00	\$8,850.00	\$9,750.00
Bid Item No. 6	\$209,250.00	\$199,950.00	\$239,475.00
Bid Item No. 7	\$35,000.00	\$32,000.00	\$35,000.00
Bid Item No. 8	\$4,875.00	\$4,950.00	\$2,250.00
Bid Item No. 9	\$2,925.00	\$1,875.00	\$750.00
Bid Item No. 10	\$40,000.00	\$40,000.00	\$40,000.00
<b>Grand Total Bid Price</b>	\$398,000.00	\$393,710.00**	\$432,725.00
<b>Verified Total Bid Price by the City of Lockport</b>	\$398,000.00	<b>\$394,210.00</b>	\$432,725.00

**Notice of Complaint:**

6/1/2023 Travis Krupinski of 19 Cave Street – tree  
6/26/2023 Mary Seiler, 111 East Avenue – tree  
6/27/2023 Shawn Bower, Ruhlman Road – 10-15ft pothole

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

**Notice of Claim:**

6/5/2023 Charles and Lois Begley, 34 Lincoln Avenue  
6/21/2023 Tyler Methvin, 1297 Norwood Drive, Lockport.

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**062823.2 WITHDRAWN**

**062823.3**

By Alderman Fogle:

**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 Saturday, July 8, 2023, from 10 am 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 Kantor and adopted. Ayes 6.

**062823.4**

By Alderman Fogle:

**Resolved**, that pursuant to the request of Paula Holiday, permission is hereby granted to the members of House of One Faith to barricade LaGrange St from LaGrange and Pine to LaGrange at Cottage Street on July 22, 2023, from 3 pm – 8 pm for a community event called Kids “Free” Day, and be it further

**Resolved**, that the Director of Highways, Streets 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 Swanson- Gellerson and adopted. Ayes 6.

**062823.5**

By Alderman Swanson-Gellerson:

**Resolved** that pursuant to their request, the Niagara County Sheriff’s Office Domestic Violence and Victim Assistance Units are hereby granted permission to host a 5K run in honor of Domestic Violence Awareness Month, at Nelson C. Goehle Wide Waters Marina, on Sunday, October 15, 2023, from 8am until 12noon. Permission to include the use the restroom facilities and pavilion, and the barricading of Market Street from Mill Street to Cold Springs Road from 10am until 11:30am. Said permission is subject to Niagara County Deputy Sheriff’s PBA filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

**Resolved** that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange to have the restroom open and electricity available at the park for said event, and to arrange for delivery of barricades, traffic cones, and street closed signs.

Seconded by Alderman Lupo and adopted. Ayes 6.

**062823.6**

By Alderman Beakman:

**Whereas** the City of Lockport has received funding from the Housing Authority for the junior police academy to be held in August; and

**Whereas** utilizing said funds required a budget amendment, as it was not built into the FY 2023 budget;

**Now therefore be it resolved** that the FY 2023 operating budget is amended as follows:

Revenue			
Increase			
A.3120.31589	Other Public Safety Income	\$6,063	
Expenditures			
Increase			
A.3120.54510	Program Expenses	\$6,063	

Seconded by Alderman Devine and adopted. Ayes 6.

**062823.7**

By Alderman Swanson-Gellerson:

**Whereas** the City of Lockport, New York (hereinafter “City”) and the City of Lockport Department Head Association (hereinafter “Union”) are parties to a collective bargaining agreement covering the terms and conditions of employment for Union employees of the City of Lockport, effective January 1, 2013 through December 31, 2026 (together hereinafter “the CBA”); and

**Whereas** the City’s Information Technologies Network Coordinator position is not unionized position; and

**Whereas** the New York State Civil Service Commission has determined that the City’s Information Technologies Network Coordinator position is not a confidential position; and

**Whereas** the parties agree that the Department Head Association is the most appropriate collective bargaining unit for the Information Technologies Network Coordinator position; and

**Whereas** the City and the Department Heads Union reached a Memorandum of Understanding regarding the incorporation of the “Information Technologies Network Coordinator” into the Union; and

**Now therefore be it resolved** that the City of Lockport hereby acknowledges and approves the job title Information Technologies Network Coordinator as part of the Department Heads Union collective bargaining unit; and

**Be it further resolved** that the City of Lockport approves the Memorandum of Understanding executed by Mayor Michelle Roman and Union President Jason Dool dated June 2, 2023.

**Be it further resolved** that the FY 2023 General Fund budget is amended as follows:

Expenses			
Decrease			
A.1900.54775	Contingency	\$945	
A.9000.58042	HRA Employer Contribution	\$3,570	
Increase			

A.1680.51010	Full Time Wages	\$2,120
A.1680.58010	FICA	\$162
A.1680.58050	Retirement	\$233
A.1900.58041	Medical Insurance In Lieu Of	\$2,000

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **062823.8**

By Alderman Kantor:

**Whereas** the Engineering Department has funding allocated towards the purchase of a crawler inspection camera in A.1440.52015; and

**Whereas** the City Engineer has located a quote for such equipment with Eastcom Associates Inc. for a total of \$53,173 under cooperative state bid contract SC01-21 from the HGAC national cooperative bidding service; now therefore be it

**Resolved** that the Mayor is authorized to enter into the purchasing contract utilizing budgeted funds.

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **062823.9**

By Alderman Lupo:

**Whereas** the American Rescue Plan Act of 2021 (ARPA) provided the City with \$2,082,558 in Federal funding to be used within established parameters, and

**Whereas** the City of Lockport has \$237,997 in remaining unencumbered funds available; and

**Whereas** the Chief Operator of the Wastewater Treatment facility has recommended to utilize said funds for the replacement of pumps in the Hoover Lift Station as well as for replacement of return pumps in the wastewater treatment facility; and

**Whereas** the City has published a request for proposals for the 3 Hoover Lift replacement pumps and has recommended to pursue the lowest bidder, Fleet, for \$69,881; and

**Whereas** the City has published a request for proposals for 4 return pumps at wastewater treatment and has recommended to pursue the lowest bidder, Fleet, for \$158,951; and

**Now therefore be it resolved** the City is authorized to utilize remaining ARPA funding and to enter into the purchasing contracts with Fleet contingent on corporation counsel approval.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **062823.10 WITHDRAWN**

#### **062823.11**

By Alderman Devine:

**Resolved** that pursuant to their request, permission is hereby granted to Baby Ribs to conduct a community event to promote unity on August 20, 2023 at 135 Charlotte Street, Lockport, NY. This legacy event will be held from 11 am – 8 pm and be it further;

**Resolved** that permission is subject to Baby Ribs 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 delivery of barricades, picnic tables and garbage cans 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 Lupo and adopted. Ayes 6.

**062823.12**

By Alderman Beakman:

**Whereas** Clinton Street (New York State Route 78) 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 Clinton Street is in need of pavement restoration beginning from the south side of the intersection with Grand Street (NY 78) and ending at the west side of the intersection with Lake Avenue (NY 78) / Matt Murphy Way; 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 Clinton Street and Adam Street Pavement Restoration Project and subsequently received and publicly opened and read bids at the Municipal Building on June 12, 2023 at 2 pm as follows;

CONTRACTOR	Occhino Corp.	Northeast Diversification, Inc.	Milherst Construction, Inc.
TOTAL BID AMOUNT	\$394,210.00*	\$398,000.00	\$432,725.00

And

**Whereas** the Director of Engineering has determined that Occhino Corp. has submitted the lowest complete and responsible bid and recommends that the City award the contract to Occhino Corp., for a total amount of \$394,210.00; now, therefore, be it

**Resolved** that the Mayor is authorized to execute an Agreement with Occhino Corp., 2650 Seneca Street, West Seneca, New York 14224, in the amount of \$394,210.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Lupo and adopted. Ayes 6.

**062823.13**

**ADJOURNMENT**

At 6:55 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, July 12th, 2023.

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

July 12<sup>th</sup>, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Kantor, and Lupo.  
Alderman Swanson-Gellerson absent.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**071223.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor the minutes of the Regular Meeting of June 28th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Appointments:**

7/11/2023 Dylan T Pratt, 137 Waterman Street, appointed to Assistant Director for the City of Lockport Engineering Department. Said appointment is provisional and subject to 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. Reviewed by the Finance Committee.

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

6/26/2023 Freedom Church requesting permission for Block party on 7/13.

6/27/2023 Independent Living of Niagara County requesting permissions for event on International Overdose Awareness Day, 8/31.

7/7/2023 Danna & Danna – Short Street Patio Bar, Inc. – Liquor License Application Standardized Notice Form for 30 Day Advance Notice to Local Municipality

06/21/2023 Sarah K. Lanzo – notification that the bid proposals for WWTP Return Pumps RFP received on June 21, 2023 are as follows:

Fleet Pump and Service	Total Bid:
455 Knollwood Rd,	\$158,951
White Plains NY 10603	

06/21/2023 Sarah K. Lanzo – notification that the bid proposals for WWTP Hoover Lift Pumps RFP received on June 21, 2023 are as follows:

Fleet Pump and Service	Total Bid:
455 Knollwood Rd,	\$69,881
White Plains NY 10603	

06/21/2023 Sarah K. Lanzo – notification that the bid proposals for the Water and Sewer Master Plan received on June 21, 2023 are as follows:

Nussbaumer & Clarke, Inc.	Total Bid:
80 Main St., Suite A	N/A
Lockport, NY	

HUNT EAS	
4 Commercial St., Suite 300	\$165,000
Rochester, NY 14614	

**Notice of Complaint:**

6/27/2023 Daniel Wiegand – pothole

7/5/2023 Susan Marshall, 603 Walnut Street - tree

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

**Notice of Petition** (for a judgment pursuant to Article 78 of the New York Civil Practice Laws and Rules)

6/29/2023 City of Lockport – vs- Lockport Department Heads Association, affiliated with office and professional international Union, Local 153

**MOTIONS & RESOLUTIONS**

**071223.2**

By Alderman Beakman:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Michael J. McFall plant	25	Chief Operator, Waste Water Treatment
Michel D Cutter	5	Heavy Equipment Operator

Seconded by Alderman Lupo and adopted. Ayes 5.

**071223.3**

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, Thursday July 13<sup>th</sup> 2023, for a Neighborhood Appreciation Picnic from 5 until 8 p.m., and be it further

**Resolved** that Freedom Church is granted permission to erect a bounce house 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 Kantor and adopted. Ayes 5.

**071223.4**

By Alderman Beakman:

**Whereas** the City of Lockport, in resolution 012622.7 adopted an Employee Handbook; and

**Whereas** the City wishes to amend the outdated travel lodge and meal reimbursement rates to mirror that established annually by the Office of the New York State Comptroller's Guide to Financial Operations Section XIII.4.D

**Now therefore be it resolved** that the Employee Handbook is amended as described.

Seconded by Alderman Lupo and adopted. Ayes 5.

**071223.5**

By Alderman Devine:

**Whereas** section C-15 of the Charter allows alterations to salaries for elected positions to be made via resolution, only during the July proceeding a November election in which said position is on the docket; and

**Whereas** the Council has reviewed the salaries of elected positions and has recommend to amend the salary of the City Treasurer position from \$55,000 to \$63,000, effective January 1, 2024; and Now therefore, be it

**RESOLVED** that the Corporation Counsel be and is hereby directed and authorized to prepare, submit for consideration, and file all resolutions and/or local laws necessary to effectuate the above salary change of the City Treasurer to \$63,000, for the next general election and calendar year 2024.

Seconded by Alderman Kantor and NOT adopted. Ayes 3. Nays 2.  
Alderman Beakman and Lupo voted no.

**071223.6**

By Alderman: Lupo

**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 Thursday, August 31st, 2023 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 Devine and adopted. Ayes 5.

**071223.7**

By Alderman Beakman:

**Whereas** resolution 053123.4, adopted by the Common Council at their May 31, 2023 meeting gave permission to Lockport Wildcats to use Exchange Field at Outwater

Park and the Rotary Park and the Rotary Club Community pool's locker rooms located on Corinthia Street, Lockport, NY.

**Whereas** permission was granted to the Lockport Wildcats Minor Professional Adult Football Team to use the field for purposes of playing semi-professional football,

**Whereas** Lockport Wildcats requested to add July 22<sup>nd</sup> to 6/10, 7/8, 7/15, 8/5, 8/19 and 8/25, which were approved on May 31 2023.

**Now therefore be it resolved** that said permission is subject to Lockport Wildcats Minor Professional Adult Football Team filing a certificate of insurance with the City Clerk naming the city of Lockport as additional insured and subject to Corporation Counsel approved and be it further

**Resolved** that the Lockport Wildcats maintain the conditions of the Exchange Field at Outwater Park and the Rotary Club Community Pool's Locker Rooms when in use.

Seconded by Alderman Lupo and adopted. Ayes 5.

**071223.8**

### **ADJOURNMENT**

At 7:09 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, July 26th 2023.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

July 26th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION – Moment of Silence**

**RECESS**

Recess for public input.

**072623.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor the minutes of the Regular Meeting of July 12, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**FROM THE MAYOR**

**Appointments:**

7/14/2023 Michael E. Tucker, 200 Park Ave., appointed to Water and Sewer Maintenance Worker for the City of Lockport Water Distribution Department effective 7/21/2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Services Rules and Regulations.

7/14/2023 Jeffrey Cuillo, 20 Windsor Street, appointed to Senior Water and Sewer Maintenance worker for the City of Lockport Water Distribution Department effective 7/21/2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Services Rules and Regulations.

7/19/2023 Jeremy M. Antonik, 310 Church Street, appointed to Fire Hydrant Maintenance Worker for the Water Distribution Department effective 7/21/2023. Said

appointment is provisional and subject to the City of Lockport Municipal Civil Services 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. Reviewed by the Finance Committee.

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

7/21/2023 Sarah K. Lanzo – notification that the bid proposals for the Lockport Raw Water Pump Station Generator Purchase Specifications received on 7/21/2023 are as follows:

Frey Electric Construction	\$188,000.00
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7/21/2023 Sarah K. Lanzo – notification that the bid proposals for the procurement of Kenwood Nexedge Portable Radios and Accessories received on 7/21/2023 are as follows:

FM Communications, Inc.	\$41,514.41
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**Notice of Complaint:**

7/13/2023 John Public – Millar Place potholes and street sign replacement

7/19/2023 Robert Carlin, 260 Niagara Street - tree

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

**Notice of Claim:**

7/10/2023 Glenn Hillman – Moving truck was damaged by low hanging branch on city tree.

Referred to the Corporation Counsel.

**Notice of Lawsuit:**

6/19/2023 – Tyler Methvin –vs- City of Lockport

### **MOTIONS & RESOLUTIONS**

**072623.2**

By Alderman Lupo:

**Whereas** the FY 2023 Capital Budget includes a proposed project for a water and sewer master infrastructure plan to inventory the existing system and strategize a plan that meets the needs of our community; and

**Whereas** the City published a request for proposal for said project on May 30, 2023 and received one completed bid by June 21, 2023; and

**Whereas** the City has reviewed the submission and has recommended to pursue a contract with Hunt EAS for a contract total of \$165,000 and estimated \$120,000 for testing and data gathering for a grand project total of \$285,000; and

**Whereas** the Water and Sewer Funds ended FY 2022 with a fund balance of \$3 million and \$2 million respectively; and

**Whereas** said fund balances are in excess of the minimum requirement amount and can be utilized for said capital project; now therefore be it

**Resolved** that the Mayor is authorized to enter into the contract with Hunt EAS (contingent on corporation counsel approval) and that funding is to be allocated from the fund balance of both funds (split evenly) less any upcoming funding availability.

Seconded by Alderman Kantor and adopted. Ayes 5.

### **072623.3**

By Alderman Fogle:

**Whereas** that pursuant to their request, the Niagara County Clerk's Office is hereby granted permission to host their Purple Heart Award Ceremony and dedication service, in honor of the distinguished members of the United States Armed Forces who were wounded or killed in action. Said event shall take place on August 6, 2023 at 12 noon; and

**Whereas** a formal Purple Heart ceremony provides an opportunity to express our gratitude, and to pay tribute to their service, and offer support to Purple Heart recipients and their families;

**Now therefore it be resolved:**

1. Niagara Street shall be closed from 10 am – 3 pm, from the corner of Prospect St to Hawley Street
2. That Hawley Street shall be closed from 10 am – 3 pm, from the corner of Niagara Street to Park Avenue
3. That Park Avenue shall be closed from 10 am – 3 pm, from the corner of Prospect Street to the Navy Marine Club parking lot
4. The City shall provide four sets of bleachers for guests who attend the event
5. The City shall provide two City of Lockport Police Officers for help with traffic control at the beginning and end of the event; and it is further

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

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.



**072623.4**

By Alderman Fogle:

**Resolved** that pursuant to their request, permission is hereby granted to the residents of Cottage Street, , to barricade said street from Lagrange to High Street on August 12, 2023 from 12 pm – 9 pm 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 the area prior to said event.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**072623.5**

By Alderman Beakman:

**Whereas** pursuant to Section 61 of the City of Lockport Charter the Common Council has management and control of all real and personal property belonging to the City, and may make such orders concerning same and leases thereof, not to exceed 99 years, as it may deem best for the interest of the City, and

**Whereas** the Common Council and Mayor would like to inquire as to options regarding the City's compost plant located at 611 W. Jackson St. as it relates to best use options of third party and private companies for the purposes of composting and/or wastewater management, and

**Resolved** that the Common Council hereby directs the City to publish a Request for Proposal for best use of said land in its current state and be it that each proposal be accompanied by a presentation made to the Common Council to discuss logistics and use of lands.

Seconded by Alderman Lupo and adopted. Ayes 5.

**072623.6**

By Alderman Swanson-Gellerson:

**Resolved** that pursuant to their request Lockport Main Street, (hereafter LMS) is hereby granted permission to host Lockfest – Music and Arts for the Whole Family, in collaboration with B & D Bagels on Sunday, August 27, 2023 from 12 pm – 7 pm at Lockview Plaza, said event to include the following:

- Closure of Main Street to through traffic from Cottage Street to Pine Street for the duration of the event
- Street barricades for closures delivered prior to the event
- LMS is granted access to electricity at the light posts along Main Street
- LMS is granted permission for vendors and restaurants to set up along and serve
- LMS is granted permission to place portable sanitation units on Main Street for this event

- Garbage barrels delivered to the Main St. parking lot on Saturday for distribution throughout event on Sunday

**Resolved** that the Director of Highways, Parks and Water Distribution 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.

Seconded by Alderman Kantor and adopted. Ayes 5.

**072623.7**

By Alderman Lupo:

**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 Sunrise Optimists for a donation of \$600 to be used for Family Fun Night on August 11, 2023; and

**Resolved** that the FY 2023 General Fund budget be amended as follows:

Revenue

Increase

A.8510.32705	Gifts and Donation	\$600
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Expenditures

Increase

A.8510.54515	Special Supplies	\$600
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Seconded by Alderman Kantor and adopted. Ayes 5.

**072623.8**

By Alderman Beakman:

**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 Rotary Club of Lockport for a donation of \$32,913 to be used for a pavilion to be used in the Lower Town Loop / Market Street Bathroom (under NASPO contract 10700-15856); and

**Resolved** that the FY 2023 General Fund budget be amended as follows:

Revenue

Increase

A.7110.32705	Gifts and Donation	\$32,913
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Expenditures

Increase

A.7110.52025	Building and Grounds Equipment	\$32,913
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Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**072623.9**

By Alderman Fogle:

**Resolved** that pursuant to their request, permission is hereby granted for Short Street to be barricaded at the corner of Short Street and Michigan Avenue for a Fundraiser for Tony Ventura to be held on August 12, 2023 from 3 PM to 9 PM and be it further

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

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**072623.10** WITHDRAWN

**072623.11**

By Alderman Kantor:

**Whereas** the owner(s) of the development commonly known as Lockport Professional Park had challenged their property assessment against the City for successive years beginning in 2015 through 2020; and

**Whereas** the City appeared and answered the suit and defended itself throughout multiple court appearances; and

**Whereas** all parties reached a settlement in in 2020, which settlement became the subject of additional motion practice in New York State Supreme Court that resulted in a court order determining the precise amount of overpayments during the period of the lawsuits; now be it

**Resolved** that the FY 2023 General Fund Budget is amended as follows:

Expenditures:

Decrease

A.1900.54775	Contingencies	\$103,297.60
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Increase:  
A.1900.54765                      Judgement and Claims                      \$103,297.60

Continent upon review and approval by Corporation Counsel.

Seconded by Alderman Beakman and adopted. Ayes 5.

**072623.12**

By Alderman Kantor:

**Whereas**, section C-15 of the Charter allows alterations to salaries for elected positions to be made via resolution, only during the July proceeding a general election in which said position is on the docket; and

**Whereas**, the Council has reviewed the salaries of elected positions and has recommended to amend the salary of the City Treasurer position from \$55,000 to \$61,000, first step effective January 1, 2024, and increases as herein state below; and

**Now therefore, be it**

**RESOLVED**, that the City Clerk be, and is hereby directed and authorized to prepare, submit for consideration, and file all resolutions and/or local laws necessary to effectuate the above salary change of the City Treasurer to \$61,000, for the next general election. Said amount shall be implemented as follows:

Fiscal Year 2024 salary to be \$58,000

Fiscal Year 2025 salary to be \$59,000

Fiscal Year 2026 salary to be \$60,000

Fiscal Year 2027 salary to be \$61,000

All Fiscal Years thereafter the position of City Treasurer shall be paid at the annual rate of \$61,000.

Seconded by Alderman Fogle and NOT adopted. Ayes 2. Alderman Kantor and Fogle voted yes. Nays 2. Alderman Beakman and Lupo voted no. Alderman Swanson-Gellerson abstained.

**072623.12A**

By Alderman Fogle:

**Whereas** Make-A-Wish Foundation is providing a pool for Abbie McNett at 36 Gaffney Road through donations of contractors time and services and

**Whereas** Abbie McNett was diagnosed with Stage 4 Cancer which has been stabilized through radiation and chemo therapy

**Now therefore it be**

**Resolved** that the Mayor and Common Council will support the efforts and work of the contractors who installed the pool by waiving the permit and contractor fees related to this project.

Seconded by Alderman Beakman and adopted. Ayes 5.

**072623.13**

## **ADJOURNMENT**

At 6:51 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, August 9, 2023.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

August 9th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

### **INVOCATION – Moment of Silence**

### **RECESS**

Recess for public input.

**080923.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of July 26th 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

### **FROM THE CITY CLERK**

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

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

#### **Notice of Complaint:**

5/20/2023 Benjamin Briskey, 120 West Grant Street, tree complaint.

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

#### **Notice of Claim:**

7/21/2023 John and K. Noel Kugler, 101 Vermont Avenue, curb damage.

7/27/2023 Sterling Pierce, seeking reimbursement for medical expenses.

Referred to the Corporation Counsel.

**Notice of Petition:** (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

07/27/2023 LG Industries –vs- City of Lockport

07/27/2023 STU Rent LLC, 403 East LLC –vs- City of Lockport

07/27/2023 Henry J. Ciarfella Jr & Nancy L Ciarfella Irrevocable Trust –vs- City of Lockport

07/27/2023 Washington Hunt LLC –vs- City of Lockport

07/27/2023 Sai Ram Hotel LLC –vs- City of Lockport

07/27/2023 Lockport Professional Park Realty LLC aka Rock 1234 LLC –vs- City of Lockport

07/27/2023 Cancer Clarity LLC –vs- City of Lockport

07/27/2023 Pulsar Properties LLC; Tudor Heights Apartments LLC –vs- City of Lockport

07/27/2023 Burkard Properties and Management LLC & David Burkard –vs- City of Lockport

07/27/2023 46 Davison Court Associates –vs- City of Lockport

07/27/2023 Dietrick Brothers Inc, -vs- City of Lockport

07/27/2023 Second Niagara LLC –vs- City of Lockport

07/27/2023 BG271 Properties LLC Aka Higher Grounds Apartments –vs- City of Lockport

07/28/2023 Board of Assessment Review for the City of Lockport, The Assessor of the City of Lockport and the City of Lockport For Review of the Assessment of 196 Locust St.

07/28/2023 Niagara Industrial Properties, Inc –vs- The Assessor(s) for the City of Lockport

07/28/2023 104 Old Niagara Rd, LLC –vs- The Assessor for the City of Lockport, the Board of Assessment Review for the City of Lockport and the City of Lockport

**Notice of Petition:** (Small Claims Assessment Review)

08/02/2023 Joel M. Grundy, 58 Summit Street, Lockport, NY

**Notice of Summons:**

07/28/2023 Christine Converso –vs- City of Lockport

## **MOTIONS & RESOLUTIONS**

### **080923.2**

By Alderman Beakman:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Warren D. Hale	30	Police Detective
Teresa M. Rucci	5	Deputy City Treasurer

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

### **080923.3**

Alderman Fogle:

**Resolved** that pursuant to their request, permission is hereby granted to the residents of Bridlewood Drive, to barricade said street at Transit Road and Bridlewood Drive on Sunday, September 10, 2023 from 11 am – 6 pm 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 the area prior to said event.

Seconded by Alderman Beakman and adopted. Ayes 6.

### **080923.4**

By Alderman Fogle:

**Whereas** Lockport Main Street, in conjunction with Bills Elvis (John Lange), Lock 34 Bar & Grill, and Gonzo's, are planning a Community Tailgate Fundraiser in Memory of the late Beau Miller **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 Kids Escaping Drugs on Main Street on Monday, September 11, 2023 from 4:00 pm until 7:30 pm, and said event to include the following:

- Main Street be closed to through traffic from Cottage Street to Pine Locust Street prior to the event for the duration of the event
- Street barricades for closure of Main Street at Cottage to Main Street at Pine-Locust Street
- Temporary 'No Parking Zone' will be in effect on Main Street from 6 am to 7 pm on September 11, 2023
- Access to electricity, available at the light posts along Main Street.
- Permission to place portable sanitation units on Main Street for this event
- Permission for vendors, live music, activities, and raffles and games for all ages to set up on Main Street



- Permission to conduct the sale of alcoholic beverages as part of the tailgate provided that necessary licenses are obtained from other governmental authorities
- Permission to waive the open-container law for the duration of the event, to conduct the sale of alcoholic beverages

**Resolved**, that the Director of Highways Parks and Water Distribution 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 event, with the City clerk, naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted as amended. Ayes 6.

#### **080923.5**

By Alderman Beakman:

**Whereas** the City Charter places authority for the management of all real property owned by the City in the Common Council under Section C66-1 of said Charter; and

**Whereas** the property owners at 13 West Main Street have approached the City for permission to install electrical boxes, protected by cement bollards, at the northeast corner of their building, which will encroach upon city-owned land; and

**Whereas** it is in the best interest of the City for the improvements to 13 West Main Street to be completed in a safe and secure manner; now therefore be it

**Resolved** that the City shall grant an easement to the property owners of 13 West Main Street, said easement to be prepared by and at the cost of the property owners, and subject to Corporation Counsel approval, for the limited purpose of installing electrical utility boxes and protecting same with cement bollards.

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **080923.6**

By Alderman Lupo:

**Whereas** the Public Works Supervisor of Water Distribution has recommend to amend a newly vacant Water Maintenance Worker (budgeted as AFSCME 5-3) position into an HEO position (starting at AFSCME 8-1) to better fit the needs of the department; and

**Whereas** the difference between the two position grades and assumed starting step is a minor net savings; now therefore be it

**Resolved** that the FY 2023 Water Fund Personnel detail is amended as described.

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

**080923.7**

By Alderman Fogle:

**Resolved** that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to sell via auction to the highest bidder, a City-owned Triton pool lift; and be it further

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

Seconded by Alderman Devine and adopted. Ayes 6.

**080923.7A**

By Alderman Lupo:

**Resolved** that the Mayor and the Common Council do hereby extend condolences to the family of Francis “Effie” A Rath, a former City of Lockport 5<sup>th</sup> Ward Alderman, Council President and Alderman-at-Large from 1972 – 1985, who recently passed away.

Seconded by Alderman Fogle and adopted. Ayes 6.

**080923.8**

**ADJOURNMENT**

At 6:50 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, August 23, 2023.

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

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

August 23rd, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Beakman, Devine, Swanson-Gellerson, Kantor, and Lupo.  
Alderman Fogle absent.

### **INVOCATION – Moment of Silence**

### **MAYORS UPDATE**

### **RECESS**

Recess for public input.

### **082323.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Lupo, the minutes of the Regular Meeting of August 9th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **FROM THE MAYOR**

### **Appointments:**

### **FROM THE CITY CLERK**

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

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

6/8/2023      Niagara Celtic Heritage Festival Society requesting permission to hang banner in promotion of this year's Niagara Celtic Festival to be held 9/16 and 9/17.

8/7/2023      Judith Kelley from Pot-O-Gold provided notice of their license renewal request being sent to the New York State Liquor Authority.

8/9/2023      Anthony Molinaro, Assistant Principal at Lockport City School District requesting permission to hold the Homecoming parade on Saturday October 7<sup>th</sup> 2023.

8/11/2023      Amanda Sandolfini, letter of notification of her request to the New York State Liquor Authority to open and serve beginning at 8:00am on Sunday October 8<sup>th</sup> due to the Buffalo Bills game being played in London, England.

8/15/2023      Sarah K. Lanzo – notification that the bid proposals for Professional Accounting and Auditing Services received on 8/11 is as follows:

**Contractor Name: Lumsden McCormick**

Year	Amount	Hourly
Annual 2023	\$32,250 w/audit	\$150/hour
Annual 2024	\$34,000 w/audit	\$157/hour
Annual 2025	\$36,300 w/audit	\$165/hour
Annual 2026 (optional year)	\$38,000 w/audit	\$173/hour
Annual 2027 (optional year)	\$40,200 w/audit	\$182/hour

**Notice of Complaint:**

8/16/2023 Kelly Chciuk, 211 West Avenue, Lockport. Sidewalk fall.

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

**Notice of Claim:**

8/16/2023 Barbara and Kaz Borkowski vs. the City of Lockport.

8/16/2023 Daniel Warmus, d/b/a Auditing Erie County vs. City of Lockport.

Referred to the Corporation Counsel.

**Notice of Petition: (Small Claims Assessment Review)**

Zachary Nolan, 50 Utica Street, Lockport NY.

**MOTIONS & RESOLUTIONS****082323.2**

By Alderman Beakman:

**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 2023 Niagara Celtic Heritage Festival & Highland Games. Banner is to be erected from September 1 thru September 18, 2023 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 Lupo and adopted. Ayes 5.

**082323.3**

By Alderman Beakman:

**Whereas** the City of Lockport (City) has received a Downtown Revitalization Initiative (DRI) Grant to fund improvements to the Spaulding Mill (Project); and

**Whereas** per 6 NYCRR Part 617, commonly known as State Environmental Quality Review Act, or “SEQRA,” the City is required to determine the level of environmental review required for the proposed project; and

**Whereas**, the City has completed Parts 1, 2, and 3 of the New York State Environmental Assessment Form (EAF);

**Now therefore, be it:**

**Resolved** that the City does hereby determine that the Project is an Unlisted Action as defined under SEQRA, and that based upon review of the EAF it has been determined that the project will not result in any significant adverse environmental impacts.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

#### **082323.4**

By Alderman Beakman:

**Whereas** the City of Lockport (City) has received a New York State Canalway Grant to fund improvements to the comfort station on Market St. near the North Adam St. bridge and plans to add a pavilion and other miscellaneous improvements (Project); and

**Whereas** per 6 NYCRR Part 617, commonly known as State Environmental Quality Review Act, or “SEQRA,” the City is required to determine the level of environmental review required for the proposed project; and

**Whereas** the City has completed Parts 1, 2, and 3 of the New York State Environmental Assessment Form (EAF);

**Now therefore, be it:**

**Resolved** that the City does hereby determine that the Project is an Unlisted Action as defined under SEQRA, and that based upon review of the EAF it has been determined that the project will not result in any significant adverse environmental impacts.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

#### **082323.5**

By Alderman Beakman:

**Resolved** that pursuant to their request, Trinity Buildings and Construction Management Corporation, 1 Jewel Drive #322, Wilmington, MA 01887 is hereby granted permission to place three dumpsters (40-yard dumpsters) in the parking spaces directly in front of 77 Main Street, where they have a project taking place. Additionally permission is granted for protective scaffolding to be installed over the sidewalk Said permission is subject to Trinity Buildings and Construction Management Corporation filing a certificate of insurance with the City Clerk naming the City of Lockport as

additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll off Containers.

Seconded by Alderman Devine and adopted as amended. Ayes 5.

**082323.6**

By Alderman Kantor:

**Whereas** permission was granted to the Lockport Wildcats Minor Professional Adult Football Team to use the field for purposes of playing semi-professional football,

**Whereas** due to weather, a league game was unable to complete and the entire league post season scheduled must be pushed back, the Lockport Wildcats requested to add Saturday September 9<sup>th</sup> to the schedule that was approved in May 2023.

**Now therefore be it resolved** that said permission is subject to Lockport Wildcats Minor Professional Adult Football Team filing a certificate of insurance with the City Clerk naming the city of Lockport as additional insured and subject to Corporation Counsel approved and be it further

**Resolved** that the Lockport Wildcats maintain the conditions of the Exchange Field at Outwater Park and the Rotary Club Community Pool's Locker Rooms when in use.

Seconded by Alderman Devine and adopted. Ayes 5.

**082323.7**

By Alderman Swanson Gellerson:

**Whereas** the safety and security of the Lockport City School District (LCSD) students, staff, and facilities are of paramount importance to the community and its residents; and

**Whereas** the presence of a School Resource Officer (SRO) within the educational environment has been shown to enhance school safety, provide valuable resources to students and faculty, and foster positive relationships between law enforcement and the school community; and

**Whereas** the Lockport Police Department (LPD) is dedicated to ensuring the safety and well-being of all citizens within the City of Lockport, and recognizes the need for a specialized law enforcement role to serve within the school setting; and

**Whereas** the City and LCSD have a contact signed on March 2019 which outlined a cost sharing agreement between the entities which is in need of renewal; and

**Whereas** it has been mutually agreed upon by the Lockport City School District and the City of Lockport that a cost-sharing arrangement for the employment of an additional School Resource Officer aligns with their shared commitment to school safety; and

**Whereas** the Lockport City School District will provide funding to cover the base wages of the School Resource Officer annually beginning in FY 2024, and the City of

Lockport will assume responsibility for the provision of benefits and non-base wages associated with the employment of said officer;

**Now therefore be it resolved**, by the City Council, that the Mayor is authorized to enter into a cost-sharing contract with the LCSD for the existing and new SRO, and that the City will budget an additional SRO in FY 2024, contingent upon execution of the mutually agreed upon contract and corporation counsel review.

Seconded by Alderman Lupo 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 Kantor and adopted. Ayes 5,

**082323.8**

By Alderman Kantor:

**PAYMENT IN LIEU OF TAXES AGREEMENT  
BY AND AMONG  
HARRISON LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC.,  
HARRISON LOFTS LIMITED PARTNERSHIP, AND  
THE CITY OF LOCKPORT**

**Whereas** the Harrison Lofts Housing Development Fund Company, Inc. is a New York Not-for-Profit corporation organized pursuant to Article XI of the Private Housing Finance Law ("PHFL"), having its principal place of business at c/o YWCA of the Niagara Frontier, Inc., 32 Cottage Street, Lockport, NY 140494 ("HLHDFC"); and

**Whereas** HLHDFC was formed for the purpose of providing residential rental accommodations for persons of middle income and low-income; and

**Whereas** HLHDFC is, or will be, the legal owner of record, as nominee for Harrison Lofts Limited Partnership, a New York limited partnership having its principal place of business at c/o The Kearney Realty & Development Group Inc., 57 Route 6, Suite 207, Baldwin Place, New York 10505 ("Partnership"), of real property located at 160 Washburn Street, Lockport, New York 14094 (SBL # 109.14-4-20.1), being Part of Lot 8, 10 & 12, Section 15, Township 14, Range 6 of the Holland Land Company's Survey in the City of Lockport, County of Niagara and State of New York more particularly described in the Nussbaumer & Clarke, Inc. Survey Project No. 1905-0035, dated December 23, 2019 annexed hereto as Exhibit A (the "Property"); and

**Whereas** HLHDFC and the Partnership will develop, own, construct, maintain and operate a mixed use of commercial use and residential housing project for persons of middle income and low income at the Property (the "Project"); and

**Whereas** HLHDFC's and the Partnership's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

**Whereas** HLHDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL; and

**Whereas** pursuant to Section 577 of the PHFL, the local legislative body of a

municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

**Whereas** Section 577 of the PHFL permits housing development fund companies and local legislative bodies of a municipality to enter into a Payment in Lieu of Taxes ("PILOT" or "Tax Exemption") Agreement; and

**Whereas** the Common Council Members of the City of Lockport, New York, by Resolution adopted 091521.3 approved and authorized the execution of a PILOT Agreement; and

**Whereas** the City of Lockport Common Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption,

**NOW, THEREFORE, THE UNDERSIGNED PARTIES AGREE AS FOLLOWS:**

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements,. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by Niagara County, the City of Lockport ("City") and the Lockport City School District or other taxing jurisdiction (collectively, the "Taxing Jurisdictions"), but exclude any sales tax that may be due and owing from commercial tenants.

2. The tax exemption will commence on the date HLHDFC acquires the Property and expire on the thirty-first (31<sup>st</sup>) anniversary of the date the Project obtains a Certificate of Occupancy. This PILOT Agreement shall not limit or restrict the HLHDFC's or the Partnership's right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this PILOT Agreement. As stated above, the exemption extended pursuant to Section 577 of the PHFL and this PILOT Agreement does not include exemption from special assessments and special ad valorem levies. During the term of this PILOT Agreement, the Partnership shall pay any service charges, special ad valorem levies, special assessments and improvement district charges or similar tax equivalents which are or would be levied upon or with respect to the Project by the Taxing Jurisdictions or any other taxing authority.

3. So long as the exemption hereunder continues, commencing one year after the Project obtains a Certificate of Occupancy, the Partnership shall make annual PILOT payments in the amount set forth below, which payments shall cover all Local and Municipal Taxes owed in connection with the Property and the Project, and which payments shall be shared by the Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. The PILOT payments shall be in the initial amount of \$80,000 per year, increasing by two percent (2%) annually. So long as the tax exemption remains in effect, tenant rental charges shall not exceed the maximum established or allowed by law, rule or regulation, and the Property shall be operated in conformance with the provisions of Article XI of PHFL. PILOT payments shall be due on February 15 of the calendar year following each taxable year to which this



PILOT Agreement applies. Payments shall be mailed via First Class mail through the United States Postal Service or personally delivered to the City of Lockport Treasurer One Locks Plaza, Lockport, New York 14094, or such other address as the City may specify in writing.

4. The tax exemption will continue for the term described above provided that (a) the Property continues to be used as housing facilities for persons of middle income and low income in accordance with the income and rent limitations, and (b) any of the following occur (i) the HLHDFC and the Partnership operate the Property in conformance with Article XI of the PHFL; (ii) the HLHDFC assumes sole legal and beneficial ownership of the Property and operates the Property in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HLHDFC, and the legal and beneficial interest in the Property is acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund company organized pursuant to Article XI of the PHFL, and such successor in interest shall operate the Property in conformance with Article XI of the PHFL.

5. The failure to make any required PILOT payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including, but not limited to, enforcement and collection of taxes to the extent permitted by law. In addition to failure to pay any amount when due, HLHDFC and the Partnership shall be in default of this PILOT Agreement in the event of material failure to observe and perform any other covenant, condition of this PILOT Agreement on its part to be observed and performed, and continuance of such failure for a period of thirty (30) days after written notice specifying the nature of such failure and requesting that it be remedied; or any warranty, representation or other statement by or on behalf of HLHDFC and/or the Partnership contained in this PILOT Agreement shall prove to have been false or untrue in any material respect on the date when made or on the effective date of this PILOT Agreement. Any payment not received by its due date shall accrue interest and penalties at the rates provided for late payment of taxes to the Taxing Jurisdictions.

6. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.

7. This PILOT Agreement shall inure to the benefit of and shall be binding upon the City, HLHDFC and the Partnership and their respective successors and assigns, including the successors in interest of HLHDFC and the Partnership. There shall be no assignment of this PILOT Agreement except with consent of the other parties, which consent shall not be unreasonably withheld, provided that the assignee or its general partner or managing member shall be a housing development fund company subject to Article XI of the PHFL, the assignee shall have assumed the obligations of this Agreement in writing reasonably satisfactory to the City, and the assignee shall have provided such

financial and other information as shall be reasonably requested by the City in order to assure the proper completion and operation of the housing project and the compliance with the terms of this PILOT Agreement and all applicable laws, regulations and covenants.

8. This PILOT Agreement shall be governed by and construed in accordance with the laws of the State of New York. If any provision of this PILOT Agreement or its application is held invalid or unenforceable to any extent, the remainder of this PILOT Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

9. This PILOT Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

10. This PILOT Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the Property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

11. Each of the parties individually represents and warrants that the execution, delivery and performance of this PILOT Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which it is a party. Each party represents that this PILOT Agreement shall constitute the legal, valid and binding agreement of such party, enforceable in accordance with its terms.

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

**082323.9**

By Alderman Lupo:

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

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

**Whereas** the Plan included within its scope certain real property located at 116 Main Street and 120 Main Street, Lockport, New York, currently owned by E.A. Granchelli Developer, LLC; and

**Whereas** the City transferred the property at 116 Main Street, Lockport to Elmer A. Granchelli, predecessor in title, subject to the Plan for a period of forty (40) years; and

**Whereas** E.A. Granchelli Developer, LLC now wishes to transfer said property without the encumbrances of covenants, conditions, restrictions and right of reverter of the Plan; and

**Now be it resolved** that the Mayor, subject to approval by the Corporation Counsel, is hereby authorized to enter into a Release and Termination with E.A. Granchelli Developer, LLC, for any remaining encumbrances that the Plan might otherwise impose on the property.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**082323.10**

By Alderman Lupo:

**Whereas** the responsibility for enforcement of the City sign ordinances is vested in the Building Inspections Department

**Whereas** the general election for various elective offices will occur within eleven weeks of today; and

**Whereas** a strict application of the relevant ordinance would require any sign placed between the sidewalk and roadway be removed or the property owner cited for violating said ordinance; now be it

**Resolved** that a moratorium shall be placed on enforcement of City Ordinance §190.125(B) (8) with respect to the placement in front of a resident's property between the sidewalk and the roadway for calendar year 2023.

Seconded by Alderman Kantor and adopted as amended. Ayes 5.

**082323.11**

By Alderman Swanson-Gellerson:

**Whereas** the City of Lockport has collective bargaining agreements with various unions that cover virtually all of its employees with the exception of a few managerial and confidential employees; and

**Whereas** the City of Lockport enacted an Unrepresented Employees Policy on October 24, 2018 to provide the general terms of employment and respective compensation; and

**Whereas** the City has determined that it is necessary to update this policy; and

**Whereas** the Common Council has reviewed that attached Unrepresented Employees Policy and approve the same; and

**Now therefore be it resolved** that the City of Lockport hereby adopts and approves the Unrepresented Employees Policy.

Seconded by Alderman Lupo and NOT adopted. Ayes 3. Nays 2.  
Alderman Devine and Alderman Kantor voted no.

**082323.12**

By Alderman Swanson-Gellerson:

**Whereas** on July 14, 2023, the City published a request for proposal on the City website and newspaper to procure bids for the City's annual auditing services; and

**Whereas** one bidder provided a proposal by the deadline of August 11, 2023, Lumsden McCormick LLP for three year contract beginning with services for the FY 2023 audit; and

**Whereas** the members of the City audit committee have provided a recommendation to pursue said contract, now therefore be it

**Resolved** that the Mayor is hereby authorized to enter into said contract with Lumsden McCormick LLP.

Seconded by Alderman Kantor 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,

### **082323.13**

By Alderman Lupo:

**Whereas** in review of the FY 2023 General Fund budget, a number of line items have tilted towards deficiency; and

**Whereas** fund and cash flow projections for said fund remain positive for the fiscal year, and other line items within the fund can be modified to eliminate line item deficiencies; and

**Whereas** the City of Lockport is dedicated to maintaining a fiscally responsible and balanced budget to effectively serve its residents; now therefore be it

**Resolved** that the FY 2023 General Fund is amended as follows:

#### **Revenue**

##### **Increase**

A.0000.32401	Interest and Earnings	\$600,000
A.1355.33089	Other State Revenue	\$26,000
A.3620.32555	Building Permits	\$15,000

##### **Decrease**

A.3410.31640	Ambulance Charges	\$200,000
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#### **Expenditures**

##### **Increase**

A.1420.51040	Part Time Wages	\$15,000
A.1640.54300	Vehicle Maintenance and Repair	\$20,000
A.3410.51100	Overtime	\$400,000
A.7140.51060	Temporary Seasonal	\$10,000
A.7180.51060	Temporary Seasonal	\$6,000

A.1620.51010	Full Time Wages	\$23,440
A.1620.58010	FICA	\$1,793
A.1620.58020	Workers Compensation	\$1,792
A.1620.58050	Retirement	\$2,578
A.1620.58040	Medical Insurance	\$11,641
<u>Decrease</u>		
A.8510.54515	Special Supplies	\$10,000
A.7110.51010	Full Time Wages	\$23,440
A.7110.58010	FICA	\$1,793
A.7110.58020	Workers Compensation	\$1,792
A.7110.58050	Retirement	\$2,578
A.7110.58040	Medical Insurance	\$11,641

Seconded by Alderman Devine and adopted. Ayes 4. Nay 1.  
Alderman Kantor voted no.

#### **082323.14**

By Alderman Devine:

**Whereas** the American Rescue Plan Act of 2021 (ARPA) provided the City with \$2,082,558 in Federal funding to be used within established parameters; and

**Whereas** the City of Lockport has \$800,000 allocated for the Lockport Raw Water Pump Station in remaining unencumbered funds available; and;

**Whereas** the City's Engineering Consultant, Nussbaumer & Clarke, Inc., issued a Notice to Bid for interested contractors for the Lockport Raw Water Pump Station Generator Purchase Specification project and subsequently received and publicly opened and read bids at the Municipal Building on July 21, 2023 at 2:00 pm as follows;

<b>CONTRACTOR</b>	<b>Frey Electric Construction Co.</b>
<b>TOTAL BID AMOUNT</b>	<b>\$188,000.00</b>

And

**Whereas** Nussbaumer & Clarke, Inc. has determined that Frey Electric Construction Co. has submitted the lowest complete and responsible bid and recommends that the City award the contract to Frey Electric Construction Co., for a total amount of \$188,000.00; now, therefore, be it

**Now therefore be it resolved** that the Mayor is authorized to execute an Agreement with Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, New York 14150, in the amount of \$188,000.00, contingent upon corporation counsel approval.

Seconded by Alderman Kantor and adopted. Ayes 5.

**082323.15**

**ADJOURNMENT**

At 7:31 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday September 13th, 2023.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

September 13th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION**

## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

#### **Minutes Correction – August 23, 2023:**

**082323.5**

By Alderman Beakman:

**Resolved** that pursuant to their request, ETC Pyramid Group, 275 North Franklin Turnpike, Ramsey, NJ 07446 ~~Trinity Buildings and Construction Management Corporation, 1 Jewel Drive #322, Wilmington, MA 01887~~ is hereby granted permission to place three dumpsters (40-yard dumpsters) in the parking spaces directly in front of 77 Main Street, where they have a project taking place. Additionally permission is granted for protective scaffolding to be installed over the sidewalk Said permission is subject to ETC Pyramid Group ~~Trinity Buildings and Construction Management Corporation~~ filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll off Containers.

Seconded by Alderman Devine and adopted as amended. Ayes 5

**091323.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of August 23rd, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

8/30/2023 Gregory Qualiana, 104 Carolina Avenue has been permanently appointed to building Maintenance Mechanic for the City of Lockport effective August 29, 2023. Said appointment is subject to the City of Lockport Municipal Civil Services Rules and Regulations.

8/31/2023 Christian W. Landry, 16 Franklin Avenue has been permanently appointed to Public Works Supervisor for the City of Lockport Building Maintenance Department effective August 29, 2023. Said appointment is subject to the City of Lockport Municipal Civil Services Rules and Regulations.

9/1/2023 Roger Pitiss, 58 McIntosh Drive has been reappointed to the City of Lockport Traffic Advisory Committee. Said term expires June 1, 2027.

9/5/2023 Brian Bull, 179 Irving Street has been reappointed to the City of Lockport License Revocation Board. Said term expires March 3, 2025.

9/5/2023 Anna M. Mauri, 57 Coolidge Avenue has been reappointed to the City of Lockport Board of Ethics. Said term expires August 7, 2026

### **FROM THE CITY CLERK**

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

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

8/24/2023 Sarah K. Lanzo, City Clerk – notification of bids received on September 7<sup>th</sup> 2023 in response to the RFP for **Medix RP-90 Ambulance**.

Gorman Emergency Vehicles	\$172,570.00
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8/24/2023 Sarah K. Lanzo, City Clerk – notification of bids received on September 7<sup>th</sup> 2023 in response to the RFP for **Emergency Medical Equipment**.

Stryker	\$71,104.19
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8/15/2023 Niagara County Attorney's Office notifying the city of a Notice of Appearance in the matter of the application for review under Article 7 of the Real Property Tax Law of a tax assessment by Daniel Wiegand vs the Board of Assessment Review for the City of Lockport, the Assessor of the city and the City of Lockport NY. Index No. E180479/2023.

8/31/2023 Steve Whalen, Vernon Daniel and Dona Chase, owners of Groff's Café on the Green, LLC notifying the city of their application to the New York State Liquor Authority requesting an On-Premises Sales permit on October 8, 2023 the day of the Buffalo Bills game in London.

9/6/2023 Janice Sawyer, notifying the city that the 1 way street sign on Akron Road towards High Street at Roosevelt has been missing since an accident and vehicles have been going the wrong way.

#### **Notice of Complaint:**

8/24/2023 Cecilia Price, 27 Oliver Street. Tree at 23 Oliver Street is a danger.

9/2/2023 Alberto Aguero, 163 Elmwood Avenue, tree hazard.

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

#### **Notice of Claim:**



8/21/2023 Jaylah Florence-Reed vs. City of Lockport  
 8/21/2023 Holly Curcione vs. City of Lockport  
 9/1/2023 Daniel Morrisette and Elizabeth Morrisette vs. City of Lockport  
 9/1/2023 Kristen Brolinski vs. City of Lockport  
 9/6/2023 Harshadkumar S Shah, deceased, by the Co-Executors of his Estate,  
 Dharan H. Shah and Mansi H. Shah and Kaminiben H. Shah vs City of  
 Lockport  
 9/6/2023 Naresh Ramanlal Shah and Sharmistha Nareshkumar Shah vs City of  
 Lockport  
 9/6/2023 Christine Thomas vs City of Lockport  
 9/6/2023 Colleen Gray vs City of Lockport  
 9/6/2023 Nina Briglio vs City of Lockport

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 091323.2

By Alderman Beakman:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Nicholas Rubert	15	Streets Crew Leader
Elizabeth Ellis Operator	5	Waste Water Treatment Plat

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

### 091323.3

By Alderman Fogle:

**Whereas** by resolution 082323.5 the Common Council approved for ETC Pyramid Group to place dumpsters in front of 77 Main Street while they complete a construction project

**Whereas** there is a need for four additional dumpsters to be used for the additional construction; Now therefore it be

**Resolved** that pursuant to their request, ETC Pyramid Group is hereby granted permission to place four dumpsters (40-yard dumpsters) in the City parking lot on Walnut Street. Said permission is subject to ETC Pyramid Group filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations set forth in the Lockport City Code Section 156-Roll-Off Containers.

Seconded by Alderman Devine and adopted. Ayes 6.

**091323.4**

By Alderman Beakman:

**Whereas**, the City of Lockport is committed to ensuring the safety and well-being of its residents by providing timely and efficient emergency medical services; and

**Whereas**, the City maintains a fleet of ambulances to meet the demands of responding to medical emergencies, ensuring the highest level of service to our community; and

**Whereas**, the continued operation of one of the aging ambulance poses a risk to the safety of both patients and emergency personnel; and

**Whereas**, it is prudent and fiscally responsible for the City to replace the older ambulance with a new, reliable, and efficient vehicle to maintain the highest standards of emergency medical services; and

**Whereas**, the City of Lockport published two request for proposals for a new ambulance and equipment on August 24, 2023 and received one bid;

**Now, therefore, be it resolved** by the City of Lockport Common Council that the Mayor is authorized to enter into a purchasing agreement with Gorman for the purchase of the vehicle (via NYS OGS bid #13448) for \$172,570 and with Stryker for the power lifts totaling \$71,105; and

**Now, therefore, be it resolved** that the FY 2023 General Fund budget is amended as follows

Revenue

Increase:

A.8021.32170	Community Development Fees	71,180
A.0000.31110	Sales Taxes Pre-empted	68,747
A.000.31120	Sales Taxes County Distribution	116,246

Expenditure:

A.3410.52030	Motor Vehicle Equipment	256,173
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Seconded by Alderman Devine and adopted. Ayes 6.

**091323.5**

By Alderman Lupo:

**Whereas** General Municipal Law Section 53(4) extends purchasing authorizations to be made in event of an emergency in which there is endangerment to the health, welfare, property, or taxpayers of the City of Lockport; and

**Whereas** the City's Wastewater Treatment Department, in coordination with the Mayor's Office Department of Finance, and City Engineer, were required to utilize said emergency authorization for the failure of pumps at the Richfield Lift Station; now, therefore, be it

**Resolved** that the Common Council hereby acknowledges the use of the emergency authorization to contract with Koester in the amount of \$112,000, and amends the FY 2023 Sewer Fund Budget as follows

Expenditures

Decrease

G.1900.54775	Contingency	\$87,000
G.8130.54623	Utilities – Electricity	\$25,000

Increase

G.8130.54540	Utility System Reform	\$112,000
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Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6.

**091323.6**

By Alderman Devine:

**Whereas** resolution 060618.5 authorized bonding in the amount of \$150,000 to be used for the engineering of the sludge dryer; and

**Whereas**, bonding was completed shortly thereafter, however, the project was not pursued and funding has remained in the capital account; and

**Whereas**, closing the capital account can free funds to be moved into the debt service fund, which can then be used to pay future year debt payments in the sewer fund; now therefore be it

**Resolved** that the H194 capital account is hereby authorized to be closed and have remaining funding moved to the debt service fund.

Seconded by Alderman Kantor and adopted. Ayes 6.

**091323.7**

By Alderman Swanson-Gellerson;

**Whereas** the FY 2023 Capital Budget includes a proposed project for workplace violence prevention measures and improvements; and

**Whereas** the City wishes to allocate funding to a capital project to begin funding of said components of the Workplace Violence Prevention Policy; and

**Whereas** the initial estimated costs of said components are estimated to be \$470,000 between the major funds; and

**Whereas** each fund has sufficient balances of unreserved fund balance and cash flow to support said costs with excess remaining;

**Resolved** that the FY 2023 operating budgets are hereby amended as follows:

Revenues

A.0000.30599	Appropriated Fund Balance	\$200,000
FX.0000.30599	Appropriated Fund Balance	\$170,000
G.0000.30599	Appropriated Fund Balance	\$100,000

Expenditures

A.9901.35031.H	Interfund to Capital	\$200,000
FX.9901.35031.H	Interfund to Capital	\$170,000
G.9901.35031.H	Interfund to Capital	\$100,000

Seconded by Alderman Lupo and adopted. Ayes 6.

**091323.8**

By Alderman Devine:

**Whereas** the Director of Highways, Parks, and Water Distribution informed the Mayor that the corrugated guide rails along Glenwood Avenue between North Transit Street and Craine Street are damaged and in need of replacement; and

**Whereas** Pavilion Drainage Supply Co. Inc. is included in the New York State Bid and listed as qualified contractor in the Niagara County Department of Public Works Bid No. 2023-16 for Guide Railings, Posts and Concrete Barriers; and

**Whereas** Pavilion Drainage Supply Co. Inc. submitted a proposal to the Engineering Department for \$53,262.50 to replace the guide rails at Glenwood Avenue; and

**Whereas** the City has received funding from NYSDOT to make improvements for work not usually affecting the pavement, such as guiderail projects; and

**Resolved** that the Mayor is authorized to execute an Agreement with Pavilion Drainage Supply Co. Inc., 6630 Ellicott Street Road, Pavilion, New York 14525, in the amount of \$53,263.50 contingent upon legal review.

Seconded by Alderman Kantor and adopted. Ayes 6.

**091323.8A**

By Alderman Lupo:

**Resolved** that pursuant to their request, 210 Walnut Street, LLC, Harrison Place, Lockport, NY 14094 is granted permission to utilize two parking spots on South Street to the west of the main gates in order to allow construction trucks to exit. Said permission

is subject to 210 Walnut Street, LLC filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

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

**091323.9**

## **ADJOURNMENT**

At 7:21 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, September 27th 2023.

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

September 27th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

## **ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

## **INVOCATION – Moment of Silence**

## **MAYOR'S UPDATE**

### **RECESS**

Recess for public input.

## **092723.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of September 13th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

### **FROM THE MAYOR**

#### **Appointments:**

9/11/2023 Caitlin Kenney, 315 East Avenue has been reappointed to the City of Lockport's Parks Committee. Said term expires January 12<sup>th</sup>, 2028.

9/13/2023 Paul M. Edgette, 380 Walnut Street, has been appointed to Senior Water and Sewer Maintenance Worker for the city of Lockport Water Distribution Department effective September 15<sup>th</sup> 2023.

### **FROM THE CITY CLERK**

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

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

9/14/2023 Sarah K. Lanzo, City Clerk – Notification of bids received on September 14<sup>th</sup>, 2023 in response to the **RFP for Lockport Public Works – Operations and Management Audit.**

Matrix Consulting Group	\$65,600.00
Raftelis	\$69,750.00
Bakertilly	\$55,500.00

9/26/2023 Sarah K. Lanzo, City Clerk – Notification that the Lockport Municipal Offices will be closed as follows in the month of October in remembrance of Columbus Day/Indigenous Peoples Day.

Monday, October 9<sup>th</sup>

There will be no change in the garbage pickup schedule.

**Notice of Complaint:**

9/20/2023 Donna Baron, 86 Nicholls Street – lawn damage.

9/20/2023 David Timm, 19 Euclid Avenue – tree complaint.

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

**Notice of Claim:**

9/12/2023 Patricia Shanley vs. City of Lockport

9/13/2023 Hydraulic Race Co., Inc. and Niagara Zipper LLC vs. City of Lockport

9/21/2023 Robert and Heather Mattison vs. Laura Miskell Benedict, City of Lockport  
Corporation Counsel, Claude A. Joerg, Niagara County Attorney and the Niagara  
County Industrial Development Agency.

Referred to Corporation Counsel.

**Notice of Petition:**

Supreme Court of the State of New York County of Albany In the matter of the  
application of Douglas A. Gaudieri vs. James V. McDonald, M.D., M.P.H. Commissioner  
New York State Department of Health and Sarah K. Lanzo, Lockport City Clerk.

Referred to Corporation Counsel

**MOTIONS & RESOLUTIONS**

**092723.2**

By Alderman Lupo:

**Resolved** that pursuant to their request, the YWCA is hereby granted permission to place 2783 small purple flags at Veterans Park for the month of October, which is recognized as Domestic Violence Awareness Month. Each of the 2783 flags represents a domestic violence incident, which took place in Niagara County last year. Permission is subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

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

**092723.3**

By Alderman Fogle:

**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, October 7, 2023 starting at 11 am, subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

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

**092723.4**

By Alderman Swanson-Gellerson:

**Resolved**, that pursuant to his request, permission is hereby granted to local artist Austin Hinton who wishes to create a mural on Market Street at the site of the former Dussalt Foundry; and further

**Resolved**, that a second mural be placed along the concrete wall on the west side of Clinton Street to replace the existing mural that has faded from the weather

Seconded by Alderman Fogle and adopted. Ayes 6.

**092723.5**

By Alderman Lupo:

**Whereas** 6 Ashley Place has had numerous code violations over the last few year and the property is now condemned; and

**Whereas** the structure needs to be demolished, with the cost for demolition being approximately \$25,000 - \$30,000.

**Whereas** 6 Ashley Place is part of the 2020 In Rem. The Judgment awarding the property to the City of Lockport was signed on; and

**Whereas** Niagara Orleans Regional Land Improvement Corporation (NORLIC) has expressed interest in the property. They would demolish the structure and pay all associated costs; and

**Whereas** the transfer of this property to NORLIC would follow the provisions of the City's Best Use Policy; and

**Whereas** at a Property Management held on August 7, 2023, there was a motion to sell the property to NORLIC for \$1.00, which was unanimously approved; and

**Whereas** The City must write off taxes, water & sewer and refuse charges owed of approximately \$4,177.54;

**Now therefore be it resolved** that the Mayor be, and is hereby authorized to enter into a Contract of sale and execute a quitclaim deed and related documents necessary for the sale of the following property to the following purchaser for \$1.00.

PARCEL ID	ADDRESS	PURCHASER
109.71-2-36	6 ASHLEY PL	NIAGARA ORLEANS REGIONAL LAND IMPROVEMENT CORPORATION

Seconded by Alderman Kantor and adopted. Ayes 6.

**092723.6**

By Alderman Beakman:



**Whereas** there is property located at 94 Grand Street in the City of Lockport (“the Property”) that the City has taken by in rem judgment in 2020; and

**Whereas** the Property did not sell at the last auction held by the City in 2022 after the high bidder failed to meet the deposit requirements of the auction; and

**Whereas** the prior lienholder, US Bank Trust National Association, has approached the City to purchase the Property for a sum that equals all unpaid taxes and service charges, plus all administrative costs attributable to the Property’s share of the in rem action; and

**Whereas** the Real Property Management Committee has reviewed the request by US Bank and voted unanimously to recommend the transfer to the Bank as it is in the best interest of the City, subject to the conditions set forth above.

**Now be it resolved** that upon presentation of a deed in proper order prepared at the Bank’s expense and approved by the City Corporation Counsel staff, the Mayor is hereby authorized to sign said deed and related taxing documents.

Seconded by Alderman Devine and adopted. Ayes 6.

**092723.6A**

By **Alderman Lupo on the floor:**

Motion to call for Public Hearing on the proposed Comprehensive Plan and Zoning Code to be held October 11, 2023 at the next scheduled meeting of the Common Council, and to refer to the Niagara County Planning Board for the same proposed Comprehensive Plan and Zoning Code for consideration at its next meeting on October 16, 2023,

Seconded by Alderman Devine and adopted as **proposed on the floor.** Ayes 6.

**092723.7**

## **ADJOURNMENT**

At 6:49 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday October 11th 2023.

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

October 11, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson and Lupo. Kantor was  
absent.

**INVOCATION-Moment of Silence**

## RECESS

Recess for public input.

### 101123.1

### APPROVAL OF MINUTES

On motion of Alderman Beakman, seconded by Alderman Devine, the minutes of the Regular Meeting of September 27th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### FROM THE MAYOR

### FROM THE CITY CLERK

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

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

#### Notice of Complaint:

9/13/2023 John and Elizabeth Taylor, 70 Trowbridge Street – tree, potholes.  
9/19/2023 Shelley Henderson, 204 Olcott Street – tree

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

#### Notice of Claim:

9/6/2023 Dawn Bauer, 2630 West Church St, Eden – falling tree limb caused vehicle damage.  
9/26/2023 Lodina Clyburn, 500 Washington St., vs. Town of Lockport, City of Lockport and Niagara County.

Referred to the Corporation Counsel.

## MOTIONS & RESOLUTIONS

### 101123.2

By Alderman Beakman:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Joanie M. Demchik-Black	25	Dog Control Officer

George W. Wiley IV Worker	15	Senior Water Maintenance
Justin S. O'Connor	5	School Resource Officer
Brent A. Russell	5	Police Officer

Seconded by Alderman Swason-Gellerson and adopted. Ayes 5.

### 101123.3

By Alderman Lupo:

**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 25, 2023, 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 Devine and adopted. Ayes 5.

**101123.4**

By Alderman Beakman:

**Resolved** that a public hearing be held at the Common Council Meeting of Wednesday, October 25, 2023 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2024 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 Lupo and adopted. Ayes 5.

**101123.5**

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 25, 2023 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 Swanson-Gellerson and adopted. Ayes 5.

**101123.6**

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 25, 2023 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 Beakman and adopted. Ayes 5.

**101123.7      WITHDRAWN**

**101123.8**

By Alderman Lupo:

**Resolved** that Tuesday, October 31, 2023 is hereby designated as Halloween Day in the City of Lockport, with the hours for trick or treating scheduled from 4 pm to 7 pm.

Seconded by Alderman Swanson-Gellerson. Ayes 5.

**101123.9**

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 27<sup>th</sup> between 5:00 PM and 7:00 PM

**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 Devine and adopted as amended. Ayes 5.

**101123.10 WITHDRAWN**

**101123.11**

By Alderman Devine:

**Resolved** that the Mayor and the Common Council do hereby extend condolences to the family of Joseph Morello, former City of Lockport Assistant Fire Chief, employed from 1989-2021, who recently passed away.

Seconded by Alderman Lupo and adopted. Ayes 5.

**101123.12**

**ADJOURNMENT**

At 7:11 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 25<sup>th</sup>, 2023.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 25th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Kantor, and Lupo.

Alderman Swanson-Gellerson -absent

**INVOCATION – Moment of Silence**

## **MAYORS UPDATE**

### **RECESS**

Recess for public input.

**102523.1**

### **APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor the minutes of the Regular Meeting of October 11th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

### **PUBLIC HEARING**

The Mayor announced a public hearing relative to the 2024 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:**

10/18/2023 Marietta Schrader, 32 Gaffney Road, Lockport, NY has been appointed to the Human Relations Commission. Said term expires July 15, 2026.

10/19/2023 Connor J. McCarthy, 163 Monroe Street, Lockport, NY has been appointed to Building Inspector for the City of Lockport Building Inspection Department effective August 9, 2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.

10/20/2023 Steven D. O'Mara, 197 Jackson Street, Lockport, NY has been appointed to the Human Relations Commission. Said term expires July 15, 2025.

10/20/2023 Jon D. Wiley, 39 Harrison Avenue, Lockport, NY has been appointed to the Human Relations Commission. Said term expires July 15, 2026.

## **FROM THE CITY CLERK**

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

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

10/3/2023 Notification from Michael Davidson, 14809 Alta Canyon 4, Rio Nido, CA of his application to the NYS Office Cannabis Management for an adult-use retail dispensary to be located at 76 East Avenue, Lockport, NY.

10/6/2023 Notification from Morris Oiring of his application to NYS Office of Cannabis Management for an adult-use retail dispensary to be located at 1001 Lincoln Avenue, Lockport, NY.

10/18/2023 Amendment of notification from 5/15/2023. Amy Castle and Jonathan George provided notification of the application to the NYS Office of Cannabis Management of their intent to open an adult use retail dispensary at 55 Lock Street, Lockport, NY. Originally the address was 20 Lock Street, Lockport, NY.

3/20/2023 Notification from Parker Greenman, 34 Chestnut Street, Lockport, NY 14094 of his application to the New York State Liquor Authority for said license.

## **MOTIONS & RESOLUTIONS**

### **102523.2**

By Alderman Lupo:

**Whereas** resolution #022223.10, adopted by the Common Council at their February 22, 2023 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 Lockport Community Farmers Market on Saturday's from 9 am – 2 pm through Saturday, October 28<sup>th</sup>;

**Whereas** LMS would like to add November 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup> to continue the Farmers Market outdoors

**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 2023 events; now therefore, be it

**Resolved** that LMS is hereby granted to extend the Farmers Market by three weeks.

Seconded by Alderman Devine and adopted. Ayes 5.

### **102523.3**

By Alderman Kantor:

**Whereas** the Treasurer's Office had to employ the services of a third-party vendor to assist with collection of all fees and/or taxes paid by credit card through a convenience fee payment processing service; and

**Whereas** the Treasurer's Office conducted a survey of available, competent vendors to perform this service to the City; and

**Whereas** following its investigation into the subject, the Treasurer's Office identified the most competent vendor to be Value Payment Systems, LLC, a limited liability company organized under the laws of the State of Tennessee; and

**Whereas** the Treasurer's Office sought input from the Corporation Counsel's Office regarding the terms of said Contract, in 2021, and successfully obtained modifications that were recommended by the Corporation Counsel's Office; and

**Whereas** the Agreement with Value Payment Services, LLC, has been executed by the Mayor and Value Payment Services, LLC on February 17, 2021 for a two-year term with the contract automatically renewing for successive one (1) year periods, unless either party provides written notice to terminate within thirty (30) days of notice thereof from the other party; and

**Now therefore be it resolved** that Mayor is authorized to continue the Contract with Value Payment Services, including the automatic renewal for successive one (1) year periods per the Agreement, with the termination option per the Contract.

Seconded by Alderman Lupo and adopted. Ayes 5.

#### **102523.4**

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 25, 2023 at 6:30 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 \$189,846.21 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><b>Account</b></u>	<u><b>Amount</b></u>
Refuse	\$174,876.21
Relevy Late Fees	\$ 14,970.00

Total Relevy	\$189,846.21
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Seconded by Alderman Kantor and adopted. Ayes 5.

#### **102523.5**

By Alderman Beakman:

**Resolved** that a public hearing be held at the Common Council meeting on November 8, starting at 6:30PM in council chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY, relative to a request for a Special Use Permit by Keli and

Robert Worden of 100 Irving Street, Lockport, NY 14094 to harbor chickens and quail on the property. And be it further

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

Seconded by Alderman Devine and adopted. Ayes 5.

#### **102523.6**

By Alderman Kantor:

**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 \$2500.00 to provide "Code Blue" Warming Shelter services from October through April; 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 15, 2023 through April 15, 2024, and be it further

**Resolved**, payment to the Salvation Army shall not exceed \$2500.00 for the operation of the Code Blue Warming Shelter from October 15, 2023 through April 15, 2024, 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 Devine and adopted. Ayes 5.

#### **102523.7**

By Alderman Fogle:

**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 25, 2023:

**Light Up Lockport Parade** commencing at 6:00pm at Ida Fritz Park, east on Main Street to Charles Street.

**Resolved** that said permissions are subject to approval for the routes by the Police Chief

**And be it further**

**Resolved**, that the Director of Highways, Parks and Water Distribution 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 Kantor and adopted as amended. Ayes 5.

**102523.7A**

By Alderman Lupo:

**Resolved** that a public hearing be held on November 8<sup>th</sup> at the Common Council Meeting, starting at approximately 6:30 PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport NY relative to the Comprehensive Plan and Zoning code update.

**Resolved** that the City Clerk is hereby authorized and directed to advertise notice of said public hearing and be it further

**Resolved** that the City Common Council is recommending the Comprehensive Plan be forwarded to the City Planning Board for consideration at its next meeting on November 6<sup>th</sup>.

Seconded by Alderman Devine and adopted. Ayes 5.

**102523.7B**

By Alderman Beakman:

**Whereas** there was a structure fire at 96 Locust Street, Lockport, NY, on October 19, 2023; and

**Whereas** pursuant to Chapter 72-6 of the Lockport City Charter, *Determination of unsafe buildings; Notice to repair or demolish*, the City of Lockport shall consider the report of the Building Inspector and, if in their opinion the report so warrants, shall determine that the building is unsafe and order its demolition or repair, if the same can be safely repaired, and further order that a notice shall be given to the owner; and

**Whereas** the fire damage to the structure was deemed a total loss of the property by the Lockport Fire Department, and the Building Inspector has rendered an opinion in his report dated October 23, 2023, that the building is unsafe and should be demolished; and

**Whereas** pursuant to Chapter 72-6 of the Charter, the City shall determine the structure to be unsafe and be demolished, based on the Fire Chief and Chief Inspector's formal opinions; and

**Now therefore be it**

**Resolved** that the building located at 96 Locust Street is deemed unsafe and a total loss, and must be demolished; and be it further

**Resolved** that the City directs that the City Inspector provide personal notice to the owner of the property located at 96 Locust Street regarding the demolition, pursuant to the Notice requirements of Chapters 72-6(b) and 72-7, including but not limited to notice

of the demolition, right to a hearing and date of time of same, and a statement that if the owner refuses to follow the order to demolish the building, the City of Lockport is authorized to provide for its demolition, to assess all expenses thereof against the land on which it is located, and to institute a special proceeding to collect the costs of demolition, including legal expenses; and it is further

**Resolved** that In the event of neglect or refusal of the persons so notified to comply with said order of the City of Lockport, the City of Lockport shall provide for the demolition and removal of such building either by City employees or by contract. Except in an emergency, any contract in excess of \$20,000 shall be awarded by competitive bidding pursuant to section 72-9 of the City Charter.

Seconded by Alderman Devine and adopted. Ayes 5.

**102523.7C – (Motion added on the floor)**

By Alderman Beakman:

**Resolved**, that pursuant to their request, Lockcity Moose Lodge, is hereby granted permission to conduct their "Trunk-or-Treat" on Saturday, October 28, 2023, at 204 Monroe Street, barricading the corner of Monroe St and Water St from 5 pm - 7 pm. Said permission is subject to the Lockcity Moose Lodge filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

**Resolved**, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for delivery of barricades and street closing signs prior to the event.

Seconded by Alderman Fogle and adopted. Ayes 5.

**102523.8**

**ADJOURNMENT**

At 6:59 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 8<sup>th</sup>, 2023.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

November 8th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION – Moment of Silence**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**110823.1**

**APPROVAL OF MINUTES**

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

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to harbor chickens and quail on the property at 100 Irving Street, Lockport, NY.

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

Recess for public input.

The Mayor closed the public hearing.

**PUBLIC HEARING - WITHDRAWN**

## FROM THE MAYOR

### Appointments:

10/27/2023 Empress Britton, 165 Erie Street, Lockport, NY has been appointed to the Human Relations Commission. Said term expires July 15<sup>th</sup> 2026.

10/30/2023 Christian A. Thompson, 16 Russell Street, Lockport, NY, has been appointed to Heavy Equipment Operator for the City of Lockport Public Works Department effective 10/31/2023. Said appointment is permanent and subject to City of Lockport Municipal Civil Services Rules and Regulations,

10/30/2023 Christian A. Baxter, 334 Knotty Pine Drive, Lockport, NY, has been appointed to Municipal Worker for the City of Lockport Public Works Department effective 10/30/2023. Said appointment is permanent and subject to City of Lockport Municipal Civil Services 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. Reviewed by the Finance Committee.

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

10/20/2023 Sarah K. Lanzo, City Clerk – notification of bids received on 10/20/2023 in response to RFP for Chemicals for Municipal Water Treatment Facility are as follows:

JCI Jones, Chemical Inc, 1765 Ringling Blvd. Sarasota, FL 34236	Chlorine	\$2880/ton
Univar Solutions USA 200 Dean Sievers Place Morrisville, PA 19037	Fluoride (Hydrofluorosilicic Acid)	\$3.75/gallon
USAICO 2601 Cannery Ave. Baltimore, MD 21226	Polyaluminum Chloride (PAC)	\$2.3265/gallon
Kernia Water Solutions 4321 West 6 <sup>th</sup> Street Lawrence, KS 66049	Polyaluminum Chloride (PAC)	\$2.51/gallon

10/23/2023 Carol A. Spedding, of the Zonta Club of Lockport, requesting a resolution to allow club to display temporary lawn signs in the city parks from 11/25/2023 – 12/10/2023 in support of violence against women.

10/27/2023 Sarah K. Lanzo, City Clerk – notification of bids received on 10/27/2023 in response to RFP for the demolition of 96 Locust Street is as follows:



	<u>Bid item1</u>	<u>Bid item 2</u>	<u>Total Bid</u>
Durable Demolition, LLC	\$1000.00	\$33,935.00	\$34,935.00

11/15/2023 Sarah K. Lanzo, City Clerk – notification that the Lockport Municipal Offices will be closed the following days in November.

Thursday & Friday, November 23rd & 24th Thanksgiving Holiday

For the Thanksgiving Holiday, garbage collection will be as follows:

Normal Pick Up Day

Thursday, November 23rd  
Friday, November 24<sup>th</sup>

Holiday Pick Up Day

Friday, November 24<sup>th</sup>  
Saturday, November 25<sup>th</sup>

Referred to the Media.

**Notice of Complaint:**

10/21/2023 Jennifer Manning, 155 Prospect Street- tree.

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

**Notice of Claim:**

10/20/2023 Paula Falsiani, 120 Maple Street, Lockport, NY 14094.

10/24/2023 Paul Licata, 142 Allen Street, Lockport, NY 14094.

10/24/2023 Haley Connor, as parent and natural guardian of David Flanigan III, an infant vs. The City of Lockport.

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**110823.2**

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, 2023 through December 10, 2023, 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 Devine and adopted. Ayes 6.

### **110823.3**

By Alderman Kantor:

**Whereas** General Municipal Law Section 53(4) extends purchasing authorizations to be made in event of an emergency in which there is endangerment to the health, welfare, property, or taxpayers of the City of Lockport; and

**Whereas** the Chief Wastewater Treatment Facility Operator, in coordination with the Mayor's Office and Department of Finance, were required to utilize said emergency authorizations for the replacement of valves at the Hoover Lift Station; and

**Whereas** the City has \$9,165 in remaining ARPA funding, \$41,251 in remaining H205 funding, and excess utility funding in the Wastewater Treatment operating budget; now, therefore, be it

**Resolved** that the Common Council hereby acknowledges the use of the emergency authorization to contract with G.A. Fleet Associates in the amount of \$64,642.09, authorizes the remaining ARPA funds and H205 funds to be used for said project, and amends the FY 2023 Operating and Capital Budgets as follows:

#### **Revenue**

##### **Increase**

H205.8197.32801.A	Interfund from General (ARPA)	\$9,165
H205.8197.32801.G	Interfund from Sewer	\$14,227

#### **Expense**

##### **Increase**

H205.8197.52481	Sewer System Infrastructure	\$23,392
G.9901.59000.H	Interfund Transfer to Capital	\$14,227

##### **Decrease**

H.8130.54623	Utilities – Electricity	\$14,227
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Seconded by Alderman Lupo and adopted. Ayes 6.

### **110823.4**

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 with increases each year and

**Whereas** the parties extended the sewer contract from January 1, 2022 through December 31, 2023 with incremental increases; therefore, be it

**Resolved** that the mayor be and is hereby authorized to continue the agreement with a 3% increase per year for 2024 and 2025 ending December 31, 2025 with an option for another extension.

Seconded by Alderman Lupo. Ayes 6.

#### **110823.5**

By Alderman Lupo:

**Whereas** the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (the “OCR”) for a grant to support the establishment of a new brewery, tasting room, and event space by an existing craft brewery at 1 East Avenue in the City, and

**Whereas** the Lockport Common Council is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to submitting an application for CDBG funding, now, therefore, be it

**Resolved** that a public hearing be held on November 15, 2023 at 6:30 p.m. at City Hall, One Locks Plaza, Lockport, New York, before the Lockport Common Council, whereat all interested parties shall be heard regarding the CDBG program, the City’s community development and economic development programs, and the proposed funding application, and be it further

**Resolved** that published notice of such hearing in the City’s official paper and posted notice on the City website shall be given at least eight (8) days before the public hearing.

Seconded by Alderman Fogle and adopted. Ayes 6.

#### **110823.6**

By Alderman Devine:

**Whereas** Urban Park Towers, located at 77 Main Street, will be installing new mechanical roof top units on the building, and will need a crane to pick up the units and place them onto the roof. J.R. Swanson Plumbing Co. Inc. estimates that they will need the crane situated on Main Street, for a duration of approximately one (1) day; and

**Whereas** the crane situated on Main Street will require a road closure for the day, which is tentatively scheduled for November 9th; and

**Now therefore be it resolved**, that pursuant to their request, J.R. Swanson Plumbing Co. Inc., the mechanical contractor for Urban Park Towers, is hereby granted permission to barricade Main Street to through traffic, between Pine Street and Locust Street / Market Street on Thursday November 9<sup>th</sup>, 2023; subject to approval of the closure by the Police Chief and Fire Chief; and be it further

**Resolved** that said permission is subject to J.R. Swanson Plumbing Co. Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured; and be it further

**Resolved** that J.R. Swanson Plumbing Co. Inc. send a letter to affected residents and local businesses informing them of the closure of Main Street to through traffic, no later than November 3rd, 2023, with a copy of same provided to the City Clerk's Office; and be it further

**Resolved** that J.R. Swanson Plumbing Co. Inc. will provided all barricades, cones, 'detour', and 'street closed' signs as required; and be it further

**Resolved** that J.R. Swanson Plumbing Co. Inc. will move any barricades, vehicles, cranes, etc. out of the way should City emergency vehicles need to access that blocked off section of Main Street.

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

**110823.7**

## **ADJOURNMENT**

At 6:55 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, November 15<sup>th</sup>, 2023.

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

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

November 15th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION – Moment of Silence**

**MAYOR’S UPDATE**

**RECESS**

Recess for public input.

**111523.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of November 8<sup>th</sup>, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing a Community Development Block Grant

The Mayor asked the City Clerk if any petitions or communications relative to the Community Block Grant 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. Reviewed by the Finance Committee.

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

11/03/2023 Andrew Ciubotaru of Rezzonator Services, representing Hawley's Grove LLC, requesting the city to waive the 30-Day municipality notification for a supplemental liquor license application.

11/08/2023 Jeff Tracy, Lockport Planning and Zoning Board, notification from the board that they do not recommend the request to the Council regarding the Special Use Permit to harbor chickens and quail at 100 Irving Street.

**Notice of Complaint:**

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

**Notice of Claim:**

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**111523.2**

By Alderman Beakman:

**Whereas** the City of Lockport FY 2024 Mayor's Recommended Budget was presented to the Common Council and public on October 4<sup>th</sup>, 2023; 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 2024, containing appropriations for operating City departments, be and the same is hereby amended and adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2024 GENERAL FUND BUDGET SUMMARY**

Budget Appropriations:

Personal Services	\$13,072,692
Equipment	\$475,484
Contractual	\$4,345,123
Employee Benefits	\$10,713,464
Interfund Transfers	\$20,000
Debt Service	\$780,294
Total Appropriations:	\$29,407,057

Less: Estimated Revenues:	\$15,224,333
Estimated Fund Balance:	\$733,123
Amount to be raised through property taxation:	\$13,449,601
Assessed Valuation:	\$1,253,537,817

**REAL PROPERTY TAX RATE: \$10.72931 per \$1,000 ASSESSED VALUATION**

Seconded by Alderman Lupo and adopted. Ayes 5, Nay 1.  
Alderman Fogle voted no. Motion passed.

### **111523.3**

By Alderman Kantor:

**Whereas** the City of Lockport FY 2024 Mayor's Recommended Budget was presented to the Common Council and public on October 4<sup>th</sup>, 2023; 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 of Lockport 2024 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2024 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services	\$0
Equipment	\$23,500
Contractual	\$1,370,058
Employee Benefits	\$0
Debt Service	\$36,477
Interfund Transfers	\$0
Total Appropriations:	\$1,430,035
Estimated Revenues:	\$1,430,035

Seconded by Alderman Fogle and adopted. Ayes 6.

### **111523.4**

By Alderman Devine:

**Whereas** the City of Lockport FY 2024 Mayor's Recommended Budget was presented to the Common Council and public on October 4<sup>th</sup>, 2023; 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 of Lockport 2024 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**  
**2024 WATER FUND BUDGET SUMMARY**

Appropriations:	
Personal Services	\$1,352,313
Equipment	\$4,500
Contractual	\$1,182,834
Employee Benefit	\$1,205,672
Debt Services	\$611,219
Interfund Transfers	\$165,000
Total Appropriations:	\$4,521,538
Estimated Revenues:	\$4,371,538
Estimated Fund Balance	\$150,000

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

**111523.5**

By Alderman Lupo:

**Whereas** the City of Lockport FY 2024 Mayor's Recommended Budget was presented to the Common Council and public on October 4<sup>th</sup>, 2023; 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 of Lockport 2024 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby amended and adopted as follows:

**CITY OF LOCKPORT, NEW YORK**  
**2024 SEWER FUND BUDGET SUMMARY**

Appropriations:	
Personal Services	\$1,158,362
Equipment	\$106,000
Contractual	\$1,425,849
Employee Benefits	\$1,015,353
Debt Service	\$586,888
Interfund Transfers	\$137,242
Total Appropriations:	\$4,429,694
Estimated Revenues:	\$4,298,694
Estimated Fund Balance	\$131,000



Seconded by Alderman Fogle and adopted. Ayes 6.

**111523.6**

By Alderman Kantor:

**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, 2024 and on all industrial water billed after January 1, 2024:

**CITY OF LOCKPORT - WATER RATES  
EFFECTIVE JANUARY 1, 2024**

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 \$36.41), the following:

Minimum rate - \$16.08 per each one-month period or fraction thereof:

First 50,000 cu. ft.	\$4.02 per 100 cu. ft.
Next 100,000 cu. ft.	\$3.75 per 100 cu. ft.
Over 150,000 cu. ft.	\$3.44 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, 2024, and, a usage commodity charge of \$3.80 per 100 cu. ft.

**Rates for residential users of water are:**

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2024, and, a usage commodity charge of \$3.64 per 100 cu. ft.

**RURAL BILLS**

Rates for all non-resident users of water - quarterly rate plus 50%

**BULK WATER**

\$5.90 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, 2024**

COM/RES	Meter Size	WA	MR
	A 5/8"	\$44.22	
	B 3/4"	\$49.42	
	C 1"	\$54.62	
	D 1 1/2"	\$59.82	
	E 2"	\$65.03	
	F 3"	\$70.23	
	G 4"	\$75.43	
	H 6"	\$80.63	
<b>IND</b>		\$16.08	\$36.41
<b>RES</b>	<b>WA</b>	3.64	
<b>COM</b>	<b>WA</b>	3.80	

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

**111523.7**

By Alderman Kantor:

**Resolved** that the following local law be and the same is hereby adopted:

City of Lockport  
Local Law No. 3 of the year 2023

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, 2024

\$17.30 per month service charge for both domestic and industrial users plus a commodity charge of \$2.65 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	\$17.30
COMMERCIAL & RESIDENTIAL	\$43.25 (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 2024.....	\$1.20
Discharging excess total suspended solids in excess of 350 mg per liter per one hundred pounds per day:	
Effective 01 January 2024.....	\$3.62
Discharging excess BOD in excess of 250 mg liter per, per one hundred pounds per day:	
Effective 01 January 2024.....	\$3.23
Discharging wastewater through the use of a waste hauler per one thousand gallons:	
Effective 01 January 2024.....	\$19.00
Annual waste hauler disposal permit authorizing the use of City of Lockport wastewater treatment plant to a specific waste hauler:	
Effective 01 January 2024 .....	\$401.86
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 2024.....	\$434.00
RV Waste Disposal, City Resident, per occurrence	
Effective 01 January 2024.....	\$0.00
RV Waste Disposal, Non-City Resident, per occurrence	

Effective 01 January 2024.....\$20.00  
 Effective January 1, 2024, laboratory analysis at City of Lockport wastewater treatment plant laboratory are as follows:

<u>Analyte</u>	<u>Rate</u>
pH.....	\$11.52
Settleable solids .....	\$11.52
Total suspended solids.....	\$34.62
Total solids .....	\$17.30
BOD 5.....	\$46.13
Dissolved oxygen .....	\$23.09
Fecal coliform .....	\$40.40

The following Meter Fee Schedule for all Residential and Commercial meters is as follows:

### CITY OF LOCKPORT METER FEE SCHEDULE

**EFFECTIVE JANUARY 1, 2024**

<b>COM/RES</b>	<b>Meter Size</b>	<b>SW</b>	<b>MR</b>
	A 5/8"	\$43.25	
	B 3/4"	\$43.25	
	C 1"	\$43.25	
	D 1 1/2"	\$43.25	
	E 2"	\$43.25	
	F 3"	\$43.25	
	G 4"	\$43.25	
	H 6"	\$43.25	
<b>IND</b>		\$17.30	\$36.41
<b>RES</b>	<b>SW</b>	<u>2.65</u>	
<b>COM</b>	<b>SW</b>	<u>2.65</u>	

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

The Local Law was thereupon declared duly adopted.

Seconded by Alderman Swanson-Gellerson and adopted.

**111523.8**

By Alderman Kantor:

**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

**Resolved** the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees, the annual rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

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

**111523.9**

By Alderman Lupo:

**Whereas** the Finance Director, in coordination with the City Treasurer, is required to make a number of adjustments related to the closing of the 2023 fiscal year, including the amendment of under/over line items, closing of completed capital projects, and carry-forward of encumbrances for projects not completed or invoiced in FY 2023; now, therefore, be it

**Resolved** that the City is authorized to make said adjustments and report to the Common Council a listing of amended items, projects, and encumbrances by April of FY 2024.

Seconded by Alderman Devine and adopted. Ayes 6.

**111523.10**

By Alderman Beakman:

**Whereas** the City of Lockport has collective bargaining agreements with various unions that cover virtually all of its employees with the exception of a few managerial and confidential employees; and

**Whereas** the City of Lockport enacted an Unrepresented Employees Policy on October 24, 2018 to provide the general terms of employment and respective compensation; and

**Whereas** the City has determined that it is necessary to update this policy; and

**Whereas** the Common Council has reviewed that attached Unrepresented Employees Policy and approve the same; and

**Now therefore be it resolved** that the City of Lockport hereby adopts and approves the Unrepresented Employees Policy.

Seconded by Alderman Lupo and adopted. Ayes 4. Nays 2.  
Aldermen Fogle and Kantor voted no. Motion passed.

**111523.11**

By Alderman Beakman:

**Whereas** the City of Lockport (City) received a New York State Canal Corporation Canalway matching grant in the amount of \$150,000 for the Lowertown Loop Phase 1 Project (Project), City Contact No. 2536; and

**Whereas** the Project consists of improvements to the comfort station on Market St. at North Adam St. and construction of a pavilion in the vicinity of the comfort station; and

**Whereas** donations and in-kind work by City forces to support the Project will be used for the required grant match; 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 November 1, 2023 at 2 pm as follows;

CONTRACTOR	Sicoli Construction Services, Inc.
TOTAL BID AMOUNT	\$149,800.00

And

**Whereas** the City Engineering Consultant Nussbaumer & Clarke, Inc. (Nussbaumer) reviewed the contractor bid and has determined that Sicoli Construction Services, Inc. has submitted lowest complete and responsible bid and recommends that the City award the contract to Sicoli Construction Services, Inc., for a total amount of \$149,800.00;

Now, therefore, be it:

**Resolved that** the Mayor is authorized to execute an Agreement with Sicoli Construction Services, Inc., 4800 Hyde Park Blvd., Niagara Falls, NY 14305, in the amount of \$149,800.00 contingent upon legal review.

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

**111523.12**

By Alderman Beakman:

**Resolved** that the request for a special use permit by Keli and Robert Worden at 100 Irving Street to harbor chickens and quail on the property, 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.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property if other than the applicant; 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 Kantor and adopted. Ayes 6.

#### **111523.12A**

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., \$2,880 per ton for chlorine; Usalco, \$2.3265 per gallon, and Kemira Water Solutions, \$2.51 per gallon, gallon for polyaluminum chloride (PAC); and Univar Solutions \$3.75/gallon for hydrofluorosilicic Acid (fluoride)

**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 (PAC), and Univar Solutions USA, Inc. for hydrofluorosilicic acid (fluoride) for January 1, 2024 through December 31, 2024.

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **111523.13**

#### **ADJOURNMENT**

At 6:54 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 13<sup>th</sup>, 2023.

Seconded by Alderman Devine and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk

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

Lockport Municipal Building

Regular Meeting  
Official Record

December 13, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Fogle, Swanson-Gellerson, Kantor, and Lupo.

**INVOCATION- Moment of Silence**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**121323.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of November 15th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

11/17/2023 Flora Hawkins, 199 West Avenue, Lockport, NY has been re-appointed to the Police Board. Said term expires December 31, 2027.



11/17/2023 Laurie George, 38 Hi Point Drive, Lockport, NY has been appointed to the Youth Board. Said term expires December 31, 2026.

11/17/2023 Roxanne Devine, 114 Maple Street, Lockport, NY has resigned from the Zoning Board of Appeals effective 11/30/2023. Said term expires November 15<sup>th</sup>, 2025.

11/27/2023 Victoria Pearson, 496 Davison Road, Lockport, NY, has been appointed to the Human Relations Committee. Said term expires July 15, 2024.

11/27/2023 Henry John Leible, 4321 Purdy Road, Lockport, NY has been appointed to Public Works Supervisor for the City of Lockport Public Works Department effective 11/24/2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Services Rules and Regulations.

11/28/2023 Daniel A. Mullane, 93 Lindhurst Drive, Lockport, NY, has been appointed to the City of Lockport Planning Board. Said term expires October 14, 2026.

11/28/2023 Ashley Pietrzykowski, 323 East Avenue, Lockport, NY, has been appointed to the City of Lockport Planning Board. Said term expires October 14, 2026.

11/28/2023 Anita Mullane, 93 Lindhurst Drive, Lockport, NY, has resigned from the Police Board effective November 27, 2023. Said term was set to expire December, 31 2026.

11/28/2023 Christina Quagliano has been appointed to the City of Lockport Police Board to fill the unexpired term of Anita Mullane effective November 28, 2023. Said term expires December 31, 2026.

11/28/2023 Kevin J. McDonough, 70 Lakeview Parkway, Lockport, NY, has been appointed to the City of Lockport Zoning Board of Appeals to fill the unexpired term of Roxanne Devine effective November 30, 2023. Said term expires on November 15, 2025.

11/28/2023 Andrew Rosenberg, 268 Genesee Street, Lockport, NY has been reappointed to the Zoning Board of Appeals effective November 16, 2023. Said term expires November 15, 2026.

11/29/2023 Sheila M. Tracy, 19 Grosvenor Street, Lockport, NY has been re-appointed to the Zoning Board of Appeals effective November 16, 2023. Said term expires November 15, 2026.

11/29/2023 Debra Allport's term on the Planning Board has been corrected to expire on October 14, 2024.

12/6/2023 Robert E. Bates, 147 Outwater Drive, Lockport, NY has been reappointed as Fire Commissioner on the Fire Board effective January 1, 2024. Said term expires December 31, 2027.

12/11/2023 Mayor Michelle M. Roman- letter of notification for the appointments to the Commissioner of Deeds: For the term of two years expiring on December 31, 2025.

1. Paul M. Beakman, Jr., 104 Caledonia Street, Lockport, NY 14094
2. Benjamin Briskey, 120 Grant Street, Lockport, NY 14094
3. Marco Notaro, 5251 Bridgeman Road, Sanborn, NY 14132
4. Daryl Bodewes, 2462 Woodthrush Court, Niagara Falls, NY 14304
5. Colin Ligamarri, 4210 Washington Street, Niagara Falls, NY 14305
6. John Jacoby 4621 Lower River Road, Lewiston, NY 14092
7. Paul Drabinski, 1495 Abington Place, North Tonawanda, NY 14120
8. Maggie Lupo, 17 Boblink Lane, Lockport, NY 14094
9. Doug Mooradian, 6964 Lakeside Drive, Niagara Falls, NY 14304
10. Anita Mullane, 93 Lindhurst Drive, Lockport, NY 14094
11. Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY 14094
12. Jeanann Page, 532 Irving Drive, Lewiston, NY 14092
13. David Keegan, 3772 McKoon Avenue, Niagara Falls, NY 14305
14. Michelle M. Roman, 30 Cherry Street, Lockport, NY 14094
15. William C. Rutland, 5798 Locust Street, Lockport, NY 14094
16. Carla L. Speranza, 6438 Lincoln Avenue, Lockport, NY 14094
17. Sarah Waechter, 4791 Oakridge Lane, Lewiston, NY 14092
18. Tom Reynolds, 739 E. Robinson Street, North Tonawanda, NY 14120
19. Steve Allore, 154 Locust Street, Apt 2, Lockport, NY 14094
20. Adam Dickey, 324 Ward Road, North Tonawanda, NY 14120

### **FROM THE CITY CLERK**

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

12/1/2024 Sarah K. Lanzo, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday and Tuesday, December 25<sup>th</sup> and 26<sup>th</sup> for the Winter Holidays.

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

11/17/2023 Roxanne Devine, 114 Maple Street, Lockport submitted her resignation from the Zoning Board of Appeals, effective November 30<sup>th</sup> 2023.

11/22/2023 Lockport Cares, 188 and 192 Genesee Street, Lockport, letter requesting permission to hold annual “Coldest Night of the Year” event on February 24, 2024.

**Notice of Complaint:**

11/16/2023 Brian Frazer from 97 Continental Drive, Lockport – Driveway damage

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

**Notice of Claim:**

11/13/2023 Daniel Warmus vs. City of Lockport, Lockport Police Department, Lockport Lieutenant Steven Tarnowski, Lockport Police Officer John Does, City of Lockport employee Carol Edwards, City of Lockport employee Sarah Lanzo, City of Lockport employee Jennifer Wochna and City of Lockport employee Emily Stoddard.

11/30/2023 Brianna R. Brundidge vs. City of Lockport

11/30/2023 Casey I. Dahlstrom vs. City of Lockport

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS****121323.2 WITHDRAWN****121323.3**

By Alderman Lupo:

**Whereas**, the City of Lockport has appropriated \$75,000 in A.1900.54055 in the FY 2024 appropriation for a public works audit; and

**Whereas**, the City has published a request for proposals and has obtained three bids, from Matrix Consulting Group, Baker Tilly, and Raftelis; and

**Whereas**, a committee has reviewed said bids and has recommended to proceed with the most diligent and responsible bidder: Matrix Consulting Group for an estimated total of \$75,000 (including additional on-site days); and

**Now, therefore be it resolved**, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, with Matrix Consulting Group, contingent on corporation counsel approval.

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

**121323.4**

By Alderman Beakman:

**Whereas**, the Fire Chief of the City of Lockport is a position that is not represented by a collective bargaining unit; and

**Whereas**, the City of Lockport and the Fire Chief desire to enter into an amended 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.

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **121323.5**

By Alderman Devine:

**Whereas**, the Police Chief of the City of Lockport is a position that is not represented by a collective bargaining unit; and

**Whereas**, the City of Lockport and the Police Chief desire to enter into an amended written Employment Agreement thereby describing the salary, benefits and terms of employment for the Police Chief; now, therefore, be it

**Resolved**, that the City of Lockport hereby authorizes the Mayor to execute the attached Employment Agreement with Police Chief Steven Abbott.

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

#### **121323.6**

By Alderman Swanson Gellerson:

**Whereas**, the City of Lockport's Water Filtration Chief Operator has requested plant improvements to the turbidity system and heating system; and

**Whereas**, the department has compiled a quote for turbidity improvements from Hach for a total of \$59,714.87 under NY State Contract #PC67243; and

**Whereas**, the department has compiled a quote for heating system improvements from Grainger for a total of \$8,791.16 under NY State Contract #PC69879; and

**Resolved**, that the City of Lockport Common Council hereby approves of the City to enter into agreement with Hach and Grainger, utilizing funds in the H204 capital project (FX Infrastructure Improvements) and that the FY 2023 Water Fund Budget is amended as follows:

#### Expenditures

#### Decrease

FX.1900.54775

Contingency

\$21,822

Increase  
FX.9901.59000.H Interfund to Capital \$21,822

Seconded by Alderman Devine and adopted. Ayes 6.

**121323.7**

By Alderman Kantor:

**Whereas**, the City of Lockport has appropriated \$113,423 in A.5110.52030 in the FY 2024 appropriation for a trimmer attachment; and

**Whereas**, the Director of Streets, Parks, and Distribution has collected a bid from Stephenson Equipment, Inc. for a total of \$113,423 under NYS OGS bid PC69840 with a lead time of 35 to 37 weeks; and

**Now, therefore, be it resolved**, that the City of Lockport Common Council hereby approves the City to enter into a purchasing agreement with Stephenson Equipment, Inc.

Seconded by Alderman Lupo and adopted. Ayes 6.

**121323.8**

By Alderman Beakman:

**Whereas**, the New York State Community Development Block Grant Program provides funding to communities under the Economic Development Program to undertake activities that focus on economic development needs such as creating or expanding job opportunities, and

**Whereas**, Big Ditch Brewing Company LLC (hereinafter the "Company") is proposing to construct leasehold improvements and acquire furnishings, fixtures and equipment in connection with the establishment of a restaurant/taproom, event space, and small-batch brewery in the former Post Office Building at 1 East Avenue in the City (the "Project"); and

**Whereas**, the Project will have an estimated cost of \$1,875,000 and will create an estimated 52 new full-time equivalent employment opportunities within the City of Lockport; and

**Whereas**, the City of Lockport (the "City") has submitted an application to the New York State Office of Community Renewal ("OCR") for \$750,000 in grant funding to assist the Project; and

**Whereas**, the City desires to partner with The Greater Lockport Development Corporation ("GLDC") which would act as a subgrantee for the grant funding, which would be used by GLDC to make a term loan and deferred loan to the Company to fund a portion of the Project costs.

**Now, therefore, be it resolved**, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

**Resolved**, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with GLDC relating to the use and administration of the grant funds, subject to review and approval by the City Attorney.

Seconded by Alderman Swanson Gellerson and adopted. Ayes 6.

#### **121323.9**

By Alderman Beakman:

**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, December 20, 2023 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.

#### **121323.10 – WITHDRAWN**

#### **121323.11**

By Alderman Lupo:

**Whereas**, the Locks Historic District Commission (LHDC) successfully applied for a grant from the State Office of Parks, Recreation and Historic Recreation to fund the design and construction of wayfinding signs throughout the city; and

**Whereas**, the wayfinding signs have now been installed at numerous locations along the city rights of way to assist visitors to locate various landmarks and attractions and the LHDC wishes to convey by gift all the signs so constructed and installed; now be it

**Resolved**, that the Common Council, on behalf of the City of Lockport, accepts the wayfinding signs and assumes all future responsibility to maintain the signs in the future.

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

**121323.12**

By Alderman Swanson-Gellerson:

**Whereas**, the pursuant to the City of Lockport Charter, Section C-32, the Mayor shall annually appoint 20 Commissioners of Deeds who shall hold their offices for two years; and

**Whereas**, the New York State Executive Law § 139, enacted after the City of Lockport Charter, has a requirement that is inconsistent with the City Charter, that the Commissioner of Deeds are approved by the Common Council; and

**Whereas**, the New York State Attorney General an opinion regarding the conflicting language between Executive Law § 139 and a City Charter in 1966 NY Ops Atty Gen April 18 stating that “An irreconcilable conflict between the above statutes relating to the appointment and terms of office of commissioners of deeds must be resolved in favor of the special city charter; however, all other non-conflicting provisions of § 139 remain in full force and effect”; and

**Whereas**, the Mayor continues to have the unilateral ability to appoint the Commissioner of Deeds pursuant to the City Charter; and

**Whereas**, the Mayor has appointed twenty (20) Commissioner of Deeds attached hereto, pursuant to the Charter, for 2024-2025; and

**Now therefore be it resolved**, that the Common Council agrees that the Mayor has said powers of appointment pursuant to the Charter and it ratifies said appointments insofar as they have any ability to approve of the same.

Seconded by Alderman Beakman 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. Ayes 6.

**121323.12A**

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

**Whereas**, there was a residential structure fire at 96 Locust Street, Lockport, NY that occurred on October 19, 2023; and

**Whereas**, pursuant to Chapter 72-6 of the Lockport City Charter, Determination of unsafe buildings; Notice to repair or demolish, the City of Lockport shall consider the report of the Building Inspector and, if in their opinion the report so warrants, shall determine that the building is unsafe and order its demolition or repair, if the same can be safely repaired, and further order that a notice shall be given to the owner; and

**Whereas**, the fire damage to the structure was deemed a total loss of the property by the Lockport Fire Department, and the Building Inspector has rendered an opinion in

his report dated October 23, 2023, that the building is unsafe and should be demolished; and

**Whereas**, that the City directs that the Building Inspector provide personal notice to the owner of the property located at 96 Locust Street regarding the demolition, pursuant to the Notice requirements of Chapters 72-6(b) and 72-7, including but not limited to notice of the demolition, right to a hearing and date of time of same, and a statement that if the owner refuses to follow the order to demolish the building, the City of Lockport is authorized to provide for its demolition, to assess all expenses thereof against the land on which it is located, and to institute a special proceeding to collect the costs of demolition, including legal expenses; and

**Whereas**, that in the event of neglect or refusal of the persons so notified to comply with said order of the City of Lockport, the City of Lockport shall provide for the demolition and removal of such building either by City employees or by contract. Except in an emergency, any contract in excess of \$20,000 shall be awarded by competitive bidding pursuant to section 72-9 of the City Charter.

**Whereas**, the City issued a Notice to Bid for interested contractors for the Demolish 96 Locust Street project and subsequently received and publicly opened and read bids at the Municipal Building on October 27, 2023 at 2:00 pm as follows;

CONTRACTOR NANE	Bid Item No. 1	Bid Item No. 2	Total Bid
Durable Demolition, LLC	\$1,000.00	\$33,935.00	\$34,935.00

and

**Whereas**, the Chief Building Inspector has determined that Durable Demolition, LLC has submitted the lowest complete and responsible bid and recommends that the City award the contract to Durable Demolition, LLC, for a total amount of \$34,935.00; now, therefore, be it

**Resolved**, that the Mayor is authorized to execute an Agreement with Durable Demolition, LLC, PO Box 71, Lockport, New York 14094, in the amount of \$34,935.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Beakman and adopted. Ayes 6.

**121323.13**

## **ADJOURNMENT**

At 6:49 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 20th, 2023.

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

December 20th, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:  
Aldermen Beakman, Devine, Swanson-Gellerson, Kantor, and Lupo.  
Absent – Alderman Fogle

**INVOCATION – Moment of Silence**

**RECESS**

Recess for public input.

**122023.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of December 13th, 2023 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 to amend section C-45 of the City Charter – Residency Law.

The Mayor asked the City Clerk if any petitions or communications relative to section C-45 of the City Charter – Residency Law have been received.

Recess for public input.

The Mayor closed the public hearing.

## **FROM THE MAYOR**

### **Appointments:**

## **FROM THE CITY CLERK**

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

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

12/8/2023 Sarah K. Lanzo, City Clerk – notification of bids received on December 8<sup>th</sup>, 2023 in response to RFP for Air Compressor.

George and Swede Sales & Service \$20,900

12/8/2023 Sarah K. Lanzo, City Clerk – notification of bids received on December 8<sup>th</sup>, 2023 in response to RFP for Plow.

Joe Basil Chevrolet, Inc \$67,065

### **Notice of Complaint:**

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

### **Notice of Claim:**

Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **122023.2**

By Alderman Kanto:

**Whereas**, the City of Lockport has appropriated \$26,000 in A.5110.52035 in the FY 2023 budget for an air generator; and

**Whereas**, on November 29<sup>th</sup>, 2023, the City published an RFP and collected one quote, from George and Swede Sales and Services for a net total of \$20,900; and

**Now, therefore, be it resolved,** that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with George and Swede Sales and Services for said equipment.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**122023.3**

By Alderman Swanson-Gellerson:

**Whereas,** the City of Lockport has appropriated \$68,000 in A.5110.52030 in the FY 2024 budget for a street plow; and

**Whereas,** on November 29<sup>th</sup>, 2023, the City published an RFP and collected one quote, from Joe Basil Chevrolet, Inc. for a total of \$67,065; and

**Now, therefore, be it resolved,** that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with Joe Basil Chevrolet, Inc. for said equipment.

Seconded by Alderman Kantor and adopted. Ayes 5.

**122023.4**

By Alderman Beakman:

**Whereas,** the City of Lockport Fire Department has excess funding in professional services in their FY 2023 budget; and

WHEREAS, the department can improve operations and operating costs by investing in an oxygen generator; and

**Whereas,** said project is sole source with Dival Fire and EMS Supply for a total cost of \$72,037.70; and

**Now, therefore, be it resolved,** that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with Dival Fire and EMS Supply for said equipment and that the FY 2023 General Fund Budget is amended as follows:

Expenditures

Decrease

A.3410.54055	Professional Services	\$72,038
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Increase

A.3410.52015	Technical Equipment	\$72,038
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Seconded by Alderman Devine and adopted. Ayes 5.

By Alderman Lupo:

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

Seconded by Alderman Kantor. Ayes 5.

**122023.5**

By Alderman Lupo:

**Resolved** that the City of Lockport establishes the following ambulance rates retroactive to February 14, 2023:

]

Ambulance Charges:

BLS Non-Emergency	\$800
BLS Emergency	\$1,025
ALS Non-Emergency	\$1,200
ALS Emergency	\$1,450
ALS Multi	\$1,600
ALS Interface	\$900
Specialty Care	\$1,400
Mileage	\$37.50 per mile
Treat and Release	\$150
ALS Treat and Release	\$475
MVA Treat and Release	\$350
Bariatric Surcharge	\$150
Mutual Aid Fee	\$75

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 5.

**122023.6**

By Alderman Swanson-Gellerson:

**Whereas** the pursuant to the City of Lockport Charter, Section C-32, the Mayor shall annually appoint 20 Commissioners of Deeds who shall hold their offices for two years; and

**Whereas** the New York State Executive Law § 139, enacted after the City of Lockport Charter, has a requirement that is inconsistent with the City Charter, that the Commissioner of Deeds are approved by the Common Council; and

**Whereas** the New York State Attorney General an opinion regarding the conflicting language between Executive Law § 139 and a City Charter in 1966 NY Ops Atty Gen April 18 stating that “An irreconcilable conflict between the above statutes relating to the appointment and terms of office of commissioners of deeds must be

resolved in favor of the special city charter; however, all other non-conflicting provisions of § 139 remain in full force and effect”; and

**Whereas** the Mayor continues to have the unilateral ability to appoint the Commissioner of Deeds pursuant to the City Charter; and

**Whereas** the Mayor has appointed twenty (20) Commissioner of Deeds for the 2023-2024 term and four (4) appointees did not complete their registration process; and

**Now therefore be it resolved** that the Mayor removes the following appointed Commissioner of Deeds:

Paul Drabinski  
Jeanann Page  
David Keegan  
Adam Dickey

**And be it further resolved** that the Mayor appoints the following Commissioner of Deeds effective immediately for a term that expires on December 31, 2024:

- Paul Patterson, 5513 Hallmark Lane, Lockport, NY 14094
- James Perry, 235 69<sup>th</sup> Street, Niagara Falls, NY 14304
- Amy S. Bonnett, 97 Webb Street, Lockport, NY 14094

**And be it further resolved** that the Common Council agrees that the Mayor has said powers of appointment pursuant to the Charter and it ratifies said appointments insofar as they have any ability to approve of the same.

Seconded by Alderman Devine and adopted. Ayes 5.

#### **122023.7**

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 funding; and

**Whereas**, the City wishes to purchase ten metal trash bins for the parks; now, therefore, be it

**Resolved**, that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with Integrity Machining and Fabrication for \$12,073.50 and utilize funds in the H206 capital project.

Seconded by Alderman Lupo 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 Lupo. Ayes 5.

**122023.8**

By Alderman Beakman:

Resolved, that the following local law be and the same is hereby adopted:

**City of Lockport  
Local Law No. 4 of the year 2023**

A Local Law to amend Section C-45 under Article II – City Officers, General Provisions, City Elections of Chapter C of the Charter Section C-45 relative to the residency requirement shall be amended in the following manner:

**§ C-45 Residency Law.**

1. The City of Lockport recognizes that emergency situations arise which require employees of the City of Lockport to be near their place of employment and to assume the continuation of public services to protect the health, safety, and general welfare of the people. The City of Lockport believes that those who are residents of the City of Lockport take a greater interest in promoting the public safety and health in the future of this community, than do nonresidents who reside in areas unaffected by City of Lockport services. The City of Lockport further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the community will help to assure continuation of essential public services. However, the City also recognizes the decline in population in the City, and the need to find the best possible candidate for each position within the City of Lockport. The best candidate may not always be a Resident of the City of Lockport. Therefore, through adoption of this local law, the City of Lockport amends the current local law for residency to require employees to live within five and one half (5.5) miles from One Locks Plaza, Lockport. The legislative body makes a legislative determination that when reviewing candidates for employment opportunities, qualified candidates that reside within 5.5 miles from One Locks Plaza will be given preference over those that are qualified, but do not live in the City and/or within that radius. Further, if there are no qualified City residents who apply for a given position, or residents within 5.5 miles of One Locks Plaza, then qualified residents of the County of Niagara shall be given preference over those candidates that do not live in the County. The City of Lockport determines that the public need for the best qualified candidate is sufficient to require that candidates of the City be given preference, if qualified, over nonresidents, but after the effective date of this local law, it is no longer a mandatory requirement to be a resident of the City of Lockport to be employed by the City, the employee only needs to maintain his or her permanent residence within 5.5 miles of One Locks Plaza. However, this local law does NOT affect any residency requirements of enumerated positions within this City Charter, Code, or employment agreements that specifically require residency, to wit: all elected positions, or the following officer positions: City

Clerk, Corporation Counsel, Chief Building Inspector, Chief Water Treatment Plant Operator, Chief Waste Water Treatment Plant Operator, Chief of Police, Chief of Fire.

**2. Definition.** Residency shall mean, for the purpose of this local law, the actual principal domicile of an individual, where he or she (1) normally sleeps (2) maintains usual personal and household effects (3) lists as an address on tax filings; and lists as his or her address for a motor vehicle registration, if any.

**3. Residency for new municipal employees** that have a residency requirement as described hereinabove. Except as otherwise provided by law, the City of Lockport hereby maintains a residency requirement for all prospective employees that have been specifically enumerated in this Charter, Code, or in Employment contracts as stated hereinabove. Any other City employee shall be interviewed and/or hired as described hereinabove, with preference given to City residents who are qualified for the position, then residents within 5.5 miles of One Lock Plaza, then County residents who are qualified for the position, then the most qualified candidate if no City or County residents apply. Every person initially employed by the City of Lockport that is an enumerated position for residency, on or after the effective date of this local law shall, as a qualification of employment, become a resident within 5.5 miles of One Locks Plaza, Lockport, within twelve (12) months of the date of initial service for the City of Lockport. During the time of service of such an employee whose enumerated position requires residency, said individual shall not cease to be a resident of the City of Lockport.

**4. Exceptions.** The requirement of residency within the corporate limits of the City does not apply to temporary employees, temporary advisors and consultants, persons having an independent contractor status and current employees of the City of Lockport, who reside outside the corporate limits of the City. Also exempt from residency requirements are members of the Fire Department and Police Department, so long as the Police Department has 200 or more full-time members as set forth in further detail in Section 30(4) of the Police Officers Law. Finally, the City Engineer position is no longer required to have a residency requirement due to the difficulty the City historically has had filling that position. However, said position of City Engineer does have the requirement of the 5.5 mile residency radius.

**5. Residency upon promotion.** All employees promoted by the City of Lockport on or after the effective date of this local law, whose position specifically requires residency per the Charter, Code, or employment contract, shall be, or, within twelve (12) months of such promotion shall become, a resident within 5.5 miles of One Locks, Plaza, Lockport.

**6. Notice and posting.** A copy of this local law shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this local law to any employee appointed or promoted after its effective date. A copy of this law shall be posted in all locations normally used for employee communications.

7. Investigation of residency. Should it be alleged that an employee, whose position requires residency, is not in compliance with Section three or four of this local law as the case may be, the City of Lockport may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City of Lockport, the response is not sufficient to satisfy the requirements of this local law, the City of Lockport shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee whose position requires residency, establish residency to the satisfaction of the City of Lockport prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

To conduct the hearing, the City of Lockport may in writing designate an individual who for the purpose of the hearing shall be vested with all powers of the City of Lockport for review and decision. Should the City of Lockport determine that an employee, whose position requires residency, is a nonresident in violation of this local law, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

8. Waiver of requirements. In the event that the City of Lockport determines that it is in the best interest of the City of Lockport to do so, the provisions of Section three or four – as it relates to enumerated positions with residency requirements- may be waived by the appointing/hiring body, with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:

**a)** Lack of applicants. The requirement of residency within 5.5 miles of One Locks Plaza may be waived in those instances where the City of Lockport has difficulty hiring or promoting the most qualified person because of its residency requirements.

**b)** Necessity for nonresidence. The requirement of residency within 5.5 miles of One Locks Plaza may be waived in those instances where it is determined that residency is not in the best interest of the municipality.

Such a waiver shall not in any way affect the application of Section three or four of this local law with respect to any other title or titles. **[Added 3-2-2005 by L.L. No. 3- 2005]**

Alderman Beakman: YES

Alderman Devine: \_\_\_ YES \_\_\_

Alderman Swanson-Gellerson: YES



Alderman Kantor: YES

Alderman Lupo: YES

The Local Law was thereupon declared duly adopted.

Seconded by Alderman Devine and adopted. Ayes 5.

**122023.9**

By Alderman Swanson-Gellerson:

**Whereas**, Parks & Trails is the leading statewide advocate for parks and trails in New York State; and

**Whereas**, Lockport Main Street (LMS) worked with Park & Trails to certify the City of Lockport as an Empire State Trail Town; and

**Whereas**, the Parks & Trails recommend that Lockport Main Street and the City of Lockport make both short term and long term improvements and enhancements for our community to welcome and accommodate cyclists. Further, LMS 2024 Implementation is to plan for the provided recommendations and improvements in 2024 as a commitment to the Empire State Trail Town designation, as more described herein in the attached Action Agenda; and

**Now therefore be it**

**Resolved**, that the City is authorized to adopt the attached Action Agenda for LMS along with the LMS plans for 2024.

Seconded by Alderman Kantor and adopted. Ayes 5.

**122023.9A**

By Alderman Beakman:

**Resolved**, that pursuant to their request Southern Tier Express Inc, is hereby granted permission to travel on some City of Lockport owned streets on December 28, 2023, in order to transport a Transformer from University of Buffalo, Amherst to Buffalo Transformer Services, 10 Simons Street, Lockport, NY.

**Resolved**, that the proposed route will bring Southern Tier Express from State Route 93 to Ohio Street North and then turn on to Simonds Street

**Now there for it be**

**Resolved**, that said permission is subject to Southern Tier Express Inc, filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Lupo and adopted. Ayes 5.

**122023.10**

**ADJOURNMENT**

At 6:56 P.M. Alderman Beakman moved the Common Council be adjourned until 11 AM., Monday, January 1st 2024.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk