

**CITY OF LOCKPORT**  
**COMMON COUNCIL MEETING AGENDA**  
**REGULAR MEETING**  
**June 12th, 2024**  
**6:00 P.M.**

**5:30 P.M.** Committee of the Whole Meeting

**6:00 P.M.** Common Council Meeting

**ROLL CALL**

**APPROVAL OF MINUTES** **Fogle:** Approve Common Council minutes of  
061224.1 May 22nd, 2024

**PUBLIC HEARING** Special Use Permit 291 Prospect Street

**COMMUNICATIONS**

**MOTIONS &  
RESOLUTIONS**

**xxxx:** Approve bills and payrolls  
061224.2

**Fogle:** Recognize Employees for years  
061224.3 of Employment

**xxxx:** Call for Public Hearing – Curfew  
061224.4

**xxxx:** Navy Marine Club Picnic  
061224.5

**xxxx:** Authorization to Execute Grant Agreement  
061224.6 – Sanitary Sewer System

**xxxx:** LockFest 2024, Sunday July 28th  
061224.7

**xxxx:** Authorize Engineering Professional Service  
061224.8 Support – Related to USEPA Lead Service  
Rule

**xxxx:** Authorize Local Match – Sanitary Sewer  
061224.9 System

**xxxx:** Accounting Consultants Payment  
061224.10

**xxxx:** Website Maintenance RFP  
061224.11

**xxxx:** Article 7 – 104 Old Niagara Road  
061224.12

**ADJOURNMENT**

**Fogle:** Adjourn meeting to June 26<sup>th</sup> 2024  
061224.13

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

Lockport Municipal Building

Regular Meeting  
Official Record

June 12th, 2024  
6:00 P.M.

Mayor John Lombardi III called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Craig, Devine, Fogle, Kirchberger, Lupo, Mullane

**INVOCATION**

**RECESS**

Recess for public input.

**061224.1**

**APPROVAL OF MINUTES**

On motion of Alderman Fogle, seconded by Alderman \_\_\_\_\_, the minutes of the Regular Meeting of May 22<sup>nd</sup>, 2024 are hereby approved as printed in the Journal of Proceedings. Ayes \_\_\_\_\_. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a request for a Special Use Permit to harbor hens on the property at 291 Prospect 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.

**FROM THE MAYOR**

**Appointments:**

Susan E. Isreal, 264 Crestwood Court E, Lockport, NY 14094, has been appointed to Assessor B in the Assessor Department. Said appointment is provisional and subject to the City of Lockport's Municipal Civil Service Rules and Regulations.

Connor J. McCarthy, 163 Monroe Street, Lockport, NY 14094, has been appointed to Building Inspector in the Building Inspection Department for the City of Lockport. Said appointment is permanent and subject to the City of Lockport's Municipal Civil Service Rules and Regulations.

Daniel J. Wojewoda, 345 High Street, Lockport, NY 14094, has been appointed to Building Inspector in the Building Inspection Department for the City of Lockport. Said appointment is permanent and subject to the City of Lockport's Municipal Civil Service Rules and Regulations.

David M. Craddock, 411 East Avenue, Lockport, NY 14094 has been appointed to Heavy Equipment Operator in the Highway and Parks Department for the City of Lockport. Said appointment is permanent and subject to the City of Lockport's Municipal Civil Service Rules and Regulations.

Kelsey M. Teeter, 404 N. Transit Street, Lockport, NY 14094 has been appointed to Senior Account Clerk in the Department of Assessment for the City of Lockport. Said appointment is provisional and subject to the City of Lockport's 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)  
5/30/2024 Leisl Dukhedin-Lalla, PhD, President of Zeton US Properties, Inc. notifying the city that the storm sewer line on 115 Oakhurst Street requires immediate attention from the City of Lockport.

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

5/20/2024 Patricia A. George, 37 East Avenue, Lockport, NY 14094 expressing her concern due to the grading between the road and the sidewalk in front of her building.

5/22/2024 Paul Lamont, 49 Lakeview Parkway, Lockport, NY 14094 – tree.

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

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

4/16/2024 Randy Bernardi, 12 Howard Avenue, Lockport, NY 14094 regarding damage by a large pothole located on Locust Street in front of Lockport High School.

Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **061224.2**

By Alderman:

**Resolved** that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills and services to be paid on March 28th 2024.

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

**061224.3**

By Alderman Fogle:

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

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Daniel T. Cole	30	Tree Crew Leader

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

**061224.4                    Local Law #1 - Curfew**

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

**Whereas** the Safety Committee has proposed an update to the local curfew law for residents under the age of 18, and

**Resolved** that Corporation Counsel is hereby authorized and directed to amend Chapter 81 – Curfew relative to updating the age;

**Resolved** that a public hearing be held at the Common Council Meeting on Wednesday, June 26, 2024, starting at 6 PM in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY, relative to updating local law to reflect curfew for residents under the age of 18 years old, and be it further;

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

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

**061224.5                    Navy Marine Club Picnic**

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

**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 24, 2024, for their annual picnic, 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 to arrange for delivery of barricades to said area prior to said event.

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

**061424.6                    Authorization to Execute Grant Agreement – Sanitary Sewer System**

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

**AUTHORIZATION FOR REPRESENTATIVE TO EXECUTE GRANT AGREEMENT  
CITY OF LOCKPORT  
SANITARY SEWER SYSTEM EVALUATION (EPG#130135)**

**Whereas** City of Lockport (hereinafter the “City”) desires to accept the New York State Environmental Facilities Corporation (NYS EFC) Engineering Planning Grant (EPG) #130135; and

**Whereas** the City proposes to conduct a Sanitary Sewer System Evaluation under NYS EFC EPG #130135; and

**Whereas** the City intends to work with Hunt Engineering, Architects, Land Surveyors & Landscape Architect D.P.C., Contact Tim Steed, 100 Hunt Center, Horseheads, NY 14845; and

**Whereas** the primary purpose of this grant will be to evaluate the City’s Collection System Inflow and Infiltration (I&I) issues and excess flow experienced at the Wastewater Treatment Plant (WWTP) during intense storm events and seasonal thaw.

**Now, therefore, based on such review and consideration, be it resolved** by the City of Lockport Common Council that the Mayor is hereby authorized to execute an EPG Agreement with the NYS EFC and any and all other contracts, documents, and/or instruments necessary to facilitate the EPG project referenced herein and to fulfill the City of Lockport’s obligations thereunder.

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

**061424.7                      LockFest 2024- July 28<sup>th</sup>**

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

**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, July 28, 2023 from 12 pm – 7 pm at Lockview Plaza. Said event has a mission to provide the Lockport Community with a fun, music filled afternoon, with activities for kids young and old. There will be live music, food trucks, a car show, vendors and kid’s vendors in addition to children’s crafts and activities. The event will include the following:

- Closure of Main Street to through traffic from Cottage Street to Pine Street for the duration of 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

**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;

**Resolved** that the City stage be made available for the event, **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 \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**061424.8 Authorize Engineering Professional Service Support**

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

**Whereas** the City of Lockport (City) owns and operates a Public Water System (PWS), PWSID #NY3100564; and

**Whereas** the United States Environmental Protection Agency (USEPA) requires that all Public Water Systems furnish an inventory of their lead service lines to comply with recent and pending revisions to the Lead and Copper Rule (LCR); and

**Whereas** the Lead Service Line inventory is required to be submitted by October 16, 2024; and

**Whereas** the City authorized its consulting engineering firm Nussbaumer & Clarke, Inc (Nussbaumer) to apply for a grant to support preparation of a Lead Line Service Inventory ; and

**Whereas** on March 29, 2024 the City was notified by the NYS Department of Health (DOH) that the City is eligible for a Bipartisan Infrastructure Law grant of up to \$124,630 to prepare a lead service line inventory in accordance with the grant application; and

**Whereas** Nussbaumer assisted the City with the preparation of the successful grant application, is on the City's pre-qualified list of engineering service providers, and submitted a proposal dated June 3, 2024 to assist the City with preparation of the required lead service line inventory for a fee not-to-exceed \$110,000; Now, therefore, be it;

**Resolved** that the Mayor is authorized to execute an Agreement with Nussbaumer & Clarke, Inc., 80 Main St. Unit A, Lockport NY 14094 for a not-to-exceed fee of \$110,000 per their proposal dated June 3, 2024.

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

**061424.9 Authorize – Local Match Sanitary Sewer System**

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

**AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH  
CITY OF LOCKPORT  
SANITARY SEWER SYSTEM EVALUATION (EPG#130135)**

**Whereas** City of Lockport (hereinafter the "City") proposes to conduct a Sanitary Sewer System Evaluation under New York State Environmental Facilities Corporation Engineering Planning Grant (NYS EPG) #130135; and

**Whereas** the NYS EPG requires a local match equal to 20 percent of the requested grant amount in cash and/or in-kind services; and

**Now, therefore, based on such review and consideration, be it resolved** by the City's Common Council that the City hereby authorizes and appropriates a minimum 20% local

match as required by the NYS EPG Program for the City's Sanitary Sewer System Evaluation in the amount of \$10,000 and based upon the total EPG Grant award of \$50,000.

**Be it further resolved**, the source of the local match, and any amount in excess of the required match, shall be provided by the City's general fund and/or in-kind services as needed.

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

**061424.10                      Accounting Consultants Payment**

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

**Whereas** Resolution 011024.4B approved of the use of two Accounting Consultants, Mary Smith and Roger Salmons, in the absence of the Director of Finance position to aid the City in the 2023 financial year closeout, the 2023 audit, and other miscellaneous accounting projects and

**Whereas** the services of Mary Smith and Roger Salmons are not to exceed \$45,000 and

**Whereas** it has been determined that the necessary funds to pay these consultants will come from the Finance Director Full Time Wages account and be relocated to the Finance Department Professional Services account; and

**Whereas** the consultants have billed the City a total of \$39,500 to date; now therefore be it

**Resolved** that the FY 2024 General Fund Budget is amended as follows:

Expenditures:

Increase:

A.1310.54055	Professional Services	\$30,400
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Decrease:

A.1310.51010	Full Time Wages	\$30,400
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Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**061424.11                      Website Maintenance RFP**

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

**Whereas** the City published an RFP to collect bids for website maintenance, hosting and social media management on April 17, 2024 with a due date of May 2, 2024; and

**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 2024 Operating Budget appears to be appropriately funded to continue operations of the website; now therefore be it

**Resolved** that the Mayor is hereby authorized to enter into a contract with North Shore Solutions.



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

**061424.12 Article 7 – 104 Old Niagara**

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

**Whereas** the owner(s) of 104 Niagara Rd (104 Old Niagara Rd LLC) had challenged their property assessment against the City for successive years beginning in 2022 through 2023; and

**Whereas** the City appeared and answered the suit and defended itself throughout multiple court appearances; and

**Whereas** all parties reached a settlement in 2024, 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 2024 General Fund Budget is amended as follows:

Expenditures:

Decrease

A. 1900.54775                      Contingencies                      \$26,302.08

Increase

A. 1900.54765                      Judgement and Claims                      \$26,302.08

Contingent upon review and approved by Corporation Counsel.

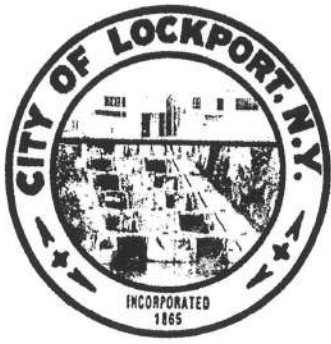
Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**061224.13 ADJOURNMENT**

At \_\_\_\_\_ P.M. Alderman Fogle moved the Common Council be adjourned until 6:00 P.M., Wednesday June 26th 2024.

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

SARAH K. LANZO  
City Clerk



**CITY OF LOCKPORT, NEW YORK**

Lockport Municipal Building

One Locks Plaza

Lockport, NY 14094

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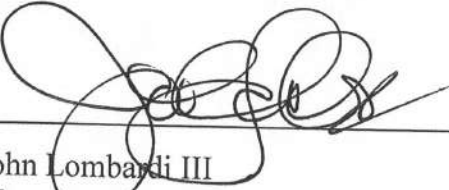
May 23, 2024

TO: Common Council

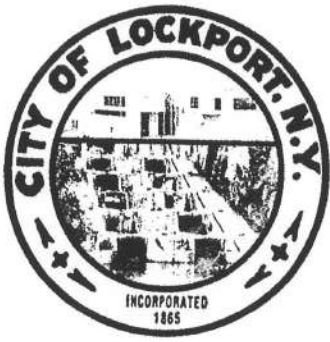
Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint Susan E. Israel of 264 Crestwood Ct E, Lockport, NY 14094 to Assessor B in the Assessor Department. This is a provisional position effective May 23, 2024.

Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Witness by hand and the Seal of the City of Lockport this 23<sup>rd</sup> day of May 2024.

  
\_\_\_\_\_  
John Lombardi III  
Mayor

cc: S. Israel  
City Clerk



## CITY OF LOCKPORT, NEW YORK

Lockport Municipal Building

One Locks Plaza

Lockport, NY 14094

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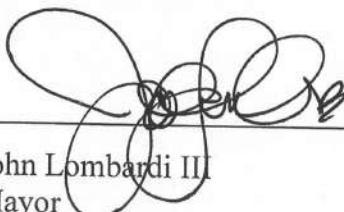
May 23, 2024

TO: Common Council

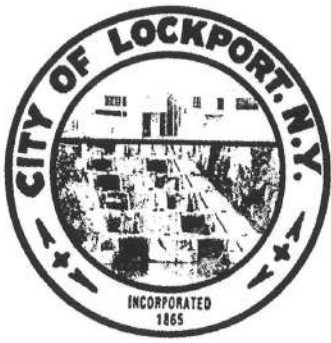
Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint Connor J/ McCarthy of 163 Monroe St, Lockport, NY 14094 to Building Inspector in the Building Inspection Department. This is a permanent position effective May 23, 2024.

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

Witness by hand and the Seal of the City of Lockport this 23<sup>rd</sup> day of May 2024.

  
\_\_\_\_\_  
John Lombardi III  
Mayor

cc: C. McCarthy  
J. Dool  
City Clerk



## CITY OF LOCKPORT, NEW YORK

Lockport Municipal Building

One Locks Plaza

Lockport, NY 14094

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May 23, 2024

TO: Common Council

Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint Daniel J. Wojewoda of 345 High St, Lockport, NY 14094 to Building Inspector in the Building Inspection Department. This is a permanent position effective May 23, 2024.

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

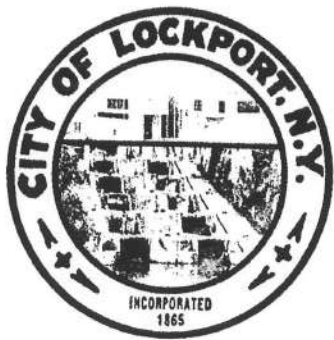
Witness by hand and the Seal of the City of Lockport this 23<sup>rd</sup> day of May 2024.



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John Lombardi III  
Mayor

cc: D. Wojewoda  
J. Dool  
City Clerk



## CITY OF LOCKPORT, NEW YORK

Lockport Municipal Building

One Locks Plaza

Lockport, NY 14094

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May 23, 2024

TO: Common Council

Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint David M. Craddock of 411 East Avenue, Lockport, NY 14094 to Heavy Equipment Operator in the Highway and Parks Department. This is a permanent position effective May 23, 2024.

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

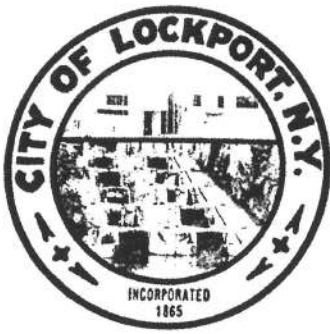
Witness by hand and the Seal of the City of Lockport this 23<sup>rd</sup> day of May 2024.



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John Lombardi III  
Mayor

cc: D. Craddock  
C. Dimmick  
City Clerk



## CITY OF LOCKPORT, NEW YORK

Lockport Municipal Building

One Locks Plaza

Lockport, NY 14094

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May 23, 2024

TO: Common Council

Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint Kelsey M. Teeter of 404 N Transit St, Lockport, NY 14094 to Senior Account Clerk in the Assessor Department. This is a provisional position effective May 23, 2024.

Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Witness by hand and the Seal of the City of Lockport this 23<sup>rd</sup> day of May 2024.

John Lombardi III  
Mayor

cc: K. Teeter  
S. Israel  
City Clerk

I HEREBY CERTIFY that the persons named in this payroll are employed solely in and have actually performed the duties of positions and employments indicated for the period ending 5/9/24, PAID on date 5/16/24, is approved at dollars, \$555,091.73  
 Civil Service Mary Pat Silbert

# Pay Day Register

Pay Date Range 04/26/24 - 05/09/24  
 Pay Batch 05/16/24

Pay Batch 05/16/24 Total

Employees in Pay Batch 220

Female Employees in Pay Batch 54

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
207A Disability - 207A Disability	160.0000	1,790.00	Gross	555,091.73	Health Ins 298 Class 2 Family	27,356.46 .00
BERV - Bereavement	99.0000	2,545.04	Imputed Income		Health Ins 298 Class 2 Single	9,744.59 .00
CLAL - Clothing Allowance	.0000	7,800.00	Federal	62,646.09	Health Ins 298 Class 3 Family	87,224.31 .00
CMPE 1.0 - Comp Earned @ 1.0	288.5000	.00	FICA	33,667.06	Health Ins 298 Class 3 Single	8,247.48 .00
CMPE 1.5 - Comp Earned @ 1.5	3.0000	.00	Medicare	7,873.77	Health Ins 298 Class 4 Family	5,557.24 .00
CMPU - Comp Time Used	406.0000	14,627.44	New York State	26,320.52	Health Ins 298 Class 4 Single	1,317.68 .00
EDAY - Extra Day	218.0000	8,090.69	457 % Deduction	7,249.29	Total	\$139,447.76
FHDB - Floating Holiday Buy Out	40.0000	1,549.64	457 Flat Dollar Deduction	11,734.62	Employer Taxes	Gross Base
FHDE - Floating Holiday Earned	456.3400	.00	AFLAC POSTTAX	261.23	FICA	33,667.06 543,018.42
FHDU - Floating Holiday Used	284.0000	8,949.52	AFLAC PRETAX	460.30	Medicare	7,873.77 543,018.42
FLSA - FLSA	.0000	65.40	ALLSTATE POSTTAX	693.58	Total	\$41,540.83
FMLN - FMLA Leave without Pay	80.0000	.00	ALLSTATE PRETAX	569.98	Workers' Comp	Gross Base
FMLS - FMLA Sick Used	88.0000	1,914.21	COLONIAL LIFE POSTTAX	55.40	Workers Compensation - General	23,072.64 434,945.24
HOL - Holiday	.0000	8.51	Firefighter Life Ins	68.55	Workers Compensation - Sewer	2,315.50 39,181.65
LONG - Longevity Payment	.0000	1,800.00	FSA PRETAX	671.90	Workers Compensation - Water	2,207.52 46,067.50
MILI - Military Time	(40.0000)	(1,645.25)	Health Ins 298 Class 2 Family	1,938.24	Workers Compensation 50%	693.44 10,372.21
OOT - Out of Title	678.0000	25,717.23	Health Ins 298 Class 2 Single	976.33	Total	\$28,289.10
OOT OT SHIFT 10% - OOT OT	6.0000	205.36	Health Ins 298 Class 3 Family	1,994.36	Direct Deposits	Amount
OT 1.0 - Overtime at Straight 1.0	24.2500	674.02	Health Ins 298 Class 3 Single	709.08	Armed Forces Bank	1,883.88
OT 1.5 - Overtime @ 1.5	1,053.5000	47,217.85	Health Ins 298 Class 4 Family	617.48	Bank of Akron	2,705.09
OT 1.5 SHIFT 10% - OT @ 1.5	24.0000	1,004.53	Health Ins 298 Class 4 Single	146.40	Bank of America	3,981.57
OT 1.5 SHIFT 15% - OT @ 1.5	32.0000	1,262.27	NEW YORK LIFE	279.30	BANK OF AMERICA (2)	2,414.46
PRSE - Personal Earned	24.0000	.00	PRINCIPAL DENTAL	1,212.92	BANK OF AMERICA (4)	1,311.62
PRSU - Personal Used	191.5000	6,960.41	PRINCIPAL VISION	224.46	BANK OF AMERICA (6)	1,872.70
REG - Regular	12,150.5000	370,529.45	RET ERS LOANS	2,236.00	Bank on Buffalo	2,657.00
REG PT - Regular Part Time	297.2500	9,698.43	RET ERS POST-TAX SCP	46.00	Chase	421.96
REG SHIFT 10% - Regular Shift	168.0000	4,591.53	RET ERS PRE-TAX SCP	154.63	Chase Bank	1,929.92
REG SHIFT 15% - Regular Shift	200.0000	5,655.21	RET PF LOANS	60.00	Chime	250.00
REGS - Regular Seasonal	56.0000	840.00	RET PF PRE-TAX SCP	607.23	Citizens Bank	10,714.81
RGS - Regular - Salary	70.0000	.00	Retire ERS Tier 6 <= \$100,000	328.22	Cornerstone Comm FCU	118,367.80
SAL - Salary	.0000	3,806.51	Retire ERS Tier 6 <= \$45,000	1,264.01	Discover Bank	500.00
SAL PT - Salary Part Time	.0000	1,865.37	Retire ERS Tier 6 <= \$45,000 OT	137.56	Encompass Niagara FCU	180.00
SCKE - Sick Earned	1,904.2500	.00	Retire ERS Tier 6 <= \$55,000	1,133.92	ESL FCU	1,135.08
SCKU - Sick Used	501.5000	15,206.19	Retire ERS Tier 6 <= \$55,000 OT	100.32	Evans Bank	3,148.33
STIP - Stipend	.0000	192.31	Retire ERS Tier 6 <= \$75,000	908.46	Financial Trust FCU	100.00
VACE - Vacation Earned	167.8357	.00	Retire PFRS <= \$55,000	1,825.17	Five Star Bank	1,201.78
VACU - Vacation Used	420.5000	12,169.86	Retire PFRS Tier 6 <= \$100,000	3,147.54		
Total	20,051.9257	\$555,091.73	Retire PFRS Tier 6 <= \$75,000	1,757.05		
			Retire PFRS Tier 6 <=	431.99		

CITY OF LOCKPORT PAYROLL TRANSFER SUMMARY FOR PAY PERIOD ENDING

5/23/2024

Check Date 5/30/2024

CHECK DATE	5/30/2024
GROSS (from Pay Day Register)	\$ 563,583.09
NYSLRS Refund	\$ (341.48)
EMPLOYER SHARE FICA	\$ 34,561.20
EMPLOYER SHARE MEDICARE	\$ 8,082.74
EMPLOYER HRA CONTRIBUTION	\$ -
EMPLOYER HEALTH INS	
EMPLOYER WORKERS COMP	\$ 28,163.02
<b>TOTAL XFR TO PAYROLL</b>	
<b>T1.1200.13</b>	<b>\$ 634,048.57</b>

TAXES	
FEDERAL TAX	\$ 65,226.92
NYS TAX	\$ 27,257.90
OTHER	
FSA PRE-TAX	\$ 671.90
Employee Healthcare Contrb	

\* For City Treasurer Use Only \*

TRANSFER DATE	<input type="text"/>	BY:	<input type="text"/>
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<b>XFR FROM ***3030 TO ***6339</b>	<b>\$ 634,048.57</b>	<b>TOTAL TO PAYROLL</b>
<i>(From Univ Checking to Payroll)</i>		
<b>XFR FROM ***6339 TO ****4616</b>	<b>\$ -</b>	<b>TO HEALTH INS</b>
<i>(From Payroll to Health Insurance)</i>		
<b>XFR FROM ****6339 TO ****7688</b>	<b>\$ 671.90</b>	<b>TO HRA</b>
<i>(From Payroll to HRA)</i>		
<b>XFR FROM ****6339 TO ****1324</b>	<b>\$ 28,163.02</b>	<b>TO WORKERS COMP</b>
<i>(From Payroll to Worker's Comp)</i>		

<b>2023 Federal, FICA &amp; Medicare Withholding</b>	<b>2nd Quarter</b>	PPE Date	5/23/2024
		Check Date	5/30/2024

<b>FEDERAL TAX</b>	<b>\$ 65,226.92</b>
FICA (Employer & Employee)	\$ 69,122.40
MEDICARE (Employer & Employee)	\$ 16,165.48
<b>OWED TO IRS</b>	<b>\$ 150,514.80</b>
	BY: <input type="text"/>

<b>2023 NY STATE TAX WITHHOLDING</b>	<b>2nd Quarter</b>	PPE Date	5/23/2024
		Check Date	5/30/2024

<b>NYS TAX</b>	<b>\$ 27,257.90</b>
<b>OWED TO NYS</b>	<b>\$ 27,257.90</b>
	BY: <input type="text"/>





May 30, 2024

Sarah K. Lanzo  
Office of City Clerk  
City of Lockport. Lockport Municipal Building  
One Locks Plaza  
Lockport, New York 14094

Cc:

Mayor John Lombardi, City of Lockport  
Steve Pump, City of Lockport, City Engineer  
Clayton Dimmick, City of Lockport, Director of Highways, Parks and Water Distribution  
Mike Marino, Nussbaumer & Clarke, Inc., Chief Executive Officer  
Chris Freese, Nussbaumer & Clarke, Inc., Associate, Construction Services  
James W. Grzeskiewicz, Nussbaumer & Clarke, Inc., Construction Services Group  
Paul Beakman, Zeton US Properties Inc., Oakhurst Project Manager  
Darren Wildt, Zeton US Properties Inc., Vice President

**Re: Notice of Deficiency**

Dear Sarah K. Lanzo:

The storm sewer line on 115 Oakhurst Street owned by Zeton US Properties requires immediate attention from the City of Lockport. There is an existing 18" Diameter HDPE Storm Sewer Pipe that is traversing the front of the Zeton US Property as shown on the Plan Pg. C-104, "Utility Plan". Upon investigation, the outlet of this pipe located west of the property is filled with debris and is not allowing the pipe to drain to the surface outlet ditch / area as intended. Due to this existing condition, the pipe is holding water and is contributing to soft subgrade soil conditions which will affect the proposed hard surface driveway pavement.

The City of Lockport DPW was previously contacted and made aware of this issue. To date no action has been taken to correct this condition.

It has been suggested that the outcome from the City's first assessment was that it would not be feasible to get a sewer vacuum to the problem area because of its location in a wet muddy area. The sediment has caused a dam that does not allow the storm sewer to drain. The construction team at site has walked to the area and have confirmed that a tracked vehicle could easily get to the affected area to remove the dam and reestablish proper drainage. Attached are several photos to illustrate the issue.

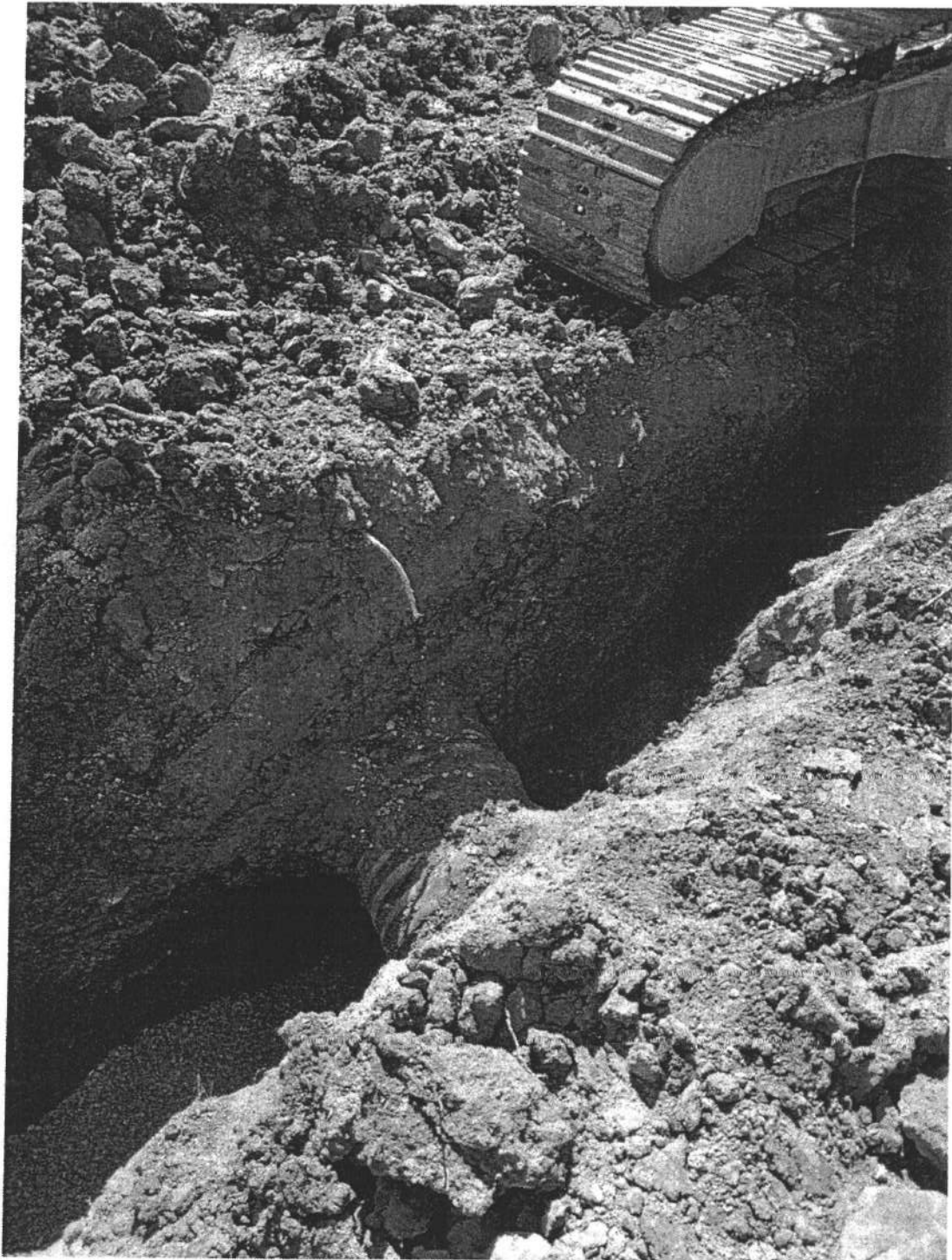
There is also a city storm sewer line on the south side of Oakhurst Street is in complete disrepair and causing flooding during heavy rains.

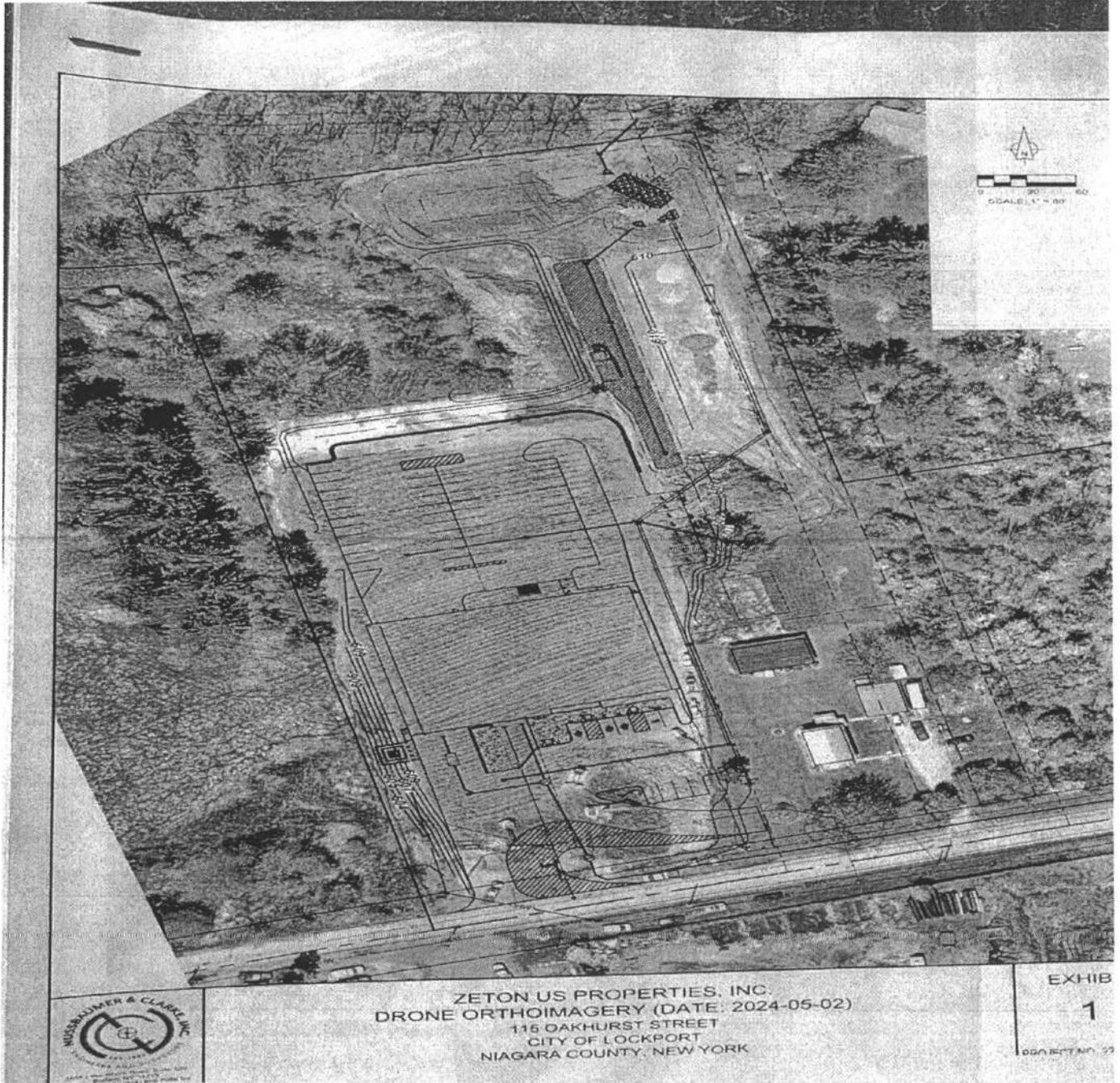












Best regards,

Leisl Dukhedin-Lalla, Ph.D., P.Eng  
President Zeton US Properties Inc.

# GEORGE & KOENIG, PLLC

A T T O R N E Y S     A T     L A W

37 East Avenue  
P.O. Box 456  
Lockport, NY 14095

Tel 716.434.6641  
Fax 716.434.1443\*  
\*not for service of documents

May 20, 2024

City of Lockport  
City Hall  
One Locks Plaza  
Lockport, NY 14094

Re; Right of Way in front of 37/39 East Avenue, Lockport, NY

RECEIVED

MAY 31 2024

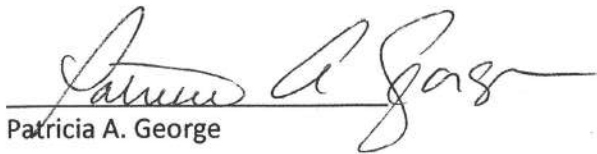
CITY CLERK OFFICE  
Complaint  
to streets

Please be advised that I have been contacted by several individuals who have fallen due to the grading between the street and the sidewalk in front of our building. There are tree roots which have come to the surface which have caused individuals to trip.

The rain causes large mud areas. Over a year ago I put some extra dirt down and put rubber pavers down to avoid people having to travel through the mud from the street to the sidewalk. These pavers have sunken down over the year. I am not sure whether they should be removed. There is currently at least a two inch gap from the ground surface to the sidewalk which is a trip hazard.

Most recently a woman fell on the sidewalk due to the gap in the ground and sidewalk surface breaking her elbow. Her name is Linda Schifferle. She may already have contacted you. Since this notification I have heard third hand of others who have also fallen but have no direct knowledge of the same.

I truly think something needs to be done in this area to avoid further injury. The City was contacted by Divinity Salon, my tenant next door, on several occasions regarding the situation and no one has gotten back to them. I believe this was during the past administration. I would appreciate it if you would contact me at your earliest convenience to determine what needs to be done. Thank you for your time and consideration in this matter.

  
Patricia A. George

PATRICIA A. GEORGE, ESQ. \*  
[Pat@LockportElderLaw.com](mailto:Pat@LockportElderLaw.com)

DAVID J. STARKEY, ESQ. \*  
[David@LockportElderLaw.com](mailto:David@LockportElderLaw.com)

MARIANNE E. KOENIG, ESQ.  
[Marianne@LockportElderLaw.com](mailto:Marianne@LockportElderLaw.com)

*Chester S. Grove, Esq. (1907-2003)*

RECEIVED

MAY 22 2024

CITY CLERK OFFICE

Paul Lamont  
49 Lakeview Parkway  
Lockport, NY 14094  
716-622-7573  
pdlamont@aol.com

May 20, 2024

Added + emailed  
5/24/24

Sarah K. Lanzo  
Office of the City Clerk  
Lockport Municipal Building  
One Locks Plaza  
Lockport, NY 14094

prior 7/14/2023

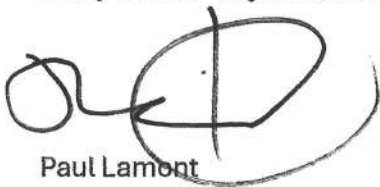
RE: Diseased Tree

Dear Ms. Lanzo,

I'm writing to you regarding what is a potential danger with a city tree that is by my driveway at 49 Lakeview Parkway, here in the city. There is one large branch that hangs over the sidewalk and extends over a large portion of my front lawn that is visibly dead and hollowed out. My concern is that it could come down without warning causing serious bodily harm, or death, to whoever may be nearby. I'm also concerned that the tree itself may be hollowed out as well which could result in it toppling.

I request that you send someone out to look at the tree and assess the risk factor. At the very least, I believe the dead branch should be removed if not the entire tree.

Many thanks for your attention.



Paul Lamont



NO PRIOR  
NOTIFICATION

**Randy Bernardi**  
**12 Howard Ave.**  
**Lockport, NY 14094**  
716-940-0305    randybernardi@gmail.com

claim

\$134.74

locust street in  
front of high  
school

RECEIVED  
APR 19 2024  
CITY CLERK'S OFFICE

April 16, 2024

Lockport City Clerk  
1 Locks Plaza  
Lockport, NY 14094

To whom it may concern:

Enclosed, please find a copy of the invoice that was paid to Mavis Discount Tire located at 205 S. Transit St. Lockport, NY., for a new tire that was replaced due to damage caused by a large pothole located on Locust Street in front of Lockport High School.

This damage occurred on Monday, April 15.

I had four brand new tires installed on my 2018 Chevrolet Impala on Saturday, April 13, 2024 at Mavis Tire. An inspection of the damage revealed a split in the sidewall of the tire that rendered it unable to be repaired.

I have also enclosed a photo of the pothole.

I am respectfully requesting reimbursement for the damages incurred.

I can be reached at 716-940-0305.

Sincerely,

*Randy Bernardi*

Randy Bernardi

# Employee Anniversary Report

June

Employee	Primary Department	Date	Years
1019 Cole, Daniel T <i>Tree Draw Leader</i>	Public Works	06/15/1994	30
1120 Prica, Joseph M	Fire Department	06/17/1996	28
1125 Ruchala, Chad E	Fire Department	06/23/1997	27
1186 Saraf, Jeffery W	Fire Department	06/15/1998	26
1158 Fiegl, Joshua T	Public Works	06/23/2003	21
1205 Geier, Andrew J	Water Filtration	06/05/2018	6
1149 Cocco, Mark A	Water Distribution	06/15/2018	6
1242 Hotaling, Erin E	Police Department	06/12/2019	5
1435 Harris, Andrew D	Building Maintenance	06/25/2021	3
1437 Ciliberto-Laubacker, Marissa N	Water Filtration	06/28/2021	3
1486 Alexander, Tyler L	Waste Water Department	06/10/2022	2
1407 Lawson, Robert M	Water Distribution	06/13/2022	2
1521 Peck, Heather B	Community Development	06/05/2023	1
Total Employees 13			

RECEIVED

MAR 04 2024

City of Lockport

CITY CLERK'S OFFICE

Building Inspection  
439-6754

1 Locks Plaza  
Lockport, NY 14094

City Clerk  
439-6776

### **Special Use Permits**

A Special Use is a use which because of its unique characteristics requires individual consideration and approval in each case by the Common Council and the Planning Board, before it may be permitted in the district enumerated in the Zoning Ordinance.

The requirements to obtain a Special Use Permit are as follows:

- Public health and safety be protected
- Will not decrease value of surrounding properties, no change in the character of neighborhood.
- Use is compatible with adjoining development
- Adequate landscaping and screening provided
- Adequate parking is provided with no appreciable change in traffic
- No excessive noise or outside storage of materials.

A Planning Board application can be obtained from the Building Inspection Department. There is a \$100, non-refundable application fee and a yearly renewal fee of \$50. You will need to provide Building Inspection with 10 copies of your application and supporting documents, the application fee and this paper with the back filled out.

### **Revocable Permits**

A revocable permit is a permit issued by the City when a property owner wants to place an item in or utilize the City Right of Way. Examples of this would include but not be limited to fences, signs and awnings. To apply please fill out the back of this sheet and return it to the City Clerk's Office. You will be required to provide an insurance certificate to the Clerk's Office showing that the City is additionally insured on the policy. There is a \$\_\_\_\_\_ application fee. There is no renewal fee.

Should you have any questions please feel free to contact Building Inspection or the Clerk's Office.

Special Use Permit

Revocable Permit

Name: Joshua Brege

Phone: 716-431-2834

Address: 291 Prospect Street, Lockport, New York 14094

Email: asapropertymaintenance12@gmail.com

Property Address: 291 Prospect Street, Lockport, NY 14094

Existing Zoning: R-2

Description of proposed action: Request for a special use permit to harbor 10 chickens on the property.

Please do not write below this line (office use only) \_\_\_\_\_

**Building Inspection**

Planning Board App. Received: 3/4/2024

Planning Board Meeting Date: 4/1/2024

**Corporation Counsel**

Approval: \_\_\_\_\_

**City Clerk**

Call for Public Hearing: \_\_\_\_\_

5/22/2024

Public Hearing: \_\_\_\_\_

6/12/2024

**Common Council**

Sponsor of Resolution: \_\_\_\_\_

APPLICATION: APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

**CITY OF LOCKPORT  
PLANNING BOARD APPLICATION**

DESCRIPTION OF PROPOSED REQUEST:

NAME OF PROPERTY: House 291 Prospect PHONE: \_\_\_\_\_

NAME OF APPLICANT: Joshua Bregg PHONE (716) 431-2834

EMAIL ADDRESS: Asapropertymaintenance12@gmail.com

ADDRESS OR LOCATION OF PROPOSAL: 291 Prospect St Lockport

SIZE OF PARCEL OR STRUCTURE: \_\_\_\_\_

EXISTING ZONING: R2

**PLEASE CHECK WHICH OF THE FOLLOWING IS BEING APPLIED FOR:**

Site Plan Review \_\_\_\_\_ Special Use Permit  Home Occupation \_\_\_\_\_

Alteration to existing building \_\_\_\_\_ Rezoning \_\_\_\_\_ Other \_\_\_\_\_

**PROPOSED REQUEST**

Requesting a special permit to Allow 10 Chickens to be only @ the property of 291 Prospect St In Back yard

REQUIRED ENCLOSURES:

In order to provide the City Planning Board with adequate information on which to base its decision, this application will not be heard unless the following information is submitted ten (10) days prior to the meeting by no later than 1 p.m.

1. Adequate description of proposal.
2. Survey of property affected, together with a Plot Plan which shows the distance to nearest intersection, proposed physical layout of the property including any existing or proposed structures, traffic access patterns, parking arrangements, walls, fences or other buffers and signs.

SEQRA:

This proposal constitutes a: ( )Type I, ( )Type II, ( )Unlisted action as per the provisions of the State Environmental Quality Review Act. A determination of environmental significance has been made: ( )yes, ( )no; a copy of this determination is attached ( )yes, ( )no.

PROPERTY OWNER'S SIGNATURE \_\_\_\_\_

APPLICANT'S SIGNATURE \_\_\_\_\_

**PLEASE NOTE YOU OR A REPRESENTATIVE ARE TO BE PRESENT AT THE MEETING TO PRESENT YOUR PROJECT TO THE BOARD.**

**Fees:**

- Site Plan review- \$25
- Special Use Permit- \$100 application, \$50 yearly renewal
- Home Occupation- \$100 application, \$50 yearly renewal
- Alteration to existing building- \$25
- Rezoning- \$100 or \$50 per half acre (whichever is greater)
- Subdivision request- \$200

STATE OF NEW YORK  
NIAGARA COUNTY, } SS, \_\_\_\_\_

Jackie Bilogan, of said county, being duly sworn, deposes and says that she is now and during the whole time hereinafter mentioned was the Clerk of

LOCKPORT UNION-SUN & JOURNAL

A newspaper published in the County and State aforesaid, and that the annexed printed legal # 333791 was printed and published in said paper on the following dates:

05/25/2024

*[Handwritten Signature]*  
Principal Clerk

Subscribed and sworn to before me this

*5-27-24*

*Teresa L. McCarthy*  
Teresa L McCarthy      02/26/2026

Notary Public                      Expiration Date

TERESA L MCCARTHY  
Notary Public - State of New York  
No. 01MC4962698  
Qualified in Niagara County  
My Comm. Expires Feb. 26, 2026

RECEIVED  
MAY 31 2024  
CITY CLERK OFFICE

**CITY OF LOCKPORT  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held at the Common Council meeting Wednesday June 12, 2024, beginning at approximately 6:00 P.M. relative to a Special Use Permit request to harbor chickens on the property at 291 Prospect Street, Lockport, NY 14094.

The public has the right to submit written or oral questions and/or comments relative to the Special Use Permit at this time. Send to: City Clerk, One Locks Plaza, Lockport, NY 14094, or email to: city-clerk@lockportny.gov. Written submissions must be received by 3pm on Wednesday, June 12th.

The meeting can also be accessed on LCTV channel 1303, radio 90.9 FM, and live streaming at lctv.net.

By order of the Common Council.

Sarah K. Lanzo  
City Clerk  
L#333791

5/25/2024



RECEIVED

APR 24 2024

### City of Lockport - Resolution Request Form

CITY CLERK OFFICE

Agenda Description: resolution to change Chapter 81

Presented By: m. Lupo

Date Submitted:

Topic Area (Select Most Applicable Option):

- Community Event
- Budget Amendment
- Contract Approval
- Donation Acceptance
- Grant Application / Award
- Fund Utilization Request


- Local Law Change
- Community Development
- Highways and Parks
- Engineering
- Code and Planning
- Other

<u>81-1</u>

*Please provide to Clerk at least 9 calendar days prior to Council meeting. Otherwise request will go to following meeting.*

Summary of Resolution:

Local Curfew law - 81-1 Prohibitions - is listed anyone under the age of 16 is not to loiter idle, wander, stroll, play etc. I would like to ammend this to ~~17~~ years and under keeping all the rest the same. I have spoken to Sheriff Steve Abbott and he approves of this change.

Explanation of Attachments:

There is a large number of youth congregating in the North End primarily Ontario St. Our local laws need updating to reflect the change in State Laws. as to hold the guardians responsible for the young peoples behavior

Please include all backup correspondence, purchase order, quotes, meeting minutes, emails, etc... If any of this information is confidential and cannot be released publically, please denote a check in this field: \_\_\_\_\_

Clerk/Legal/Finance Approval:

Notes:

Name:

Date of Approval:



# City of Lockport - Resolution Request Form

RECEIVED

MAY 20 2024

Agenda Description:

Presented By:

Margaret Lupo

Date Submitted:

5/20/24

CITY CLERK OFFICE

Topic Area (Select Most Applicable Option):

- Community Event
- Budget Amendment
- Contract Approval
- Donation Acceptance
- Grant Application / Award
- Fund Utilization Request


- Local Law Change
- Community Development
- Highways and Parks
- Engineering
- Code and Planning
- Other

X

*Please provide to Clerk at least 9 calendar days prior to Council meeting. Otherwise request will go to following meeting.*

Summary of Resolution:

I would like to change the Charter Chapter 81 to read - under the age of 18

Explanation of Attachments:

*Please include all backup correspondence, purchase order, quotes, meeting minutes, emails, etc... If any of this information is confidential and cannot be released publically, please denote a check in this field:*

*Clerk/Legal/Finance Approval:*

Notes:

Name:

Date of Approval:

## **Chapter 81**

### **Curfew**

[HISTORY: Adopted by the Common Council of the City of Lockport 12-1-1976. Section 81-3C amended during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

#### **§ 81-1 Prohibitions.**

#### **§ 81-2 Parental responsibility.**

#### **§ 81-3 Penalties for offenses.**

#### **§ 81-1 Prohibitions.**

[Amended 9-16-1992]

It shall be unlawful for any minor under the age of 18 to loiter, idle, wander, stroll, play or remain in or upon any public place, including but not necessarily limited to public streets, parks, playgrounds, buildings, vacant lots and other public places, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, official City time. The provisions of this section shall not apply to a minor accompanied by his or her parent, guardian or other adult having the care and custody of such minor or when such minor is on an emergency errand or legitimate business directed by his or her parent, guardian or other adult having the care and custody of such minor. The provisions of this section shall not apply to minors going directly to or from any adult-supervised activities sponsored by any school, church, civic or not-for-profit organization.

#### **§ 81-2 Parental responsibility.**

It shall be unlawful for the parent, guardian or other adult having the care and custody of a minor under the age of 18 to permit such minor to be in any public place between the hours prescribed as set forth in § 81-1 of this chapter.

#### **§ 81-3 Penalties for offenses.**

A. Each violation of any of the provisions of this chapter shall constitute a separate offense.

B. Police officers are hereby authorized to take into custody any minor who shall violate the provisions of this chapter and to promptly notify his or her parent, guardian or person having the care and custody of such child that said child is in custody at police headquarters where the child may be picked up. Said parent, guardian or person having the care and custody of such child will then be advised at police headquarters to thereafter keep such child from the streets and public places stated herein between the hours aforesaid.

C. Any parent, guardian or other adult having the care and custody of a minor violating any provision of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

City of Lockport Health and Safety Committee Minutes  
Lockport City Hall  
5/15/2024

Attending the meeting: Police Chief Steven Abbott, Street Supervisor Clayton Dimmick, Chief Building Inspector Jason Dool, Fire Chief Luca Quagliano, 1st Ward Alderman Dr. John Craig, Mayor John Lombardi, 5th ward Alderwoman Margaret Lupo

Meeting was called to order at 2pm by Alderwoman Lupo

Discussion items covered were: status of driveway apron repairs at Lockport City Hall- by fire and police entrances on the southside of the building. Chief Quagliano reported the concrete has damage and repairs are necessary. It was questioned if money was budgeted for repairs. Alderwoman Lupo will discuss financing for repairs with the finance director.

The resolution submitted in April regarding the local law change for minors that are in violation of curfew laws was discussed. Police Chief Steve Abbott agreed to support the change to the law. The group agreed it should only concern groups of youngsters that are intentionally causing problems. No young people traveling to and from employment, volunteer work, club activities etc. shall be included in the law. The consensus of the Health and safety committee was that local law change is desired. Especially in light of vandalism complaints at city owned property.

The committee also discussed the use of legal marijuana. It was decided that a resolution should be brought forward to include banning smoking marijuana in parks and on city owned properties. It was also discussed that there isn't action the city can take if neighbors complain about smells of other's marijuana use.

Clayton Dimmick reported that Buildings and Grounds was working with Johnson Control within City Hall to identify work that needs to be done.

Next meeting will take place early September

Meeting was adjourned at 3pm

## Deputy City Clerk

---

**From:** cityclerk@lockportny.gov  
**Sent:** Friday, May 24, 2024 9:24 AM  
**To:** Margaret Lupo; David Blackley; Kathleen Kugler; Anthony Serianni  
**Cc:** Mayor Lombardi; Emily Stoddard  
**Subject:** FW: Curfew Change - Local Law  
**Attachments:** Curfew Resolution Request.pdf; PROCEDURE.docx; Chapter 81- Curfew - Local Law Change under 18.docx; Safety Meeting Minutes 5-15-2024.pdf; Resolution Request Section 81 5-20-2024.pdf

*Good Morning,*

*Attached you will find:*

- 1) Minutes from the Safety Meeting on 5-15-2024*
- 2) Resolution Request - 4/24/2024 (Change Local Law 81)*
- 3) Resolution Request – 5/20/24 (change to local Law 81)*
- 4) Procedure for Local Law Change*
- 5) Local Law 81 – as would be modified with requested change.*

*As the Committee was requested to bring the information back to the council, and Roberts Rules do not require a second to a resolution brought from the committee, the Common Council would direct Corporation Counsel to prepare this local law change will be in the next meeting (June 12<sup>th</sup>).*

*The process would follow:*

- **June 12<sup>th</sup>** - Request for local law change (june 12) and call for PH
- **Public Hearing would be held on Curfew Update – on June 26<sup>th</sup>**
  - **June 26<sup>th</sup> - the council would have to be able to have hard copies of this local law update on their desks**
- **July 10<sup>th</sup>** – we would be able to vote for this to be placed into local law.

*Please provide feedback, updates to the local law and any insight you may have!*

*Thank you,  
Sarah*

---

**From:** cityclerk@lockportny.gov <cityclerk@lockportny.gov>  
**Sent:** Wednesday, April 24, 2024 2:11 PM  
**To:** Margaret Lupo <ward5@lockportny.gov>; David Blackley <dblackley@lockportny.gov>; Kathleen Kugler <kkugler@lockportny.gov>; Anthony Serianni <aserianni@lockportny.gov>  
**Subject:** Curfew Change - Local Law

*Good afternoon,*

*Attached you will find the resolution request and the Local Law referenced in the resolution request.*

*Alderman Lupo is requesting that we update the curfew to age 17. I have highlighted this change in the attached document, and I am sending for Corporation Counsel approval and clarification.*

*The first step in the resolution process, I believe is for approval for Corp Counsel to write local law update, call for public hearing, followed by a public hearing, followed by approval of local law. Please review attached, and let me know if there are questions. I can add the first step to the upcoming meeting (May 8<sup>th</sup>).*

*Thank you,  
Sarah*



**Sarah K. Lanzo**  
City Clerk  
Phone: (716) 439-6674  
Fax: (716) 439-6702  
[cityclerk@lockportny.gov](mailto:cityclerk@lockportny.gov)

**cityclerk@lockportny.gov**

---

**From:** Navy Marine <lkptNMC@outlook.com>  
**Sent:** Tuesday, May 21, 2024 9:11 AM  
**To:** cityclerk@lockportny.gov

Navy Marine Club inc.

Need Ida Fitz Park and Park Ave closed for club picnic. August 24<sup>th</sup> 2024. From 1:00-5:00

Please advise      Thank You              Paul Lauer Treasurer

1  
↓  
⑤

**AUTHORIZATION FOR REPRESENTATIVE TO EXECUTE GRANT AGREEMENT  
CITY OF LOCKPORT  
SANITARY SEWER SYSTEM EVALUATION (EPG#130135)**

**WHEREAS**, City of Lockport (hereinafter the "City") desires to accept the New York State Environmental Facilities Corporation (NYS EFC) Engineering Planning Grant (EPG) #130135; and

**WHEREAS**, the City proposes to conduct a Sanitary Sewer System Evaluation under NYS EFC EPG #130135; and

**WHEREAS**, the City intends to work with Hunt Engineering, Architects, Land Surveyors & Landscape Architect D.P.C., Contact Tim Steed, 100 Hunt Center, Horseheads, NY 14845; and

**WHEREAS**, the primary purpose of this grant will be to evaluate the City's Collection System Inflow and Infiltration (I&I) issues and excess flow experienced at the Wastewater Treatment Plan (WWTP) during intense storm events and seasonal thaw.

**NOW, THEREFORE, BASED ON SUCH REVIEW AND CONSIDERATION, BE IT RESOLVED** by the City of Lockport Common Council that the Mayor is hereby authorized to execute an EPG Agreement with the NYS EFC and any and all other contracts, documents, and/or instruments necessary to facilitate the EPG project referenced herein and to fulfill the City of Lockport's obligations thereunder.

I, \_\_\_\_\_, do hereby certify that the resolution was passed at a meeting of the City of Lockport Common Council held on \_\_\_\_\_, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

\_\_\_\_\_  
Signature

Official Seal of Municipality



# Environmental Facilities Corporation

KATHY HOCHUL  
Governor

MAUREEN A. COLEMAN  
President and CEO

February 15, 2024

The Honorable John Lombardi, III  
Mayor, City of Lockport  
1 Locks Plaza  
Lockport, NY 14094

Re: City of Lockport  
Project No. 130135  
Lockport Sanitary Sewer System Evaluation

Dear Mayor Lombardi:

On behalf of Governor Kathy Hochul, I am pleased to inform you that your community has been awarded a NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant (EPG) for the above referenced project. Your EPG has been awarded in an amount not to exceed \$50,000, for the development of an engineering report to identify sources of inflow and infiltration, evaluate alternatives, and recommend improvements to the City of Lockport's wastewater collection system.

Please confirm your acceptance of the grant award and intent to proceed with this project by completing and signing the enclosed form and e-mailing it to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than March 8, 2024. Without your confirmation, we may bypass your project and award these grant funds to another community.

As means of advancing this project, members of our EFC team will contact you to guide you through the program requirements and related processes, and to answer any of your questions. In order to remain eligible for these funds, your community must enter into a Grant Agreement for the above project by September 30, 2024.

We appreciate your interest in the EPG program and look forward to working with you on your water quality improvement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen A. Coleman".

Maureen A. Coleman  
President & CEO

Enclosure



**ACKNOWLEDGEMENT AND ACCEPTANCE OF EPG GRANT AWARD**

The Engineering Report MUST follow the EFC/DEC Engineering Report Outline and recommend a Capital Improvement Project which addresses and aligns with the issue(s) identified in the EPG application.

Please confirm your community's acceptance of the EPG by signing below. Please e-mail the completed form to epg@efc.ny.gov no later than **March 8, 2024**.

**ACKNOWLEDGMENT BY THE AWARDEE:**

City of Lockport

Project No. 130135

Lockport Sanitary Sewer System Evaluation

The Awardee intends to proceed with this project and accepts the Engineering Planning Grant.

\_\_\_\_\_ (Signature of Authorized Representative)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

# City of Lockport - Resolution Request Form

Agenda Description: **Lockport Main Street**

Presented By: **Grace Platt**

Date Submitted: **5/22/2024**

**Topic Area (Select Most Applicable Option):**

- Community Event
- Budget Amendment
- Contract Approval
- Donation Acceptance
- Grant Application / Award
- Fund Utilization Request

✓

- Local Law Change
- Community Development
- Community Event
- Engineering Process
- Code and Planning
- Other


*Please provide to Clerk at least 9 calendar days prior to Council meeting. Otherwise request will go to following meeting.*

**Summary of Resolution:**

LOCKFEST-2024 Music and Art Festival for the family  
 This will be the second year for an annual event hosted by B&D Bagels in partnership with Lockport Main Street.  
 Date:  
 Sunday, July 28th, 2024  
 Time: 12pm to 7pm  
 Where: Main St. between Cottage and Pine Street in Lockport.  
 Mission: To provide the Lockport community with a fun, music-filled afternoon, with activities for kids young and old. There will be live music, food trucks, a car show, vendors, kid vendors and childrens crafts and activities.  
 B&D Bagels is going to pull an SLA permit to serve out of their store front for the day. LMS will obtain the Land Authorization and support letters for this permit.  
 We are looking to have Main Street closed down Sunday, July 28th at 8am to 9pm to set up, execute, and breakdown the event.  
 We will need 12 barricades and 6 trash bins, and 5 to 6 square plastic tables from the City.  
 The City Stage request will be submitted for this day and Lockport Main Street will provide the COI for both the stage and the event.

**Explanation of Attachments:**

Map of the Event and the City Stage request.

**Please include all backup correspondence, purchase order, quotes, meeting minutes, emails, etc... If any of this information is confidential and cannot be released publically, please denote a check in this field: \_\_\_\_\_**

*Clerk/Legal/Finance Approval:*

*Notes:*

**Name:**

**Date of Approval:**

LOCKFEST-2024 Music and Art Festival for the family

This will be the second year for an annual event hosted by B&D Bagels in partnership with Lockport Main Street.

Date: Sunday, July 28th, 2024

Time: 12pm to 7pm

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B&D Bagels is going to pull an SLA permit to serve out of their store front for the day. LMS will obtain the Land Authorization and support letters for this permit.

We are looking to have Main Street closed down Sunday, July 28th at 8am to 9pm to set up, execute, and breakdown the event.

We will need 12 barricades and 6 trash bins, and 5 to 6 extra picnic tables from the City.

The City Stage request will be submitted for this day and Lockport Main Street will provide the COI for both the stage and the event.



**Authorization for award of engineering professional services agreement for Water System Lead Service Inventory**

Whereas, the City of Lockport (City) owns and operates a Public Water System (PWS), PWSID #NY3100564; and

Whereas the United States Environmental Protection Agency (USEPA) requires that all Public Water Systems furnish an inventory of their lead service lines to comply with recent and pending revisions to the Lead and Copper Rule (LCR); and

Whereas, the Lead Service Line inventory is required to be submitted by October 16, 2024; and

Whereas, the City authorized its consulting engineering firm Nussbaumer & Clarke, Inc (Nussbaumer) to apply for a grant to support preparation of a Lead Line Service Inventory ; and

Whereas, on March 29, 2024 the City was notified by the NYS Department of Health (DOH) that the City is eligible for a Bipartisan Infrastructure Law grant of up to \$124,630 to prepare a lead service line inventory in accordance with the grant application; and

Whereas, Nussbaumer assisted the City with the preparation of the successful grant application, is on the City's pre-qualified list of engineering service providers, and submitted a proposal dated June 3, 2024 to assist the City with preparation of the required lead service line inventory for a fee not-to-exceed \$110,000;

Now, therefore, be it;

**RESOLVED** that the Mayor is authorized to execute an Agreement with Nussbaumer & Clarke, Inc., 80 Main St. Unit A, Lockport NY 14094 for a not-to-exceed fee of \$110,000 per their proposal dated June 3, 2024.

June 3, 2024



Mr. Steven Pump  
Director of Engineering  
City of Lockport  
One Locks Plaza  
Lockport, NY 14094

Re: City of Lockport  
Water System Lead Service Inventory  
Professional Engineering Support Services  
File No. 24P1-0067

---

Dear Mr. Pump:

Nussbaumer & Clarke, Inc. (Nussbaumer) appreciates the opportunity to submit this proposal to provide professional engineering services in support of the above-referenced Project. As per our recent discussions, the United States Environmental Protection Agency (USEPA) requires that all potable water systems furnish an inventory of their lead service lines in order to comply with Lead and Copper Rule Improvements (LCRI). The inventory must be submitted by **October 16, 2024** to the New York State Department of Health (NYSDOH) in a specified format.

Nussbaumer intends to team with Hazen and Sawyer (Hazen) to complete this work. Nussbaumer will serve as the prime consultant and be the primary point of contact, provide project management, report, grant, and GIS support services for the project. Hazen is a recognized national leader in providing support related to the LCRI, Lead and Copper Rule (LCR), and Lead and Copper Rule Revisions (LCRR). Based upon a recent meeting including Nussbaumer and City of Lockport (City) Water Department and Building Inspection Department, Hazen has developed a detailed scope for this project with is included as Attachment A.

During August 2022, Nussbaumer prepared an Engineering Report (included as Attachment B) outlining a Lead Service Line Inventory project which was used in support of an application to the NYSDOH for a grant to support the project. On March 29, 2024, the City was notified that the project was eligible for a grant up to \$124,630 via the Bipartisan Infrastructure Law (BIL) to support the lead service inventory project (included as Attachment C).

Nussbaumer respectfully requests a **Not-to-Exceed fee of \$110,000** to complete the Scope of Services detailed in this proposal. Effort will be invoiced monthly, based on our 2024 Standard Rate Schedule and Schedule A, Terms and Conditions (included as Attachment D).

Steven Pump  
City of Lockport, NY  
June 3, 2024



Upon acceptance of this proposal, please sign where indicated below and return a copy to mmarino@nussclarke.com.

Should you have any questions, please do not hesitate to contact us at your convenience.

Sincerely,  
NUSSBAUMER & CLARKE, INC.

Michael T. Marino, P.E.  
Chief Executive Officer

Enclosures

c: Caroline Bukowski, P.E., Nussbaumer & Clarke

Accepted by: **CITY OF LOCKPORT, NY**

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_



# Attachment A

## Detailed Scope for this Project







Hazen and Sawyer  
1 Seneca Street, Suite 2875  
Buffalo, NY 14203 • 212.539.7000

May 29, 2024

Mr. Michael T. Marino  
Chief Executive Officer  
Nussbaumer & Clarke, Inc.  
80 Main Street, Unit A  
Lockport, NY 14094

**Re: LCR/LCRR/LCRI Professional Engineering Support Services**

Dear Mr. Marino:

Per your request, Hazen and Sawyer (Hazen) is pleased to provide Nussbaumer and Clarke, Inc. (Nussbaumer), on behalf of the City of Lockport (City), this proposal to provide Professional Engineering services related to the United States Environmental Protection Agency's Lead and Copper Rule (LCR), Lead and Copper Rule Revisions (LCRR) and Lead and Copper Rule Improvements (LCRI). Hazen is supporting several other Western New York communities with similar compliance services and we are a recognized leader across the country with more than 100 of our staff actively engaged in lead and copper water quality services. Attached is a summary of Hazen's relevant qualifications and the experience and value of our team members.

The following scope of services has been prepared to support the City with development of the initial service line inventory, updating their tap sampling program, developing lead service line replacement plans (including consideration of funding opportunities and code revisions), development of public education and outreach materials and preparation of customer notification documents. It is understood that Nussbaumer will be the primary point of contact with the City and will provide project management, report and grant application support and GIS services as part of the City's overall compliance efforts.

## Scope of Services

Hazen's Professional Engineering services will include, but is not limited to, the following:

- Review of the City's service line inventory (SLI) and identification of measures taken and recommended actions to reduce unknowns (i.e. digitization of paper records, integration of City staff inspection reports, home build age, customer self-reporting, statistical analyses, etc.). Hazen will work with Nussbaumer to develop an inventory consistent with LCRR/LCRI requirements which can be submitted to NYSDOH in advance of the October 2024 deadline and also be available to City residents per the rule requirements.
- Sampling Procedure Updates to increase the number of Tier 1 compliance sites and provide protocols for conducting sampling. Hazen will work with the City to expand the tap sampling pool so the City is prepared for potential LCRR sampling in 2025 given USEPA's focus on sites served by Lead Service Line (LSL)s and galvanized iron service lines and 5<sup>th</sup> liter sampling. Additionally, Nussbaumer can support the City with identification of licensed school and childcare facilities per LCRR.

- Development of a LSL Replacement Plan that incorporates the City's input on replacement rates, funding mechanisms and available resources, and prioritized underserved / underrepresented neighborhoods in addition to other, required components. This task can include submission of grant applications as well as discussion of potential code revisions.
- Preparations for a corrosion control treatment study including initial desktop analyses and potentially jar/bench testing to assess alternatives for potentially reducing lead exposure for City residents.

## Engineering Fees

Given the variety of potential tasks associated with this assignment, Hazen proposes to provide these services on a Time and Materials basis with a "not-to-exceed amount" of \$80,000.00. Fees will be invoiced on an hourly basis per Hazen's 2024 Rate Table below. Expenses (i.e., mileage, etc.) will be invoiced at cost plus 10 percent. Invoices for engineering services will be submitted monthly.

### 2024 Rate Schedule

Title	Billing Rate (\$/hr)
Intern	\$75
Project/Admin Support Staff	\$85
Assistant Engineer I	\$135
Assistant Engineer II	\$150
Engineer	\$165

Title	Billing Rate (\$/hr)
Principal Engineer	\$180
Sr. Principal Engineer	\$200
Associate	\$220
Sr. Associate	\$250
Vice President	\$280

## Schedule

While final promulgation of the LCRI is still pending, October 16<sup>th</sup> 2024 will remain the regulatory deadline for submission of the initial service line inventory with customer notification letters required one month later. Additionally, it is recommended that tap sampling updates be completed quickly as regulatory agencies could require a return to standard monitoring (or reduced monitoring on an annual basis) in advance of the anticipated 2027 compliance deadline. Public outreach, LSLR planning and CCT planning are also recommended to begin now to best position the City for maintaining compliance.

We appreciate the opportunity to support Nussbaumer and the City of Lockport on these important water quality and compliance activities. Should you have any questions please feel free to contact me at [mlenz@hazenandsawyer.com](mailto:mlenz@hazenandsawyer.com) or (716) 316-5886.

Very truly yours,



Mark Lenz, PE  
Vice President

Enclosure

cc: John Salvagno, PE, Dan Seider, PE, Victoria Nystrom, PE

## Firm Overview and Qualifications

***Hazen develops practical solutions to drinking water treatment challenges throughout the United States. Backed by one of the industry's most comprehensive and advanced applied research portfolios, our engineering and scientific teams work exclusively with water, wastewater, and stormwater.***

Hazen is a nationally recognized engineering firm delivering industry-leading technical expertise and best-value solutions for our clients. Dedicated solely to water, wastewater, and stormwater infrastructure for more than 70 years, Hazen is home to some of the world's most knowledgeable and experienced environmental engineers, scientists, and construction professionals. Our expert process groups contribute to the latest research and determine how to apply the most effective and efficient technologies to meet design challenges. Hazen provides the experience and insight to help utilities, public agencies, and industrial organizations exceed their goals through high-value, innovative solutions.

Founded in 1951, Hazen employs more than 1,800 staff in 70+ offices across North America. Our culture of entrepreneurship and collaboration enables us to excel at complex assignments by mobilizing the right resources for each engineering challenge at hand, regardless of location. Our decades-long client relationships are a testament to our company's commitment to putting our clients' interests first. The following pages provide an overview of Hazen's qualifications to perform LCR/LCRR/LCRI program management services.

**Hazen has actively supported the Western NY water community with similar LCR/LCRR/LCRI compliance services for more than 5 years including: Erie County Water Authority, Buffalo Water, the Town of Tonawanda, the Village of Kenmore and the City of North Tonawanda.**

**Our staff of eleven water professional have an office at Seneca One and are continuing to grow and expand with staffing and local assignments.**

## Since 1951

**Hazen and Sawyer has been focused on all aspects of water.**

**We have grown to  
1,800+ staff**

**A Top  
ENR  
Firm**

### **in Water Engineering**

Hazen is committed to maintaining our position as a leader in advanced water and wastewater technologies.



## Project Team

Our team of experienced local professionals and national experts will combine industry best practices with local, state and federal regulatory compliance knowledge. Our proven record of delivering LCRR around the country will give you confidence in a smooth and successful project delivery. Project team capsule resumes are below.



**JOHN SALVAGNO, PE**

**PROJECT MANAGER**

John Salvagno will serve as the Project Manager for this assignment working closely with your staff and the broader Hazen team to ensure all compliance milestone dates are achieved. He is currently supporting other Western New York clients in a similar role to meet their LCRR/LCRI compliance needs.

**BENEFIT:** John will ensure the City receives responsive local support and will organize Hazen's deliverables for all tasks.



**DAN SEIDER, PE**

**TECHNICAL SUPPORT**

Dan Seider will help lead the project with Mr. Salvagno, leveraging his 25+ years of professional experience in engineering management positions with a public water utility and involvement in large-scale planning, design, and construction phase projects. Dan has previously led LSL identification and replacement efforts that included the development of standard construction documents.

**BENEFIT:** Dan has supported several clients with LCRR/LCRI compliance both locally and nationally over the past several years including: City of North Tonawanda, Town of Tonawanda, Erie County Water Authority, Monroe County Water Authority, City of New London, CT and City of Flint, MI.



**MARK LENZ, PE**

**TECHNICAL ADVISOR**

Mark Lenz is a Vice President and Operations Leader for Hazen's Buffalo, NY office. He has served as a Technical Advisor for LCR/LCRR/LCRI compliance for local: Tonawanda, North Tonawanda, Buffalo, ECWA, MCWA, Rochester, Geneva; and National (Flint (MI), Aqua America (8 States), PWD, PWSA, GLWA) clients.

**BENEFIT:** Mark will ensure that all project deliverables incorporate Hazen and industry-wide national best practices.



**ROGER ARNOLD, PE**

**TECHNICAL ADVISOR**

Roger Arnold serves as Hazen's Subject Matter Expert for lead and corrosion. He specializes in corrosion control and distribution system water quality and has supported the neighboring Town of Tonawanda, Erie County Water Authority, and City of Buffalo with various water quality assignments and will support the project team as a Technical Advisor.

**BENEFIT:** Roger is a nationally recognized expert in water quality and coordination with various regulatory agencies.



**VICTORIA NYSTROM, PE**

**PROJECT ENGINEER**

Victoria Nystrom will lead the Lead Service Line Replacement and Sampling Support tasks of this project. She has deputy program management experience with several large utilities and is a member of Hazen's national water quality team. Her recent relocation to the Buffalo, NY area ensures the City will receive responsive support.

**BENEFIT:** Victoria brings national program management experience and a strong technical background in water quality.



**REBECCA CARMINE-SHAW, PE**

**FUNDING SUPPORT**

Rebecca Carmine-Shaw is an Associate with Hazen with over 12 years of experience supporting utilities across all project phases. She has completed funding applications for local, state, and federal programs to help clients secure funding.

**BENEFIT:** Rebecca can investigate opportunities to secure outside funding for the City's compliance program.



**JEFF NEALE**

**PUBLIC COMMUNICATIONS**

For 27 years, Mr. Neale has managed communications and outreach programs that have shaped the narrative around environmental projects, successfully reaching diverse target audiences with succinct messages distilled from complex, technical information.

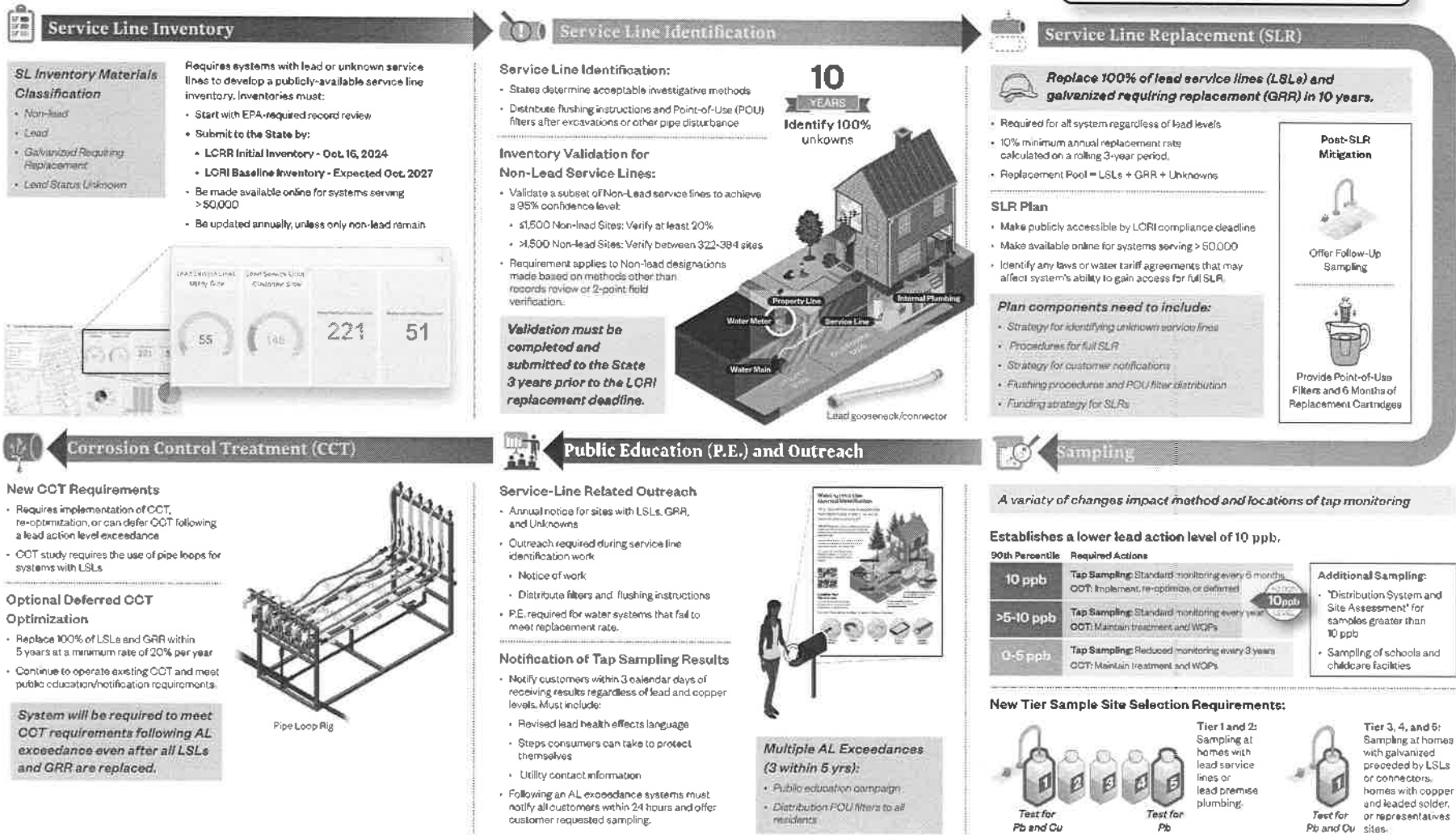
**BENEFIT:** Jeff has supported compliance programs, including the City of Buffalo, with successful external messaging.

# Current Regulatory Requirements of the Lead and Copper Rule Revisions/Improvements

The Hazen team is well positioned to support the Village of Kenmore with LCRR/LCRI Program Management services through our comprehensive understanding of LCRR / LCRI. This regulatory and institutional knowledge will set a strong foundation for compliance:

**Priority for LCRR Compliance on October 16, 2024:**

- Initial Inventory
- 24-hr tier 1 notification
- 30-day customer S. material notifications
- Public Outreach and Education



# Extensive LCRR/LCRI Compliance and Program Management Experience



## Project Highlights



1

### Corrosion Pilot Loop Study Erie County, NY

**BENEFIT:**

- Directly relevant experience with LCRR Compliance for neighboring water system
- Understanding of sampling requirements
- Understanding of public outreach



2

### Corrosion Public Outreach, Buffalo, NY

**BENEFIT:**

- Proven outreach strategy for a nearby utility
- Understanding of local partners and communication avenues to provide a comprehensive outreach and education program



3

### LCRR/LCRI Program Assistance Town of Tonawanda, NY

**BENEFIT:**

- Comprehensive compliance support
- Digitization of more than 60,000 plumbing records
- Updates to Enterprise GIS and Sampling Programs



4

### LCRR Predictive Model Miami Beach, FL

**BENEFIT:**

- Non-proprietary model specifically developed to support identification of LSLs
- Machine learning prioritization of service line sites for identification and replacement

## Team Spotlight

### PROJECT DELIVERY LEADERSHIP



Project Manager  
John Salvagno, PE



Technical Support  
Dan Seider, PE

Dan Seider and John Salvagno will lead Hazen's local project delivery. They will leverage their past experience from similar projects and ensure national best practices are incorporated into project deliverables that meet or exceed compliance timeframes.

### TECHNICAL ADVISORS



Technical Advisor  
Mark Lenz, PE



Technical Advisor  
Roger Arnold, PE

Mark Lenz and Roger Arnold will provide oversight of project deliverables and ensure that the Hazen project team's approach and deliverables align with industry best practices.

### ADDITIONAL COMPLIANCE SUPPORT



Project Engineer  
Victoria Nystrom, PE



Funding  
Rebecca Carmine-Shaw, PE

Victoria Nystrom and Rebecca Carmine-Shaw will lead several of the supporting tasks for this assignment, leveraging their experience supporting LCRR/LCRI programs and reauthorization to the Bipartisan Infrastructure Law.



# Attachment B

## Engineering Report



# FINAL

## CITY OF LOCKPORT LEAD SERVICE LINE INVENTORY PROJECT ENGINEERING REPORT

CITY OF LOCKPORT  
NIAGARA COUNTY, NEW YORK



19J1-0177

August 2022

**Full-Service Capabilities Coupled with Local Expertise**

3556 Lake Shore Road, Suite 500 | Buffalo, NY 14219

t: 716.827.8000 | f: 716.826.7958 [nussclarke.com](http://nussclarke.com)



CITY OF LOCKPORT  
LEAD SERVICE LINE INVENTORY PROJECT  
ENGINEERING REPORT

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Appendix A	City of Lockport Water System Map	
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## **1.0 SYSTEM BACKGROUND**

### **1.1 WATER SYSTEM DESCRIPTION**

The City of Lockport Water Treatment Plant is a 12 million gallon per day (MGD) plant and serves the City of Lockport water distribution system. The City of Lockport Water Treatment Plant was constructed in 1930 and is located at 220 Summit Street, in the City of Lockport, Niagara County, New York. According to the City of Lockport Department of Public Utilities, Division of Water, Annual Drinking Water Quality Report for 2021, the City's water system serves a population of 20,722 residents through 7,739 service connections. The City of Lockport's Water System Map is included as **Appendix A**.

### **1.2 EXISTING SERVICE LINE INVENTORY & IDENTIFICATION HISTORY**

The City of Lockport's existing service connection line inventory records are limited and only available in paper format. The City of Lockport service line inventory records are updated upon property transaction and service line materials are identified during routine water system operation and maintenance. Based upon system age and observation by City of Lockport crews, it is anticipated that there are a significant number of lead services as defined by the recent Lead and Copper Rule Revisions (LCRR), however that number remains unknown.

### **1.3 SERVICE LINE OWNERSHIP/RESPONSIBLE PARTY**

The City of Lockport Department of Public Utilities, Division of Water, owns and operates the City of Lockport water system mains and property owners are 100% responsible for water service lateral from the main to the house.

### **1.4 LEAD HISTORY**

The City of Lockport routinely monitors and documents their treated drinking water supply for lead in accordance with Federal and State Law. According to the City's Annual Water Quality Report for 2021, lead levels detected for Lead and Copper Rule sampling ranged from non-detect to 10.2 ppb.

### **1.5 ENVIRONMENTAL JUSTICE AREAS**

The City of Lockport is located within three potential environmental justice (EJ) area communities, including low-income and minority communities. The potential EJ area communities are identified as Census Block Group Number 15000US360630235003 with 36.50% of the population below poverty level and 4.99% of the population minority, Census Block Group Number 15000US360630235001 with 31.70% of the population below poverty level and 15.42% of the population minority, and Census Block Group Number 15000US360630237002 with 29.42% of the population below poverty level and 35.18% of the population minority. A map of potential EJ area communities within the City of Lockport, as established by NYSDEC in ArcGIS, is included in **Appendix B**.

## 2.0 PROJECT DESCRIPTION

The City of Lockport intends to embark on a Lead Service Line (LSL) inventory in accordance with EPA's "Guidance for Developing and Maintaining a Service Line Inventory", dated August 2022. The inventory will be completed by a combination of City forces and consultants with input from property owners.

Initially the City will retain a consultant to assist in the development of a Lead and Copper Rule Revisions (LCRR) Work Plan. It is anticipated that the Consultant shall provide services necessary to prepare a Work Plan for the overall LCRR program including, but not limited to, the following:

1. Program Management Team roles and responsibilities.
2. Clearly defined program goals and objectives with a thorough explanation of how they will be accomplished.
3. Technology requirements/recommendations.
4. LCRR program schedule with milestone dates and progress meeting frequency.
5. QA/QC plan.
6. Coordination with the Niagara County Health Department and New York State Health Department (as applicable) for review and approval.

Next, a Lead Service Line Inventory (LSLI) work plan will be developed to generate comprehensive LSLI for the City and ultimately to provide a searchable database to allow customers to view service line material type. Generally, work shall include:

1. Develop schedule with milestone dates.
2. Review available service data, including, but not limited to, tap cards, building records, as-built drawings, customer provided information, and relevant information in the existing City GIS information. Determine the prevalence of lead connectors and/or uncertainty on materials that connect to the water main. Evaluate if different materials are present at the main as compared to the private service components. Determine if historical practices verify the presence or absence of differing materials.
3. Review the current processes being utilized by the City to verify service material type including work orders. Document processes through development of a standard operating procedure (SOP) for collecting and reporting service material data under this task.
4. Develop a strategy to verify service material type. The strategy shall be multifaceted including both desktop evaluation of tap cards, building records, as-built drawings, and existing GIS information, as well as other visual verification program(s).
5. The public will be made aware of the plan via the City website, Common Council Meetings (broadcast via TV and internet) and local newspaper. Via this public outreach/education, the means by which the public can assist with the inventory process will be explained.
6. If required, submit the final LSLI Work Plan report with supporting documentation to the Niagara County Health Department and New York State Health Department (as applicable) for review and approval.

The LSLI Work Plan will then be implemented to develop a Final LSLI Report that is compliant with the LCRR. Work under this task generally will include:

1. Conduct a Workshop to review the results of the data collected, identify additional fields to be added or modified in the LSLI (including confidence values), identify additional information required, confirm the hierarchy of the data sources, and identify any other software requirements for both the internal and public-facing inventories.
2. Adjust LSLI as necessary based on NYSDOH allowance of predictive modelling by assigning a "likelihood of lead" confidence value to unknown service line materials.
3. Provide a web-based map of service material data to be made available to the public on the City's website. The information shall be searchable by address.
4. Provide a standard operating procedure (SOP) and training to City staff for uploading, revising, and maintaining the web-based map and database.
5. Provide an SOP for annual notification of customers with lead service lines (LSLs) or unknowns annually.

### **3.0 LSL INVENTORY TEAM**

As discussed in prior sections of this report, the LSL inventory will be comprised of City forces, consultants, and the public.

From the City it is anticipated that personnel/representatives from the following Departments will be included:

- Mayor
- Director of Engineering
- Corporation Council
- Chief Water Treatment Plant Operator
- Director of Highway, Parks, and Water
- Code Enforcement
- Information Technology Support

City forces will be relied upon for their experience with the water system and records as well as liaison to the public.

Anticipated consultant support includes:

- Engineering – to assist with the development and implementation of the LCRR program and LSLI.
- Software/IT Support – related to the upgrades of the existing City GIS system in order to incorporate the LSLI and make available via the City website.

**4.0 PROJECT BUDGET**

The anticipated project budget is provided below.

<b>Description</b>	<b>Estimated Cost</b>
Engineering Services	\$ 70,000
City Forces	\$ 20,000
Community Outreach/ Software Updates	\$ 20,000
Contingency (10%)	\$ 11,000
<b>Total Project Cost</b>	<b>\$ 121,000</b>

## 6.0 PROJECT SCHEDULE

The anticipated project schedule is as follows:

- Retain Consulting Engineer – January 2023
- Complete Lead and Copper Rule Revisions Work Plan – February 2023
- Complete Lead Service Line Inventory Work Plan – March 2023
- Conduct Lead Service Inventory – March 2023 – December 2023
- Finalize Lead Service Inventory Report / Public Database – April 2024
- Submit Lead Service Line Inventory – In advance of October 16, 2024

## 7.0 REFERENCES

City of Lockport Department of Public Utilities, Division of Water. *Annual Drinking Water Quality Report For 2021*.

<https://lockportny.gov/wp-content/uploads/2022/05/City-Lockport-NY3100564-AWQR2021.pdf>

USEPA, Guidance for Developing and Maintaining a Service Line Inventory, August 2022

**CITY OF LOCKPORT  
LEAD SERVICE LINE INVENTORY PROJECT  
ENGINEERING REPORT**

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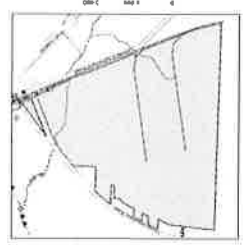
**APPENDIX A  
CITY OF LOCKPORT WATER SYSTEM MAP**



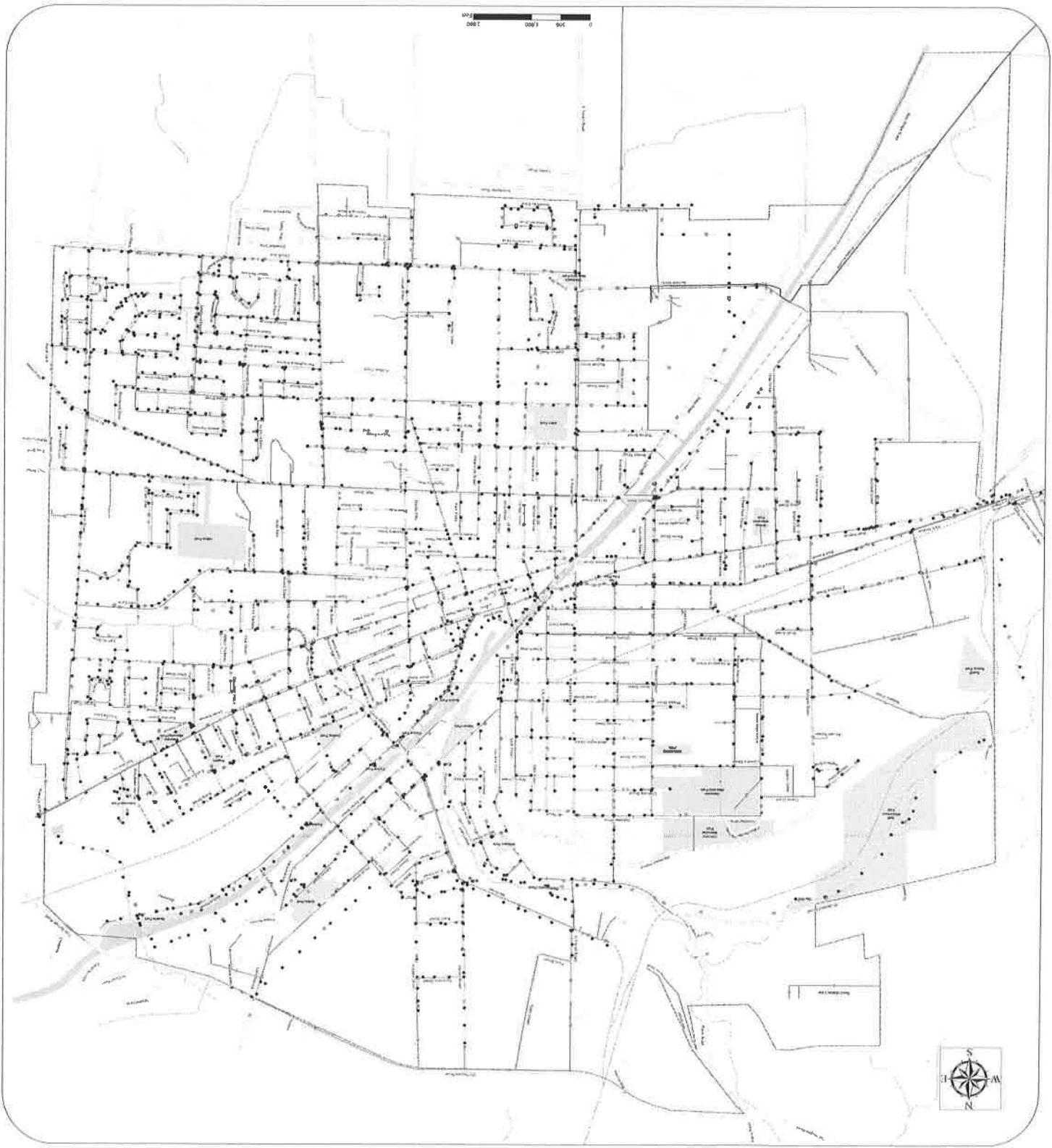
Disclaimer: This data is provided as a reference only. It is not intended to be used for any other purpose. The City of Lockport is not responsible for any errors or omissions in this data. All rights reserved.

**Utilities**  
 City of Lockport  
 Niagara County, New York

Prepared by:  
 Engineering Department  
 August, 2020

- Legend**
- Storm Manholes
  - Sanitary Manholes
  - Storm Mains
  - Sanitary Mains
  - Water Mains
  - Raw Water Mains
  - Stream/Waterbody
  - Municipal Boundary
  - Parks

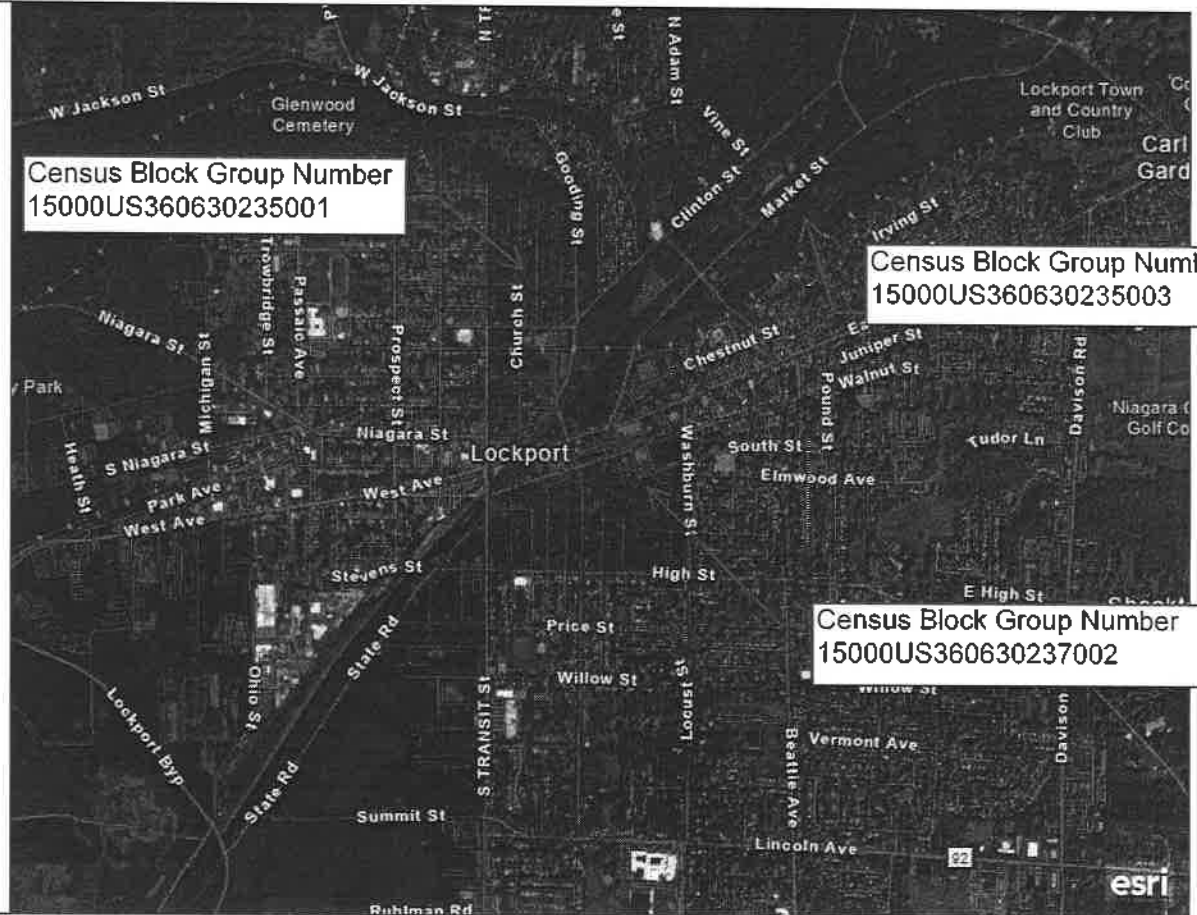




**APPENDIX B**  
**ENVIRONMENTAL JUSTICE AREAS**

### My Map

Potential\_Environmental\_Justice\_Area\_\_PEJA\_\_Communities  
- Potential Environmental Justice Area (PEJA) Communities



Data collection: US Census Bureau Data analysis: David E. Witt, New York State Department of Environmental Conservation, Office of Environmental Justice (OEJ) Funding: NYS Taxpayers | Maxar | Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



# Attachment C

## Grant Eligibility Letter





## Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**JOHANNE E. MORNE, M.S.**  
Executive Deputy Commissioner

March 29, 2024

The Honorable John Lombardi III  
Mayor, City of Lockport  
One Locks Plaza  
Lockport, New York 14094

Re: Drinking Water State Revolving Fund  
Bipartisan Infrastructure Law Lead Service Line Replacement Funds  
DWSRF Project No. 19290  
Lead Service Line Inventory  
City of Lockport, Niagara County

Dear Mayor Lombardi:

The NYS Department of Health (DOH) has completed an evaluation for Federal Fiscal Year (FFY) 2023 Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding through the Drinking Water State Revolving Fund (DWSRF) for the project referenced above. I am pleased to inform you that this project is eligible for a BIL-LSLR grant award of up to \$124,630.

This funding determination is based on the criteria as described in Amendment No. 2 to the FFY 2024 DWSRF Intended Use Plan (IUP).

Please note the following with regard to this funding determination:

- This funding award remains in effect through September 30, 2025, by which time a Project Finance Agreement (PFA) must be executed with the New York State Environmental Facilities Corporation (EFC).
- All projects funded through the BIL-LSLR must meet certain applicable programmatic requirements including, but not limited to:
  - Davis Bacon Federal Prevailing Wage rates
  - American Iron and Steel
  - Build America/Buy America (BABA) domestic sourcing
  - Federal Equivalency compliance including National Environmental Protection Act (NEPA) environmental review, federal cross-cutting authorities, disadvantaged business enterprises (DBE), single audit reporting, and surveillance services and equipment procurement, as applicable
  - Federal signage terms and conditions requiring a physical sign at construction sites. Signage guidance is available [Here](#).
  - Compliance with Federal architectural and engineering (A/E) services procurement requirements in order for A/E services to be eligible for reimbursement. A/E services procurement guidance, including the required certification form, is available [Here](#).

- o Minority and Women-owned Business Enterprises (MWBE) /Equal Employment Opportunities (EEO)/ Disadvantaged Business Enterprises (DBE) participation
- An updated engineering report may be required as part of the project review process.

This DWSRF/BIL funding award letter is not a formal commitment by DOH & EFC to provide financial assistance. Such a commitment will be reflected in the PFA once executed by EFC and the applicant community. DOH & EFC may deny or otherwise adjust the financial assistance for your project if the project scope or total eligible project cost changes or based upon our review of the complete DWSRF financing application. In addition, financial assistance for your project may only be provided after receiving formal approvals from the EFC Board of Directors and the New York State Public Authorities Control Board.

Please confirm your acceptance of the funding award and intent to proceed with this project by completing and signing the enclosed form and returning it to [design@health.ny.gov](mailto:design@health.ny.gov) no later than **April 19, 2024**. Without your confirmation, we may bypass your project and award these funds to another community.

Our team along with staff at EFC will continue to assist you and your representatives through the financing process. We look forward to working with you on this important public health infrastructure project to ensure that your community has a safe, affordable, and sustainable drinking water system. Please contact me at [stephen.marshall@health.ny.gov](mailto:stephen.marshall@health.ny.gov) with any questions.

Sincerely,



Stephen S. Marshall, P.E.  
Chief, Residential Sanitation Section  
Bureau of Water Supply Protection

ecc: NYSDOH – A. Kellerhouse/W. Silkworth  
NYSEFC – M. Cunningham/R. Walker  
Niagara County DOH – D. Ziehm  
City of Lockport – S. Pump  
Nussbaumer & Clarke – M. Marino

## ACKNOWLEDGEMENT AND ACCEPTANCE OF BIL-LSLR FUNDING AWARD

Please confirm your community's acceptance of the BIL-LSLR funding and intent to proceed with this project by signing below. Please return the completed form and attachments (as appropriate) listed below to [design@health.ny.gov](mailto:design@health.ny.gov) no later than **April 19, 2024**.

### Check the appropriate box:

- A/E services have already been procured and procurement did comply with federal standards (submit completed A/E Procurement Certification Form)
  - A/E services have already been procured and procurement did not comply with federal standards
  - A/E Services have not yet been procured. A completed A/E Procurement Certification form will be submitted when available
- Provide a copy of any BANs related to the project

### ACKNOWLEDGMENT BY THE AWARDEE:

DWSRF Project No. 19290  
Lead Service Line Inventory  
City of Lockport, Niagara County

The Awardee intends to proceed with this project and accepts the BIL-LSLR funding award, and acknowledges the programmatic requirements noted above.

\_\_\_\_\_  
John Lombardi, III  
Mayor

\_\_\_\_\_  
(Print Name)  
(Title)

\_\_\_\_\_  
4/1/24  
(Date)



# Attachment D

## 2024 Standard Rate Schedule & Schedule A







**CORPORATE OFFICE**  
 3556 Lake Shore Road  
 Suite 500  
 Buffalo, NY 14219-1494  
 Phone: (716) 827-8000  
 Fax: (716) 826-7958

**BRANCH OFFICES**  
 Lockport  
 North Tonawanda  
 East Aurora

## 2024 HOURLY RATE SCHEDULE

<u>Job Title</u>	<u>Hourly Rate</u>
Principal Engineer / Principal Surveyor	\$250.00
Sr. Associate	\$200.00
Associate	\$170.00
Project Manager	\$155.00
Sr. Project Engineer	\$150.00
Project Engineer / Project Architect	\$135.00
Engineer 2	\$115.00
Engineer 1	\$100.00
Sr. CADD Designer	\$142.00
CADD Designer	\$118.00
CADD Technician	\$104.00
Engineering Technician	\$90.00
Municipal Infrastructure Specialist	\$110.00
Renewable Energy Manager	\$165.00
Water Distribution Specialist 2	\$100.00
Water Distribution Specialist 1	\$72.00
Project Surveyor	\$137.00
Survey Technician 3	\$110.00
Survey Technician 2	\$95.00
Survey Technician 1	\$84.00
1 Person Survey Crew	\$165.00
1 Person Survey Crew (Prevailing Wage)	\$210.00
2 Person Survey Crew	\$195.00
2 Person Survey Crew (Prevailing Wage)	\$275.00
Construction Services Manager	\$155.00
Construction Administrator	\$110.00
Transportation Manager	\$155.00
Construction Observer 3	\$121.00
Construction Observer 2	\$116.00
Construction Observer 1	\$100.00
Grant Writer	\$90.00
Administrative Assistant	\$80.00
Testimony/Court Attendance (above rate for Job Classification - 4 Hour Minimum Charge)	
<b>Fixed Costs</b>	
Mileage	at Current Federal Rate
Expenses such as Tolls, Copies, Printing	at Cost
Subconsultant or Third Party Expense	at Cost plus 10%

*Rates are subject to increase January 1st of each calendar year.*

## **SCHEDULE "A"**

By accepting this proposal, the Client ("Client") agrees to the following terms and conditions incorporated into the resulting agreement ("Agreement") between the Client and Nussbaumer & Clarke, Inc. ("Nussbaumer") for the work covered in the proposal ("Work").

### **BASIS OF SERVICES**

If required, the Client shall arrange or establish Nussbaumer's right to enter the property. If the Client does not own the site, Nussbaumer shall require reasonable verification that permission to enter the site has been granted.

Quantities and cost estimates are subject to change due to, but not limited to, actual field conditions encountered, additions or changes to the Work, and changes in conditions on which estimates were based. The Client acknowledges and agrees that Nussbaumer was entitled to and did in fact rely on the information provided by the Client in performing estimates concerning the Work as embodied in this proposal.

### **DELIVERABLES**

Electronic files, drawings, calculations, records, and all other work products generated in connection with the Work are the property of Nussbaumer and may not be used without written permission. Drawings may be filed with the County or Municipality if the drawings were produced for that purpose. Electronic files and/or reproducible documents will be furnished at cost for preparing same and will be noted as a copy. Except for original submittals, any plans ordered or used in connection with the Work will be billed at cost.

### **FEES AND EXTRA WORK**

All fees quoted are for the Work as outlined. Any work not ordered will not be billed. Any work not included in the Agreement or any additional items which may be necessary to comply with applicable laws, codes, rules, regulations, or standards made effective after this proposal will be charged as extras on a time and expense basis or at a mutually agreed upon fixed fee. No extra work will be performed by Nussbaumer unless written approval is received from the Client, and a fee is negotiated.

It is understood that the fees quoted herein for the Work are subject to change upon written notice to the Client should unforeseen complications and/or problems develop during the Work. Any revisions to the Work caused by Client, Municipality, County, Governmental, or Governing Agencies, jurisdictional authorities, permitting agencies, approval agencies, funding agencies, utility companies, other stakeholders, and involved parties; to the extent they increase Nussbaumer's costs of performance under the Agreement, shall be billed in accordance with the attached hourly billing rates, included after Schedule A.

### **INVOICING AND PAYMENT**

Nussbaumer shall render invoices to Client monthly as set forth in this proposal. Client shall promptly review invoices and notify Nussbaumer of any objection thereof; absent such objection in writing within fifteen (15) days of the date of the invoice, the invoice shall be deemed proper and acceptable. Invoices shall be due and payable in full by the Client to Nussbaumer within 30 days of billing. If payment is not received within 60 days of billing, Client shall be considered in breach of contract and Nussbaumer reserves the right to stop Work under this Agreement, or work under any other agreement with the Client, until such time that all Work is paid in full, including interest at 1.5% per month commencing at the 60<sup>th</sup> day from billing. If applicable, all outstanding unpaid invoices must be paid in full prior to filing of the Map Cover with the county Clerk's Office.

No documents will be released unless all fees have been paid for Work completed. The Client agrees that Nussbaumer will not be responsible for providing copies of records generated for this project in case of loss of records by fire, theft, or other causes. Copies of the finished product will be furnished upon payment of the cost of reproductions.

It is also agreed and understood that if Nussbaumer finds it necessary to take legal action for collection of any outstanding amounts due under this Agreement, the Client herein agrees to pay all costs of litigation, including legal fees, court costs, filing and/or recording fees as well as costs involving time spent in preparation for litigation and/or legal proceedings. Should legal proceedings be initiated, it is understood that all proceedings would take place in Erie County, New York. This Agreement, the Work, and any disputes relating to either the Agreement or the Work shall be governed by the laws of the State of New York, without regard to conflicts of law rules.

## **STANDARD OF CARE**

The standard of care for all professional services performed or furnished by Nussbaumer under this Agreement will be the care and skill ordinarily used by members of the surveying and/or engineering profession(s) practicing under similar circumstances at the same time and in the same locality. Nussbaumer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by the company.

Any opinions of probable project cost or probable construction cost provided by Nussbaumer are made based on information available to Nussbaumer and Nussbaumer's experience and qualifications; represents its judgment as an experienced and qualified professional engineer. However, since Nussbaumer has no control over the cost of labor, materials, equipment, services furnished by others, contractors methods of determining prices, competitive bidding, or market conditions. Nussbaumer does not guarantee that proposals, bids, actual project, or construction cost will not vary from opinions of probable cost Nussbaumer prepares.

Construction cost does not include Nussbaumer's compensation or expenses, the cost of land, rights of way, or compensation for properties. Construction cost also does not include Clients legal, accounting, or insurance services; or interest and financing charges incurred in connection with construction, or the cost of services provided by others.

## **INDEMNIFICATION**

To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of Nussbaumer and its officers, directors, members, partners, agents, employees, and consultants, to Client and/or owner and anyone claiming by, through, or under Client and/or owner for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from, or in any way related to the Work from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract, indemnity obligations, or warranty express or implied of Nussbaumer or its officers, directors, members, partners, agents, employees, or consultants shall not exceed the total compensation received by Nussbaumer for the Work. Nussbaumer shall not be liable to the Client under any circumstances for indirect, special, incidental, or consequential damages, nor shall Nussbaumer be liable to the Client for lost revenue or profits of any nature or character.

To the fullest extent permitted by law, the Client agrees to indemnify and hold Nussbaumer, along with its current and future owners, officers, directors, members, shareholders, parent corporations, subsidiaries, related entities, affiliates, agents, and employees (collectively "Indemnitees") harmless from, against and for all claims by third parties ("Third-Party Claims"), which are caused by the negligence or willful misconduct of the Client or its employees, agents, consultants, or anyone acting by, through, on behalf of, or under the Client. Notwithstanding the foregoing or anything else in the Agreement, the Client's indemnification obligations do not apply to any Indemnitee for any portion of any Third-Party Claims caused by the negligence of such Indemnitee.

## **CLAIMS AND DISPUTES**

All claims or disputes of any kind arising out of the relationship between Client and Nussbaumer shall be submitted to mediation prior to filing suit. All mediation shall be conducted under the Commercial Rules of the American Arbitration Association, with the mediation costs equally borne between the two parties. The language to be used in mediation shall be English. Any action filed between the parties shall be filed in the state or federal courts in and for Erie County, New York. The prevailing party shall be entitled to recover its costs, including reasonable attorneys' fees. If any part of this Agreement is found to conflict with applicable laws, such part shall be null and void, but the remainder of this Agreement shall be in full force and effect.

## **TERMINATION**

The parties agree and acknowledge that there are no verbal representations, promises, understandings or agreements concerning or relating to the Work other than as contained in the Agreement. All previous negotiations and agreements between the parties concerning or relating to the Work are merged into the Agreement. Modifications of the Agreement must be in writing, except to the extent that the invoice may include, and Client shall be obligated to pay, fees or expenses that were orally authorized to proceed promptly with the Work.

This Agreement, unless previously terminated by written notice, shall be terminated by completion of the Work. Termination before completion shall be accompanied by payment for Work completed to that date at per diem rates set forth in the attached hourly billing rates.

## **PROPOSAL PERIOD**

This proposal shall be valid for a period of 30 days, after which Nussbaumer shall have the right to revise any portion thereof. It is also understood that fees quoted herein shall be subject to a 10% increase for those phases of Work not yet completed after a period of one year from date of authorization to proceed.

**AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH  
CITY OF LOCKPORT  
SANITARY SEWER SYSTEM EVALUATION (EPG#130135)**

**WHEREAS**, City of Lockport (hereinafter the "City") proposes to conduct a Sanitary Sewer System Evaluation under New York State Environmental Facilities Corporation Engineering Planning Grant (NYS EPG) #130135; and

**WHEREAS**, the NYS EPG requires a local match equal to 20 percent of the requested grant amount in cash and/or in-kind services; and

**NOW, THEREFORE, BASED ON SUCH REVIEW AND CONSIDERATION, BE IT RESOLVED** by the City's Common Council that the City hereby authorizes and appropriates a minimum 20% local match as required by the NYS EPG Program for the City's Sanitary Sewer System Evaluation in the amount of \$10,000 and based upon the total EPG Grant award of \$50,000.

**BE IT FURTHER RESOLVED**, the source of the local match, and any amount in excess of the required match, shall be provided by the City's general fund and/or in-kind services as needed.

I, \_\_\_\_\_, do hereby certify that the resolution was passed at a meeting of the City of Lockport Common Council held on \_\_\_\_\_, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

\_\_\_\_\_  
Signature

Official Seal of Municipality



# Environmental Facilities Corporation

KATHY HOCHUL  
Governor

MAUREEN A. COLEMAN  
President and CEO

February 15, 2024

The Honorable John Lombardi, III  
Mayor, City of Lockport  
1 Locks Plaza  
Lockport, NY 14094

Re: City of Lockport  
Project No. 130135  
Lockport Sanitary Sewer System Evaluation

Dear Mayor Lombardi:

On behalf of Governor Kathy Hochul, I am pleased to inform you that your community has been awarded a NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant (EPG) for the above referenced project. Your EPG has been awarded in an amount not to exceed \$50,000, for the development of an engineering report to identify sources of inflow and infiltration, evaluate alternatives, and recommend improvements to the City of Lockport's wastewater collection system.

Please confirm your acceptance of the grant award and intent to proceed with this project by completing and signing the enclosed form and e-mailing it to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than March 8, 2024. Without your confirmation, we may bypass your project and award these grant funds to another community.

As means of advancing this project, members of our EFC team will contact you to guide you through the program requirements and related processes, and to answer any of your questions. In order to remain eligible for these funds, your community must enter into a Grant Agreement for the above project by September 30, 2024.

We appreciate your interest in the EPG program and look forward to working with you on your water quality improvement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen A. Coleman".

Maureen A. Coleman  
President & CEO

Enclosure

**ACKNOWLEDGEMENT AND ACCEPTANCE OF EPG GRANT AWARD**

The Engineering Report MUST follow the EFC/DEC Engineering Report Outline and recommend a Capital Improvement Project which addresses and aligns with the issue(s) identified in the EPG application.

Please confirm your community's acceptance of the EPG by signing below. Please e-mail the completed form to epg@efc.ny.gov no later than **March 8, 2024**.

**ACKNOWLEDGMENT BY THE AWARDEE:**

City of Lockport

Project No. 130135

Lockport Sanitary Sewer System Evaluation

The Awardee intends to proceed with this project and accepts the Engineering Planning Grant.

\_\_\_\_\_ (Signature of Authorized Representative)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

## City of Lockport - Resolution Request Form

<b>Agenda Description:</b> Accounting Consultants Payment							
<b>Presented By:</b> Daniel Cavallari	<b>Date Submitted:</b> 5/29/2024						
<b>Topic Area (Select Most Applicable Option):</b>							
Community Event Budget Amendment Contract Approval Donation Acceptance Grant Application / Award Fund Utilization Request	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"> </td></tr> <tr><td style="text-align: center;">✓</td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> </table>		✓				
✓							
Local Law Change Community Development Community Event Engineering Process Code and Planning Other	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> <tr><td style="height: 15px;"> </td></tr> </table>						
<small>Please provide to Clerk at least 9 calendar days prior to Council meeting. Otherwise request will go to following meeting.</small>							
<b>Summary of Resolution:</b>  Resolution 011024.4B approved of the use of 2 Accounting Consultants, Mary Smith and Roger Salmons, in the absence of a Director of Finance position to aid the City in 2023 FY close out, 2023 audit, and other misc accounting projects, not to exceed \$45,000. The funds to pay the consultants will come from the Finance Department Full Time Wages and will come out of the Finance Department Professional Services.  Decrease A.1310.51010    \$30,400  Increase A.1310.54055    \$30,400							
<b>Explanation of Attachments:</b>  (1) Resolution (2) Budget Printouts (3) Mary/Roger Invoices (4) Budget Amendment Worksheet							
<small>Please include all backup correspondence, purchase order, quotes, meeting minutes, emails, etc... If any of this information is confidential and cannot be released publicly, please denote a check in this field: _____</small>							
<b>Clerk/Legal/Finance Approval:</b>							
<b>Notes:</b>  <div style="height: 80px; border: 1px solid black;"></div>							
<b>Name:</b> Daniel Cavallari	<b>Date of Approval:</b> 5/29/2024						

**WHEREAS**, Resolution 011024.4B approved the use of two Accounting Consultants, Mary Smith and Roger Salmons, in the absence of a Director of Finance position to aid the City in the 2023 fiscal year closeout, the 2023 audit, and other miscellaneous accounting projects; and

**WHEREAS**, the services of Mary Smith and Roger Salmons are not to exceed \$45,000; and

**WHEREAS**, it has been determined that the necessary funds to pay these consultants will come from the Finance Department Full Time Wages account and be reallocated to the Finance Department Professional Services account; and

**WHEREAS**, the consultants have billed the City a total of \$39,500 to date;

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2024 General Fund budget is amended as follows

Expenditures

Increase:

A.1310.54055	Professional Services	\$30,400
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Decrease:

A.1310.51010	Full Time Wages	\$30,400
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# Budget Performance Report

Date Range 01/01/24 - 12/31/24

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
<b>Fund A - General Fund</b>									
<b>EXPENSE</b>									
Department: <b>1310 - Finance &amp; Accounting</b>									
51010	Full Time Wages	256,709.00	(22,150.00)	234,559.00	.00	.00	71,603.68	162,955.32	31
51100	Overtime	1,500.00	.00	1,500.00	.00	.00	1,954.53	(454.53)	130
51120	Longevity	1,300.00	.00	1,300.00	.00	.00	1,300.00	.00	100
51130	Out of Grade	.00	.00	.00	.00	.00	9,448.31	(9,448.31)	+++
51150	Holiday Pay	1,071.00	.00	1,071.00	.00	.00	.00	1,071.00	0
52060	Computer Equipment	250.00	.00	250.00	.00	.00	.00	250.00	0
54003	Office Furniture	200.00	.00	200.00	.00	.00	.00	200.00	0
54005	Office Supplies	2,000.00	.00	2,000.00	.00	335.00	.00	1,665.00	17
54035	Training and Education	2,380.00	.00	2,380.00	.00	.00	.00	2,380.00	0
54040	Assoc/Membership Dues	225.00	.00	225.00	.00	.00	.00	225.00	0
54055	Professional Services	9,100.00	22,150.00	31,250.00	.00	(23,468.75)	31,250.00	23,468.75	25
54115	Computer Licenses & Software	2,380.00	.00	2,380.00	.00	.00	.00	2,380.00	0
58010	FICA	19,914.00	.00	19,914.00	.00	.00	6,297.83	13,616.17	32
58020	Workers Compensation	13,112.00	.00	13,112.00	.00	.00	5,673.60	7,438.40	43
58040	Hospital & Medical Insurance	86,534.00	.00	86,534.00	.00	.00	32,488.12	54,045.88	38
58050	Retirement	34,319.00	.00	34,319.00	.00	.00	14,264.56	20,054.44	42
Department <b>1310 - Finance &amp; Accounting Totals</b>		<b>\$430,994.00</b>	<b>\$0.00</b>	<b>\$430,994.00</b>	<b>\$0.00</b>	<b>(\$23,133.75)</b>	<b>\$174,280.63</b>	<b>\$279,847.12</b>	<b>35%</b>
<b>EXPENSE TOTALS</b>		<b>\$430,994.00</b>	<b>\$0.00</b>	<b>\$430,994.00</b>	<b>\$0.00</b>	<b>(\$23,133.75)</b>	<b>\$174,280.63</b>	<b>\$279,847.12</b>	<b>35%</b>
<b>Fund A - General Fund Totals</b>									
<b>REVENUE TOTALS</b>		.00	.00	.00	.00	.00	.00	.00	+++
<b>EXPENSE TOTALS</b>		430,994.00	.00	430,994.00	.00	(23,133.75)	174,280.63	279,847.12	35%
<b>Fund A - General Fund Totals</b>		<b>(\$430,994.00)</b>	<b>\$0.00</b>	<b>(\$430,994.00)</b>	<b>\$0.00</b>	<b>\$23,133.75</b>	<b>(\$174,280.63)</b>	<b>(\$279,847.12)</b>	
<b>Grand Totals</b>									
<b>REVENUE TOTALS</b>		.00	.00	.00	.00	.00	.00	.00	+++
<b>EXPENSE TOTALS</b>		430,994.00	.00	430,994.00	.00	(23,133.75)	174,280.63	279,847.12	35%
<b>Grand Totals</b>		<b>(\$430,994.00)</b>	<b>\$0.00</b>	<b>(\$430,994.00)</b>	<b>\$0.00</b>	<b>\$23,133.75</b>	<b>(\$174,280.63)</b>	<b>(\$279,847.12)</b>	

\*\*\*\*\*INVOICE\*\*\*\*\*

Roger Salmons  
25 Shadowmoor Dr.  
Fairport, N.Y. 14450

Invoice No: 2600  
Invoice Date: April 17, 2024

SOLD CITY OF LOCKPORT  
TO ONE LOCKS PLAZA  
LOCKPORT, NY 14094

Terms: Net 10

Consulting Services for City 2023 Year End Accounts

Period 1/10/24 - 4/12/2024	Hours	Rate	Total
	98.25	\$125.00	\$12,281.25

*4/18/2024  
OK to pay  
D. Manaway*

**Mary E. Smith, Government Consulting**

9345 Graham Road  
Middleport, NY 14105  
Phone (716)957-0190  
Smith.mary.88@gmail.com

TO

Sue Mawhiney, Treasurer  
City of Lockport  
Main Street  
Lockport, NY 14094

# INVOICE

INVOICE # 2024-101  
DATE: March 22, 2024

FOR: Assist the City of Lockport in the absence of a Director of Finance to complete Year End Balance Sheet reconciliations and assist in completing entries required for December 31, 2023 financial close and Audit.

Description	AMOUNT
Consulting support for 2/10/24-2/16/24	\$ 375.00
Consulting support for 2/17/24-2/23/24	\$ 250.00
Consulting support for 2/24/24-3/1/24	\$ 500.00
Consulting support for 3/2/24-3/8/24	\$ 1,031.25
Consulting support for 3/9/24-3/15/24	\$ 2,187.50
Consulting support for 3/16/24-3/22/24	\$ 3,437.50
<b>SubTotal - GL A.1310.54055</b>	<b>\$ 7,781.25</b>

See attached summary and detail for above dates.

**Total** **\$ 7,781.25**

Make all checks payable to Mary E. Smith

If you have any questions concerning this invoice, contact:  
Mary Smith | 716-957-0190 | smith.mary.88@gmail.com

THANK YOU FOR YOUR BUSINESS!

*3-21-2024  
OK to pay  
Mawhiney*

*kms 3/25/24*

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: (716) 957-0190  
 E-MAIL: smith.mary.88@gmail.com  
 WEEK ENDING: 3/1/2024

DAY	DATE	Activity	Time	Activity2	Time2	TOTAL
Saturday	2/24/2024					0.00
Sunday	2/25/2024					0.00
Monday	2/26/2024	Liqa - open item book in Reth. sale of Property	2.00			2.00
Tuesday	2/27/2024					0.00
Wednesday	2/28/2024					0.00
Thursday	2/29/2024					0.00
Friday	3/1/2024			Met with Steve Pump - Engineer-Capital. He will provide status and any SVF/SGN Aid info for where to get it for required projects.	2.00	2.00
<b>TOTAL HOURS</b>						<b>4.00</b>
<b>PER HOUR</b>						<b>\$125.00</b>
<b>TOTAL DUE</b>						<b>\$500.00</b>

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: (716) 957-0190  
 E-MAIL: smith.mary.88@gmail.com  
 WEEK ENDING: 3/8/2024

DAY	DATE	Activity	Time	Activity2	Time2	TOTAL
Saturday	3/2/2024					0.00
Sunday	3/3/2024					0.00
Monday	3/4/2024	Met with STEVE PUMP - ENGINEER-CAPITAL. He will provide status and any SVF/SGN Aid info for where to get it for required projects through YE Test List for Aish. Capital to S. Pump in 2023.	3.00	Met with CD re YE 2023	1.00	4.00
Tuesday	3/5/2024					0.00
Wednesday	3/6/2024					0.00
Thursday	3/7/2024					0.00
Friday	3/8/2024	Review of completed tasks in Aish File - review records	2.00	Upload items to Surabik - Audit	2.25	4.25
<b>TOTAL HOURS</b>						<b>8.25</b>
<b>PER HOUR</b>						<b>\$125.00</b>
<b>TOTAL DUE</b>						<b>\$1,031.25</b>

**Mary E. Smith, Government Consulting**

9345 Graham Road  
Middleport, NY 14105  
Phone (716)957-0190  
Smith.mary.88@gmail.com

**TO**

Sue Mawhiney, Treasurer  
City of Lockport  
Main Street  
Lockport, NY 14094

# INVOICE

**INVOICE #** 2024-102  
**DATE:** 04/19/24

**FOR:** Assist the City of Lockport in the absence of a Director of Finance to complete Year End Balance Sheet reconciliations and assist in completing entries required for December 31, 2023 financial close and Audit.

Description	AMOUNT
Consulting support for 03/23/24-03/29/24	\$ 3,437.50
Consulting support for 03/30/24-04/05/24	\$ 2,750.00
Consulting support for 04/06/24-04/12/24	\$ 2,625.00
Consulting support for 04/13/24-04/19/24	\$ 2,375.00
<b>SubTotal - GL A.1310.54055</b>	<b>\$ 11,187.50</b>

*See attached summary and detail for above dates.*

**Total** **\$ 11,187.50**

Make all checks payable to Mary E. Smith

If you have any questions concerning this invoice, contact:  
Mary Smith | 716-957-0190 | smith.mary.88@gmail.com

THANK YOU FOR YOUR BUSINESS!

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: (716) 557-0150  
 E-MAIL: [smith.mary.65@gmail.com](mailto:smith.mary.65@gmail.com)  
 WEEK ENDING: 3/29/2024

DAY	DATE	ACTIVITY	TIME	ACTIVITY	TIME	TOTAL
Saturday	3/23/2024					-
Sunday	3/24/2024					-
Monday	3/25/2024	Called Ash Kishin re job description. Also re to review 195 hrs for Overtime. Prepared also re our agency report re new rates.	1.00	Completed first two of new rates. Proj estimate for 250 & 220	2.00	3.00
Tuesday	3/26/2024					-
Wednesday	3/27/2024	Interim with Laura O'Sullivan re Proj with Bart E. Jones	2.00	Reviewed Proj 196 Bond Entry 3 2022 Annual Man. Set. Linked into 50 hour report. Cash 2022 re Proj with 3. Later Release Rates appear in Schedule.	4.50	6.50
Thursday	3/28/2024	Additional conversation with Matt Smith re Proj 196 Bond ETC. Added 3 Expense for Capital Assets with Kathryn David Buckley Project Liability.	3.00	Reviewed A/E for 196 Bond. Review 3 2022 to 2023 line item for Budget. Completed review of 2022. Updated	5.00	8.00
Friday	3/29/2024	Met with Brooke Lenzler. Discussed internal Controls. Bank Rev. sign off. Analyzed Utility Project A444 1. Items are for 6148000 in 2023. Any account 2nd with need to carry items 2024 - with a JE to move to A/C	4.00	Reviewed re ARPA spend in 2023. Updated work. Completed Capital Project review to determine Completed/Unspent/Construction in Progress for CIP. Updated. Max Construction BS for 4 5 available for completion to verify. Also 2024 Adopted Budget for AFR on 4/14 and updated. Attempted issues in Asset Register - need account to complete capital assets and depreciation calculation.	8.00	10.00
<b>TOTAL HOURS</b>						<b>27.50</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL DUE</b>						<b>\$ 3,437.50</b>

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: (716) 557-0150  
 E-MAIL: [smith.mary.65@gmail.com](mailto:smith.mary.65@gmail.com)  
 WEEK ENDING: 4/5/2024

DAY	DATE	ACTIVITY	TIME	ACTIVITY	TIME	TOTAL
Saturday	3/30/2024					-
Sunday	3/31/2024					-
Monday	4/1/2024	Kishin - we looked at Encumbrance balance in Budget report - to clean up with RA JE's. Also a report for operating funds to identify Proj to be rolled to 2024	2.00	Second Asset Register Log. Sent verification email for Article 7 remaining liability to Tracy. Reviewed CHIPS funding/ Federal Funding - updated to Schedule. Reviewed TB for all funds but capital to identify potential issues with asset liability balances - also major variances in revenue/expenditure	5.00	7.00
Tuesday	4/2/2024					-
Wednesday	4/3/2024	AR 4157448 review discovered at since 2021. Adeline Main Revenue. Continued auditing data for Sarah Kishin	3.00			3.00
Thursday	4/4/2024			work on Open Items	5.00	5.00
Friday	4/5/2024	Work on Open Items	2.00	Completed Benefit schedule with expense sub-questions 2023 variance to AFR - asked question on status. Completed and updated OPEB data/Census Data. Reviewed EA by Roggi-003 routine	5.00	7.00
<b>TOTAL HOURS</b>						<b>22.00</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL DUE</b>						<b>\$ 2,750.00</b>

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: 4780 557-0190  
 E-MAIL: smith.mary.28@vnuill.com  
 WEEK ENDING: 4/12/2024

DAY	DATE	Activity	Time	Activity	Time	TOTAL
Saturday	4/6/2024					-
Sunday	4/7/2024					-
Monday	4/8/2024	Follow				-
Tuesday	4/9/2024					-
Wednesday	4/10/2024	Jan Data Reviewed Status of Asset, Issues, high level overview	2.00	Review and then Jeremy with requesting data for April. Add into worksheet 1022 per COP. Profiles related to COP funding. Looked into some items from open items. Performing QTR 24 updates that need to be completed in the next week.	5.00	7.00
Thursday	4/11/2024	Met with Finance team to review open items and delegate to team. Worked on open items	3.00	Worked on open items and review and uploaded in scratch. Call Jeremy last night updates. Met with Judy for additional COP's attached for 2023.	4.50	7.50
Friday	4/12/2024	Meeting with John Craig & Phyllis to review status of Strategic members of Finance services. Call with Jeremy Smith regarding task for Carisma with Open Items	2.50	Worked on open items and reports and uploaded to Scratch. Worked on COP Worksheet and made a spreadsheet for Expense projects. Looked into for the worksheet & Invoice 1.8	4.00	6.50
<b>TOTAL HOURS</b>						<b>21.00</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL DOLLAR</b>						<b>\$ 2,625.00</b>

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: 4780 557-0190  
 E-MAIL: smith.mary.28@vnuill.com  
 WEEK ENDING: 4/19/2023

DAY	DATE	Activity	Time	Activity	Time	TOTAL
Saturday	4/13/2023					-
Sunday	4/14/2023					-
Monday	4/15/2023	Completed COP and Uploaded. Backup step in to show review Asset Keeper. Worked on open items list	4.00	Open Items List	2.00	6.00
Tuesday	4/16/2023					-
Wednesday	4/17/2023	Met with John- PD to be added for operating funds	1.00	Completed meeting with the staff of Beverly DA without to bring through the request. Item budget by Account Classification team completed. Review Accounts COP's projects. Reviewed audit reports and attached. Reviewed Part Fee for Request of Contract PVA 2021. Review up on item open with Clayton sign in person. Review Part Fee (Political). Client's request for an identified account made in attachment. See attachment.	3.00	4.00
Thursday	4/18/2023	Request to open for open items	1.00			4.50
Friday	4/19/2023	Attended meeting. Review PRAJ, with Jen. Set up new file and for State Energy Director Axam with Drs. Background map of AZ for Arizona FEMA to Jen	1.50	Meeting with Mayle. Conference to complete Open Items Updates to Sarah. Upload Asset COP's - attached spreadsheets	3.00	4.50
<b>TOTAL HOURS</b>						<b>19.00</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL DOLLAR</b>						<b>\$ 2,375.00</b>

|

**Mary E. Smith, Government Consulting**

9345 Graham Road  
Middleport, NY 14105  
Phone (716)957-0190  
Smith.mary.88@gmail.com

# INVOICE

**INVOICE #** 2024-103  
**DATE:** 05/17/2024

**TO**

Sue Mawhiney, Treasurer  
City of Lockport  
Main Street  
Lockport, NY 14094

**FOR:** Assist the City of Lockport in the absence of a Director of Finance to complete Year End Balance Sheet reconciliations and assist in completing entries required for December 31, 2023 financial close and Audit.

Description	AMOUNT
Consulting support for 04.20.24-04.26.24	\$ 2,312.50
Consulting support for 04.27.24-05.03.24	\$ 2,625.00
Consulting support for 05.04.24-05.10.24	\$ 1,625.00
Consulting support for 05.11.24-05.17.24	\$ 1,687.50
<b>SubTotal - GL A.1310.54055</b>	<b>\$ 8,250.00</b>

*See attached summary and detail for above dates.*

**Total** **\$ 8,250.00**

Make all checks payable to Mary E. Smith

If you have any questions concerning this invoice, contact:  
Mary Smith | 716-957-0190 | smith.mary.88@gmail.com

THANK YOU FOR YOUR BUSINESS!



**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: (719) 957-0190  
 E-MAIL: mary.smith@gmail.com  
 WEEK ENDING: 4/20/2024

DAY	DATE	Activity	Time	Activity2	Time2	TOTAL
Saturday	4/20/2024					-
Sunday	4/21/2024					-
Monday	4/22/2024		1.00	Complete JE for Accounts for State Adjudicator's Office for funds by which the program is to be implemented and to determine which projects are ABPA	3.00	4.00
Tuesday	4/23/2024					-
Wednesday	4/24/2024	Meet with Accounting Dept to review Audit Open Items and draft letter to them	2.00	Work on Open Items. Complete OF 307 Analysis/Action. Upload entries to database. Monitor Pack, Make Follow-up Search of State Learning project listing for membership	5.00	7.00
Thursday	4/25/2024	Meet with HYSOSC - Review/Work on a set open items	1.00	Audit Open Items	2.00	3.00
Friday	4/26/2024	Audit open items	2.00	Complete ABPA JE, discuss with Dan Update ABPA worksheet for 2023	2.50	4.50
<b>TOTAL HOURS</b>						<b>18.50</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL DUE</b>						<b>\$ 2,312.50</b>

**WEEKLY TIME RECORD**  
**MARY E SMITH, GOVERNMENT CONSULTING**

PHONE: (719) 957-0190  
 E-MAIL: mary.smith@gmail.com  
 WEEK ENDING: 5/1/2024

DAY	DATE	Activity	Time	Activity2	Time2	TOTAL
Saturday	4/27/2024		-			-
Sunday	4/28/2024					-
Monday	4/29/2024	Audit open items. Review of Grants - verify requested costs are approved	1.00	Audit open items. OD grant programs/contracts. Monitor Pack. Complete updates to Summary	4.00	5.00
Tuesday	4/30/2024					-
Wednesday	5/1/2024	CD Future programs/funding	3.00	Cont call re: Jeremy Smith - Open Items/Census. Contact Damon. Called Lavoy re: IBIP claims exp vs CL	5.00	8.00
Thursday	5/2/2024					-
Friday	5/3/2024					-
				Prep for PO roll in Test/ies reports/IBIP/requirements. Work on remaining audit processes	3.00	3.00
				Sharon came to assist with PO Roll-Test Completed in Live as "Finance Director" CD Future/minutes Annual for MI grant requested admin portion/Communications with Jan Kennedy, a way on IBIP audit questions	5.00	5.00
<b>TOTAL HOURS</b>						<b>21.00</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL DUE</b>						<b>\$ 2,625.00</b>

Sheet total: \$ 4,937.50

## WEEKLY TIME RECORD

MARY E SMITH, GOVERNMENT CONSULTING

PHONE: (716) 957-0199  
 E-MAIL: [smith.mary.88@gmail.com](mailto:smith.mary.88@gmail.com)  
 WEEK ENDING: 5/18/2024

DAY	DATE	Activity	Time	Activity2	Time2	TOTAL
Saturday	5/4/2024					-
Sunday	5/5/2024					-
Monday	5/6/2024	Audit Open Items	2.00	Audit Open Items	4.00	6.00
Tuesday	5/7/2024		-	WRM sent Open Items Response back Springfield/VIS by Personal, back sub for litigation (A 2685 - Unassy balance) Present, Article 7 retransferred by Dept PP - from Tracy	2.00	2.00
Wednesday	5/8/2024		-		-	-
Thursday	5/9/2024	Audit Open Items	1.00		-	1.00
Friday	5/10/2024		-	Completed open item responses & uploads Requested comparison Capital TG after Audit Adj to GL - prep for work close of Capital Funds	4.00	4.00
<b>TOTAL HOUR</b>						<b>13.00</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL</b>						<b>\$ 1,625.00</b>

## WEEKLY TIME RECORD

MARY E SMITH, GOVERNMENT CONSULTING

PHONE: (716) 957-0199  
 E-MAIL: [smith.mary.88@gmail.com](mailto:smith.mary.88@gmail.com)  
 WEEK ENDING: 5/17/2023

DAY	DATE	Activity	Time	Activity2	Time2	TOTAL
Saturday	5/11/2023		-			-
Sunday	5/12/2023		-			-
Monday	5/13/2023		-	PO Roll in Test with Dan - Attempted All Capital PEs in Test - not all PO's available to access, Locked out of URS Responded to Audit Open Items received from Jeremy today.	3.00	3.00
Tuesday	5/14/2023		-			-
Wednesday	5/15/2023	Was able to access all open 2 capital PO's in LIVE - so completed roll - need to talk into 3 with Krista possible error has been resolved?	1.00	Contacted Tyler - Did not have access to 4 "Dupes" so could not see PO's. Completed prep roll for last 2 PO's. Prepared documentation with screenshots for next year. Worked on TB completion of Audit (transcribe date) for Capital Funds with GL before 6th days of Capital Funds - TB SACB?? Discuss with Dan Budget Adjustments.	4.00	5.00
Thursday	5/16/2023	Reviewed EFC Funding JE - need to invoice WCA Global Funds. It was labeled Sr Adj - GL Accr. Do not make temp transcription of Sr Adj CTS - need JE to adjust	0.50	Audit questions: Looks for Leads. TB paid over HR&E Chgs (less debt indicated by 10/1/2023) but no good. Krista & Jen assisted with pulling debts. Jen found emails in Tracy history relating to lease - will not begin until 2024-2025 recovery. Spoke with Lucy - she confirmed. Worked on Capital TB - all projects except H&E & H&E are in balance	3.50	4.00
Friday	5/17/2023	Called Tyler regarding the Q02 Capital Funds & their Closed in Funds in Sr Adj to correct. Entered JE's for Capital Adj. A/E 1	1.50			1.50
<b>TOTAL HOUR</b>						<b>13.50</b>
<b>PER HOUR</b>						<b>\$ 125.00</b>
<b>TOTAL</b>						<b>\$ 1,687.50</b>

Sheet total, \$ 3,312.50  
 Last 2 \$ 4,037.50  
 4 week \$ 8,250.00

# CITY OF LOCKPORT

## BUDGET AMENDMENT WORKSHEET

DEPARTMENT HEAD: Daniel Cavallari

DATE: 5 / 29 / 2024

This worksheet is to be completed for (1) any budget amendment request that is not supported with a corresponding decrease housed in the same department, and (2) any alteration greater than \$10,000. Please refer to the Budget Amendment Policy for more information. Submit form and all supporting documentation to the Finance Director. Please note that this worksheet does not replace the Purchasing Worksheet. Attach copies of any relevant documentation/correspondence that may support this request.

LINE ITEM:	INCREASE:	DECREASE:
A.1310.51010		\$30,400.00
A.1310.54055	\$30,400.00	

REASON FOR INCREASE: To pay accounting consultants.

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To be completed by Finance Director:

	Option	Finance Director Approval & Date	Mayor Approval & Date	Council Resolution
\$10,000 to \$25,000	<input type="checkbox"/>			
\$25,001 to \$50,000	<input checked="" type="checkbox"/>	<u>Dan Cavallari</u> 5/29/2024	<u>Joseph Blum</u> 5/29/2024	
Unfunded/ Council	<input type="checkbox"/>			

### City of Lockport - Resolution Request Form

Agenda Description: **Website Maintenance RFP**

Presented By: **Daniel Cavallari**

Date Submitted: **5/31/2024**

**Topic Area (Select Most Applicable Option):**

Community Event	<input type="checkbox"/>	Local Law Change	<input type="checkbox"/>
Budget Amendment	<input type="checkbox"/>	Community Development	<input type="checkbox"/>
Contract Approval	<input checked="" type="checkbox"/>	Community Event	<input type="checkbox"/>
Donation Acceptance	<input type="checkbox"/>	Engineering Process	<input type="checkbox"/>
Grant Application / Award	<input type="checkbox"/>	Code and Planning	<input type="checkbox"/>
Fund Utilization Request	<input type="checkbox"/>	Other	<input type="checkbox"/>

*Please provide to Clerk at least 9 calendar days prior to Council meeting. Otherwise request will go to following meeting.*

**Summary of Resolution:**

5/3/2024 Notification of bids received on May 3rd 2024 in response to the RFP Housing and Maintenance Services – City Website and Social Media.

This resolution is to authorize the city to pursue a contract with North Shore Solutions based on services provided and pricing.

It is believed that the current budget line A.1680.54075 is adequately budgeted for the 2024 Fiscal Year for this expenditure.

**Explanation of Attachments:**

(1) Resolution (2)Bid (3)Budget Report (4)Signed Contract

Please include all backup correspondence, purchase order, quotes, meeting minutes, emails, etc... If any of this information is confidential and cannot be released publically, please denote a check in this field: \_\_\_\_\_

**Clerk/Legal/Finance Approval:**

**Notes:**

Name:

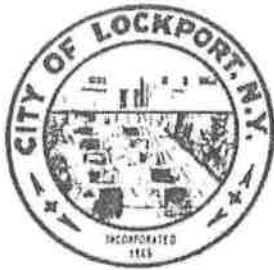
Date of Approval:

Whereas, the City published an RFP to collect bids for website maintenance, hosting, and social media management on April 17, 2024 with a due date of May 2, 2024;

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 2024 Operating Budget appears to be appropriately funded 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.



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

**OFFICE OF CITY CLERK**

Sarah K. Lanzo, City Clerk  
 Emily Stoddard Dep. City Clerk/Registrar of Vital Statistics

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

**BID OPENING**

Owner: Network Coordinator

Bid Opening: 5/3/2024

Project: RFP - HOUSING MAINTENANCE

Time: 2PM

WEBSITE / SOCIAL

Contractor Name	Phone Number	Service	Bid Amount
FITZGERALD	(716)807-8281		
		social	\$150/HR
		WEB	\$150/HR
		HOUSING	\$40/HR
NORTH SHORE SOLUTIONS	(424)253-		
	(315)771-7743	social	\$60/HR
		WEB	\$60/HR
		Advanced Housing	\$650/yr

*Sarah Lanzo*  
*Emily Stoddard*



## **CITY OF LOCKPORT**

One Locks Plaza  
Lockport, New York  
(716)439-6676  
E-mail:  
[cityclerk@lockportny.gov](mailto:cityclerk@lockportny.gov)

### **REQUESTS FOR PROPOSALS**

The City of Lockport is requesting sealed proposals for

**Hosting and maintenance services for the City website and social media**

Notice is hereby given that sealed proposals for the services above will be received and considered by the City of Lockport up to 2 pm on May 2 at the office of the City Clerk, One Locks Plaza Lockport NY, 14094.

Proposers will provide one written quote that contains the hourly cost of service. If there are multiple rates for types of service (hosting versus social media for example), please break down each individual hourly rate.

Please contact City Clerk Sarah Lanzo at 716-439-6776 or [cityclerk@lockportny.gov](mailto:cityclerk@lockportny.gov) with any questions.

The City of Lockport, NY reserves the right to reject any or all proposal, to consider the reputation and experience of the Proposal in making its selection; to waive any informalities or minor deviations from the proposal form, and to award work to other than the lowest quote, if good and sufficient reasons, it is considered in the best interest of the City of Lockport to do so. The City will not reimburse any costs associated with the preparation of RFP(s).

**Publish Date: April 17, 2024**



**North Shore  
SOLUTIONS**  
Adding Personality to Web Design

RECEIVED

APR 24 2024

CITY CLERK OFFICE

To the Committee:

Thank you for the opportunity to serve you for another year. North Shore Solutions is the current vendor maintaining the City of Lockport website and hosting. We have worked for the City the past year. We contributed to the development of a comprehensive social media strategy during a period marked by heightened negativity in Facebook comments and a notable increase in associated challenges. We have provided maintenance for the site and have been very responsive to handle revisions in a timely fashion. We have occasionally worked with the Clerk's office later into the evening to promptly ensure information was up to date at no additional charge.

**We are also reducing our hourly rate to \$60 hour from \$65/hour for the next year as a way to say thank you for your business.**

I would like to highlight that the website experienced occasional challenges with certain revisions not remaining visible due to a caching issue, occurring approximately once per month. Upon identification, either internally or through external reports, we promptly investigated and resolved these issues. Given the complexity arising from not being the original developers of the website, diagnosing and researching solutions required significant effort and time. However, I am pleased to inform you that we have since implemented a sustainable resolution that seems to be working well. I wanted to bring this to your attention proactively to address any concerns that may arise regarding the timeliness or accuracy of revisions.

We look forward to continuing our relationship with the City and serving you. Feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Matthew Turcotte". The signature is written in a cursive style with a long horizontal line extending to the right.

Matthew Turcotte  
Owner/Manager





# North Shore SOLUTIONS

Adding Personality to Web Design

City of Lockport  
Hosting & Maintenance

## Contact Info

315.771.7743

[www.northshoresolutions.com](http://www.northshoresolutions.com)

[contact@northshoresolutions.com](mailto:contact@northshoresolutions.com)

## Mailing Address

22740 Murrock Circle  
Watertown, NY  
13601

“Our company is built on people—those who work for us, and those we do business with.”

-Harvey Firestone

## About North Shore

North Shore Solutions was founded in 2007 as a small web design firm based in Clayton, NY. Matthew Turcotte founded North Shore when he was a junior in high school. The company served his local community and grew rapidly.

Today, North Shore is made up of a team of talented graphic designers, programmers, search engine specialists, and developers who have served clients across the world.

North Shore is owned in part by Clarkson University who took an ownership stake in the company in 2010 to help expand it and provide an investment opportunity for the University. This unique partnership has helped foster the growth of the business.

We have offices based in Clayton, NY and Watertown, NY.

The clients we serve range from small town municipalities and mom-and-pop-shops to world renowned athletes like Reggie Jackson.

## Relationships & Client Satisfaction

North Shore Solutions takes great pride in building relationships with our clients to better understand and satisfy their needs. It's at the core of our business.

As we've grown, we've worked to make the process of web design and development as simple as possible, while assisting our clients through each step. That's why clients have reported, on average, a 4.5/5 star customer experience.

Our award winning company  
has been featured in:

**BusinessWeek**

**CNN Money**  
A Service of CNN, Fortune & Money

**ab** ABSOLUTELY  
**BUSINESS**

**WALL STREET  
JOURNAL**

4.5/5 star customer experience



## PROPOSAL

### **Website / Social Media Maintenance**

Hourly maintenance will be **REDUCED** from \$65/hour to \$60/hour for the upcoming year. It will be billed at a quarter of an hour minimum and in quarter hour increments. We aim to complete all maintain requests the same day, and urgent tasks are given priority and are often completed within a few hours.

### **Advanced Managed Wordpress Hosting**

We have used more basic and cheaper hosting platforms but given the high traffic of the site, the site has required an advanced managed hosting plan. The below price would be the same as we've charged previously and there would be no increase in cost.

\$650/year

Hosting includes:

- 99.9% uptime guarantee
- SSL Security Certificate
- Security patching and plugin risk scans
- Secured FTP Access
- Automatic Wordpress & PHP updates
- Automatic and on-demand back ups
- Application performance monitoring
- Ability to automatically increase bandwidth if needed to prevent site from going down
- Local storage 15GB and 125GB Bandwidth
- Advanced DDOS & Managed WAF
- Advanced 24/7 tech support

### **Websites We've Built & Maintain for Your Consideration**

- [ELockport.com](http://ELockport.com)
- [CantonNY.gov](http://CantonNY.gov)
- [1000IslandsVR.com](http://1000IslandsVR.com)
- [MacsBoatRentals.com](http://MacsBoatRentals.com)
- [MorgiaMasonry.com](http://MorgiaMasonry.com)
- [StayADK.com](http://StayADK.com)
- [1000IslandsLDC.com](http://1000IslandsLDC.com)
- [TakeTheLead.org](http://TakeTheLead.org)
- [MadisonBarracks.com](http://MadisonBarracks.com)
- [VisitAlexBay.org](http://VisitAlexBay.org)
- [AsburyUMC.net](http://AsburyUMC.net)

### **References:**

- Tom Sy & Maureen Winters, Town of Lockport – 716-478-0625
- Justin Taylor, Town of Clayton – 315-408-7363
- Mike Campbell, Madison Barracks / 1000 Islands LDC – 315-778-8027
- Lynette Thayer, Take the Lead – 1-800-814-1123





j. FITZGERALD group.

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J. Fitzgerald Group Proposal for:

# City of Lockport

April 2024

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## Website Hosting & Maintenance/Social Media Proposal

Sarah Lanzo  
City Clerk  
City of Lockport  
(716) 439-6674  
[cityclerk@lockportny.gov](mailto:cityclerk@lockportny.gov)  
<https://lockportny.gov/>

**RFP PREPARED BY:**

Jack Martin  
President and Partner  
J. Fitzgerald Group  
716.807.8281  
[jmartin@jfitzgeraldgroup.com](mailto:jmartin@jfitzgeraldgroup.com)  
<https://jfitzgeraldgroup.com/>

Dear Sarah,

At J. Fitzgerald Group (JFG), our goal is simple: help you achieve **your** goals. The following proposal is a result of our recent discussions on how we **can** work together to further our partnership. We are **pleased** to provide this proposal to **the** City of Lockport.

Sincerely,  
Jack Martin



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## **SITUATION OVERVIEW:**

The City of Lockport, NY, is currently accepting proposals for website hosting and maintenance service/social media.

The City of Lockport is a local municipality with a population of slightly over 20,000. The full current City website can be found at <https://lockportny.gov>.

In 2023, the City used 220 hours of time for web maintenance and social media. From January to March of 2024, the City has used 70 hours. By way of comparison, when JFG last managed the website maintenance and social media the City used 185 hours of time for web maintenance and social media for all of 2022. From January to March of 2023, the City used 30 hours.

## **JFG PROPOSAL**

### **OVERVIEW OF JFG:**

We have a proven track record of results and are trusted by many local and global clients, big and small, for over 20 years. Our team is smaller, which makes us nimbler & able to innovate and adjust our efforts quickly based on budget, trends, and needs. We pride ourselves on having vast knowledge in a multitude of industries, we have years of experience working with a wide variety of unique clients as a local agency to Lockport, NY, we have the advantage of knowing the community well.

We offer a variety of services within digital advertising, traditional, and strategic marketing, including:

#### **Digital Advertising:**

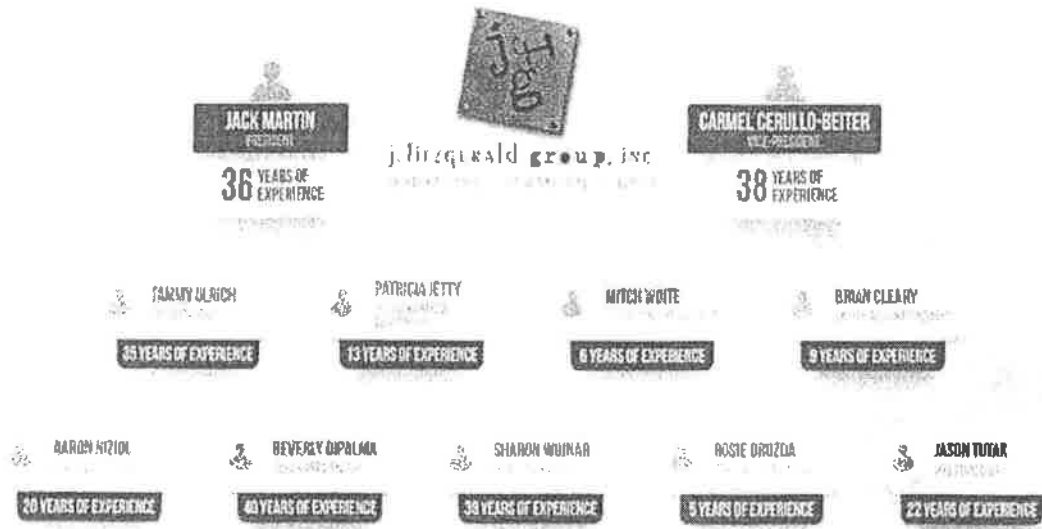
- Paid Search & Banner Ads
- Social Media
- YouTube Ads
- SEO & Google My Business
- Reputation Management
- Website Design












#### **Traditional:**

- TV
- Radio
- Print Advertising
- Outdoor
- Public Relations
- Trade Show Support

#### **Strategy:**

- Media Relations
- Brand Development
- Market Research
- Surveys
- Product Testing/Focus Groups



 <b>JACK MARTIN</b> PRESIDENT <b>36 YEARS OF EXPERIENCE</b>	 j. firzgerald group, inc. SERVING THE COMMUNITY SINCE 1978	 <b>CARMEL CERULLO-BEITER</b> VICE-PRESIDENT <b>38 YEARS OF EXPERIENCE</b>		
 <b>TARMY ULRICH</b> VICE-PRESIDENT <b>35 YEARS OF EXPERIENCE</b>	 <b>PATRICIA JETTY</b> VICE-PRESIDENT <b>13 YEARS OF EXPERIENCE</b>	 <b>MITCH WHITE</b> VICE-PRESIDENT <b>6 YEARS OF EXPERIENCE</b>	 <b>BRIAN CLEARY</b> VICE-PRESIDENT <b>9 YEARS OF EXPERIENCE</b>	
 <b>BARON NIZIOL</b> VICE-PRESIDENT <b>20 YEARS OF EXPERIENCE</b>	 <b>BEVERLY DIPALMA</b> VICE-PRESIDENT <b>40 YEARS OF EXPERIENCE</b>	 <b>SHARON WUINAR</b> VICE-PRESIDENT <b>38 YEARS OF EXPERIENCE</b>	 <b>ROSIE DRUZDA</b> VICE-PRESIDENT <b>5 YEARS OF EXPERIENCE</b>	 <b>JASON TUDAR</b> VICE-PRESIDENT <b>22 YEARS OF EXPERIENCE</b>

**SOCIAL MEDIA RATE:**

If needed, JFG can provide social media management at the hourly rate of \$150 per hour.

This includes:

- Posting updates to Facebook and Twitter when needed
  - Street closings, code blues, exams, events, etc.
- Utilizing branded graphic templates in posts to keep the brand consistent.
- Adjusting copy per each platform's requirements

**WEBSITE DESIGN & WEB BUILD/PROGRAMMING RATE:**

The hourly rate for web design, web building, and programming is \$150 per hour.

This would also be the rate for website maintenance and client asks including:

- Special Events
- Weather Alerts
- Location Pages
- Meeting Minutes
- Calendar Upkeep

JFG will scope out larger projects if we believe it would be more efficient for both parties.



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#### **WEB HOSTING RATE:**

JFG offers website hosting through WPEngine, a WordPress-specific platform that manages our servers. Our servers are set with a staging environment for any major changes necessary or site revisions; this is also used as a site backup for any crashes or hacks. The secure server provides nightly backups and maintenance checks.

JFG also handles the implementation of an SSL certificate including configuration and management free of charge for all sites hosted with us.

Our hosting fee is \$40 per month, billed on an annual basis at \$480, pricing subject to change at yearly renewal. In addition, we highly recommend a hosting add-on of \$69 month (\$759 annually) to update WordPress plugins and themes monthly on your behalf.

#### **WEBSITE HOSTING SECURITY AND TECHNICAL DETAILS:**

We host on Managed WordPress dedicated servers, so the sites are fast and secure. If you have any spikes in traffic, we will handle it without any issues. We have servers with WP Engine, which is a WordPress managed hosting environment. This is top of the line WordPress hosting.

Your WP Engine hosting account comes with a WordPress staging area, so you can deploy new pages, themes, or site changes without worrying about crashing your site.

We'll suggest the best plugins and themes based on our own experiences to make sure you don't waste time trying to find the best WordPress plugin.

Google says they lose 20% of their traffic for each additional 100 milliseconds it takes a page to load. Speed matters. Google also incorporates your page-load time into your site's search rankings. That's why WP Engine hosting services custom-built EverCache technology to deliver WordPress fast enough for Google, and at scale.

#### **DESCRIPTION OF THE SUPPORT SERVICES OFFERED AND RESPONSE TIMES OF JFG:**

The average response time for website updates is under 1 hour and often within 15-30 minutes.

Support services offered include website hosting, daily backups, monthly plugin/theme updates, uploading documents, text edits, posting news, adding/removing photos, page creation (depending on scope), social media news posts.

#### **DESCRIPTION OF THE PHYSICAL, PROCEDURAL, AND VIRTUAL SAFEGUARDS JFG HAS IN PLACE TO ENSURE WEBSITE AND HOSTED DATA AGAINST CORRUPTION, LOSS, THEFT, VANDALISM, AND UNPLANNED OUTAGES:**

We include a one-click backup and restore option — at no extra charge. And we install WordPress security updates proactively. No other WordPress host





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secures you like we do.

We automatically scan for, and fix, hacking attempts to secure your site. We'll do everything we can to ensure your WordPress site won't get hacked. And if it does get hacked, WP Engine hosting services will fix it at no additional charge.

**Samples of Our Work:**

- Jacobs Ladder: <https://jacobs ladder exercise.com/>
- UBMD Orthopaedics and Sports Medicine <https://www.ubortho.com/>
- Casa-Trinity: <https://casa-trinity.org/>
- Aspire WNY: <https://www.aspirewny.org/>

**References:**

1. Mike Rogers, CFO at UBMD Orthopaedics & Sports Medicine  
[mrogers@buffalo.edu](mailto:mrogers@buffalo.edu) | 716.474.0662
2. Mike Helbringer, President/CEO at Bristol Village  
[mhelbringer@bristolhome.org](mailto:mhelbringer@bristolhome.org) | 716.406.9500
3. Sean P Hayden, President/Financial Planner at HD Financial  
[sean@yourHDteam.com](mailto:sean@yourHDteam.com) | 716.608.8000

**SUMMARY:**

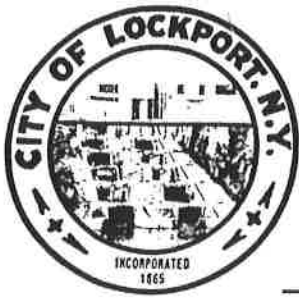
At JFG, we pride ourselves on satisfying our clients' needs by providing sound strategy, and creative solutions as well as top notch design and copywriting. We provide flawless execution and outstanding customer service all within your schedule and budget. We are confident that we are the right partner for the City of Lockport. We look forward to discussing this opportunity with you further and answering any questions that you might have. Thank you for your consideration.

# Budget Performance Report

Fiscal Year to Date 05/31/24

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund A - General Fund										
EXPENSE										
Department 1680 - Information Technology Services										
54075	Maintenance / Service Contracts	69,650.00	.00	69,650.00	.00	18,002.50	9,897.50	41,750.00	40	79,095.93
Department 1680 - Information Technology Services Totals		69,650.00	\$0.00	\$69,650.00	\$0.00	\$18,002.50	\$9,897.50	\$41,750.00	40%	\$79,095.93
EXPENSE TOTALS		69,650.00	\$0.00	\$69,650.00	\$0.00	\$18,002.50	\$9,897.50	\$41,750.00	40%	\$79,095.93
Fund A - General Fund Totals										
REVENUE TOTALS		.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS		69,650.00	.00	69,650.00	.00	18,002.50	9,897.50	41,750.00	40%	79,095.93
Fund A - General Fund Totals		(\$69,650.00)	\$0.00	(\$69,650.00)	\$0.00	(\$18,002.50)	(\$9,897.50)	(\$41,750.00)		(\$79,095.93)
Grand Totals										
REVENUE TOTALS		.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS		69,650.00	.00	69,650.00	.00	18,002.50	9,897.50	41,750.00	40%	79,095.93
Grand Totals		(\$69,650.00)	\$0.00	(\$69,650.00)	\$0.00	(\$18,002.50)	(\$9,897.50)	(\$41,750.00)		(\$79,095.93)



CITY OF LOCKPORT  
DEPARTMENT OF ASSESSMENT

LOCKPORT MUNICIPAL BUILDING  
ONE LOCKS PLAZA  
LOCKPORT, NY 14094  
PHONE: (716) 439-6614 FAX: (716) 439-6617

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To: The Common Council of the City of Lockport

Please review the attached material and summary for the 104 Old Niagara Rd LLC Court Order and refund.

104 Old Niagara Rd LLC has been an assessment case in the City of Lockport since 2022. We resolved the case with Judge Giacobbe. Parties at the conference include: the opposing attorney, the County Attorney, Niagara County Attorney, Lockport City School District attorney and finally the City represented by Thomas M. O'Donnell, Esq. and the former assessor, Tracy A. Farrell. The parties involved were assigned during the prior administration. After extensive settlement negotiations, an agreement was reached in May 2024 to avoid the cost of further litigation.

The order for the 2022 & 2023 Assessment results in a refund of approximately \$26,302.09 for tax years 2023 & 2024. The order also freezes the assessment for 2024-2026 Assessment rolls. It is presumed that the funds for this refund will come from the same accounts as previous refunds. Attached you will find the estimated refunds and May 2024 Court Order mandating this refund. A resolution will need to be passed for this refund at the June 12, 2024 meeting.

-Susan E. Israel, Lockport City Assessor

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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104 OLD NIAGARA ROAD, LLC,

Petitioner,

vs.

THE ASSESSOR FOR THE CITY OF LOCKPORT,  
THE BOARD OF ASSESSMENT REVIEW FOR THE  
CITY OF LOCKPORT, and THE CITY OF LOCKPORT,  
NEW YORK,

Respondents.

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**STIPULATION OF  
SETTLEMENT AND  
ORDER**

Index Nos. E177875/2022  
and E180536/2023

Presiding Justice:  
Hon. Mario Giacobbe,  
A.J.S.C.

**WHEREAS**, Petitioner 104 Old Niagara Road LLC (hereinafter, the “Petitioner”), having commenced the above-captioned proceedings pursuant to Real Property Tax Law Article 7 to review the assessments on certain real property located at 104 Old Niagara Road (SBL # 95.19-1-4) for the tax years 2022/23 and 2023/24 (the “Subject Property”), in the City of Lockport, County of Niagara, and State of New York, and Petitioner having appeared by Goldberg Segalla LLP (Marc W. Brown, Esq., of counsel); Respondents The Assessor for the City of Lockport, the Board of Assessment Review for the City of Lockport, and the City of Lockport, New York (collectively, the “Respondents”) having appeared by the Law Office of Thomas M. O’Donnell (Thomas M. O’Donnell, Esq., of counsel); Intervenor Lockport City School District having appeared by Seaman Norris LLP (Thomas D. Seaman, Esq., of counsel); and Intervenor County of Niagara having appeared by Claude A. Joerg, Esq., Niagara County Attorney (Katherine D. Alexander, Esq., of counsel); and

**WHEREAS**, Petitioners, Respondents, and Intervenor are collectively referred to herein as the “Parties”; and

WHEREAS, the Parties have entered into extensive settlement negotiations and have agreed that settlement is in their best interests in order to avoid the cost of further litigation, among other things; and

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, that the Parties propose to settle and resolve their differences upon the terms and conditions set forth in this Stipulation of Settlement and Order:

1. The Subject Property are located in the City of Lockport, Lockport City School District, and Niagara County taxing and assessing jurisdictions and their special and other districts (e.g., sewer, fire, and library districts, for instance). There is no applicable village taxing unit.

2. The general ratio of assessed values of real property to full values of real property in the City of Lockport for the tax years 2022/23 and 2023/24 was 100%.

3. The 2022 Tentative Full Value Assessment and 2022 Settlement Full Value Assessment on the Subject Property are as follows:

<b>Parcel Number and Address</b>	<b>2022 Tentative Full Value Assessment</b>	<b>2022 Settlement Full Value Assessment</b>
104 Old Niagara Road (95.19-1-4)	\$5,190,000	\$4,000,000

4. The 2023 Tentative Full Value Assessment and 2023 Settlement Full Value Assessment on the Subject Property are as follows:

<b>Parcel Number and Address</b>	<b>2023 Tentative Full Value Assessments</b>	<b>2023 Settlement Full Value Assessment</b>
104 Old Niagara Road (95.19-1-4)	\$5,190,000	\$4,000,000

5. The full value assessment on the Subject Property for the roll year 2024 will be \$2,000,000, for roll year 2025 will be \$2,000,000, and for roll year 2026 will be \$2,000,000.

6. The Assessor and all other relevant officers and authorities of the relevant taxing jurisdiction are hereby authorized to make and correct these assessments as outlined above on the appropriate books and records of each such jurisdiction, and in the event of overpayment, refund the overpayment within 45 days by official check payable to “Goldberg Segalla LLP, as attorneys for 104 Old Niagara Road, LLC”, and mailed to Goldberg Segalla LLP, Marc W. Brown, Esq., 665 Main Street, Buffalo, New York 14203-1425, accompanied by a calculation sheet or in the event that any tax payment has not been paid, issue corrected tax bills that reflect the assessment for the Subject Property with a copy of the corrected tax bills sent to Petitioner’s attorneys and paid without interest or penalty if paid within 45 days of receipt of the corrected tax bill.

7. The Parties acknowledge and agree that the aforementioned reduced assessments are fair, equitable, proper, and just.

8. Real Property Tax Law Section 727 shall apply to this settlement to “freeze” the Subject Property assessment at the levels stated above in paragraph 5 for property tax assessment rolls established by the Assessor/Assessing Unit in and for the roll years 2024, 2025, and 2026 notwithstanding any town/city wide revaluation or reassessment, even if done annually.

9. This/These action(s) shall be discontinued, without prejudice, upon entry of this Stipulation of Settlement and Order. Petitioners shall have the right to seek specific enforcement of the terms of this Stipulation of Settlement and Order and to otherwise enforce this Stipulation of Settlement and Order by whatever means provided by law.

10. This Stipulation of Settlement and Order shall not be construed as a waiver of Petitioner's right to raise any constitutional claims associated with this action or the parcel(s) at issue.

11. This Stipulation of Settlement and Order shall be considered the Parties' entire understanding and agreement between and among them, and a full settlement of the tax certiorari without costs or disbursements awarded to or against any of the Parties upon their compliance with the terms of the Stipulation of Settlement and Order.

12. There shall be no modification of this Stipulation of Settlement and Order except by a subsequent writing signed by the authorized representatives of the Parties herein, and "So Ordered" by the Court.

13. The Parties authorize their attorneys to execute this Stipulation of Settlement and Order and to seek the Court's approval and entry of the same, and each signatory below affirms that they have the proper authority to so execute this Stipulation.

14. If any provision of this Stipulation of Settlement and Order shall be determined to be invalid, illegal, null or void, or unenforceable to any extent, the remainder of this Stipulation shall remain in effect to the fullest extent of the law.

15. This Court shall retain jurisdiction over this matter for the purposes of enforcing the terms of this Stipulation of Settlement and Order.

16. Electronic signatures and electronically-transmitted images of original signatures shall be deemed original signatures for the purposes of expediting the filing of this Stipulation of Settlement and Order.

17. This Stipulation of Settlement and Order may be executed in multiple counterparts including by means of facsimile, PDF/ADOBE e-mail, etc., each of which shall

be deemed an original, but all of which together shall be considered and constitute one and the same instrument.

18. An executed copy of this Stipulation of Settlement and Order, shall be entered and docketed in the appropriate County Clerk's Office by Petitioner, then filed with the Assessor's permanent records. E-mail transmission of the Notice of Entry of this Stipulation of Settlement and Order to counsel shall be sufficient.

Dated: May \_\_, 2024  
Buffalo, New York

Dated: May \_\_, 2024  
Niagara Falls, New York

GOLDBERG SEGALLA LLP

LAW OFFICE OF THOMAS M. O'DONNELL

By: \_\_\_\_\_  
Marc W. Brown  
Attorneys for Petitioner(s)  
665 Main Street  
Buffalo, New York 14203  
Telephone: (716) 566-5400  
[mwbrown@goldbergsegalla.com](mailto:mwbrown@goldbergsegalla.com)

By: \_\_\_\_\_  
Thomas M. O'Donnell  
Attorneys for City Respondents  
3067 Lewiston Road  
Niagara Falls, New York 13850  
Telephone No.: (716) 622-5185  
[tmodonnell@roadrunner.com](mailto:tmodonnell@roadrunner.com)

Dated: May \_\_, 2024  
Lockport, New York

Dated: May \_\_, 2024  
Lockport, New York

SEAMAN NORRIS LLP

CLAUDE A. JOERG, ESQ.  
NIAGARA COUNTY ATTORNEY

By: \_\_\_\_\_  
Thomas D. Seaman  
Attorneys for Intervenor  
Lockport City School District  
665 Main Street  
Buffalo, New York 14203  
Telephone: (716) 566-5400  
[tseaman@seamannorris.com](mailto:tseaman@seamannorris.com)

By: \_\_\_\_\_  
Katherine D. Alexander  
Attorneys for Intervenor  
County of Niagara  
175 Hawley Street  
Lockport, New York 14094  
Telephone No.: (716) 439-7105  
[Katherine.Alexander@niagaracounty.com](mailto:Katherine.Alexander@niagaracounty.com)

**SO ORDERED AND ENTERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

By: \_\_\_\_\_  
**HON. MARIO GIACOBBE, A.J.S.C.**



104 Old Niagara Rd LLC							
104 Old Niagara Rd							
290900 95.19-1-4							
<b>City of Lockport</b>							
		AV	Tax Rate	Taxes	Reduced Rate	Revised Tax	Refund
Tax Year							
<b>2023</b>		\$ 5,190,000	\$ 11.372930	\$ 59,025.51	\$ 4,000,000	\$ 45,491.72	\$ 13,533.79
Tx Year							
<b>2024</b>		\$ 5,190,000	\$ 10.729662	\$ 55,686.95	\$ 4,000,000	\$ 42,918.65	\$ 12,768.30
<b>TOTAL</b>				\$ 114,712.45		\$ 88,410.37	\$ 26,302.08