

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

Palace Theatre

Regular Meeting  
Official Record

January 1, 2022  
11:00 A.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

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

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

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

**INVOCATION – Pastor Kiner**

**OFFICIAL SWEARING IN CEREMONY**

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

**MAYOR'S UPDATE**

**010122.1**

**APPROVAL OF MINUTES**

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

**FROM THE CITY CLERK**

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

**NOTICE OF CLAIM**

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

## NOTICE OF SUMMONS

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

Referred to Corporation Counsel

## NOTICE OF COMPLAINT

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

Referred to the Director of Highways and Parks

## MOTIONS & RESOLUTIONS

### 010122.2

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

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

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

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

### 010122.3

## ADJOURNMENT

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

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

PAUL K. OATES  
City Clerk

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DEC 16 2021

CITY CLERK OFFICE

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**IN THE MATTER OF THE CLAIM OF:**

**KRISTINA M. HARRIS**  
8 Bristol Avenue  
Lockport, New York 14094

Claimant,

-against-

**CITY OF LOCKPORT**  
One Locks Plaza  
Lockport, New York 14094

**COUNTY OF NIAGARA**  
175 Hawley Street  
Lockport, New York 14094

**NOTICE OF CLAIM**

**CITY OF LOCKPORT**  
**PUBLIC WORKS DEPARTMENT**  
Highway and Parks Garage  
One Locks Plaza  
Lockport, New York 14094

Respondents.

**PLEASE TAKE NOTICE** that **KRISTINA HARRIS** hereby presents this Notice of Claim in accordance with General Municipal Law Section 50, New York Public Authorities Law § 1299-P, and makes claim against the Respondents, **CITY OF LOCKPORT, COUNTY OF NIAGARA,** and **CITY OF LOCKPORT PUBLIC WORKS DEPARTMENT** and in support thereof alleges:

1. The name of the Claimant is **KRISTINA HARRIS**, hereinafter referred to as "Claimant" and "**KRISTINA HARRIS**," and she resides at 8 Bristol Avenue Lockport, NY 14094.

The attorneys for the Claimant are WILLIAM MATTAR, P.C. 6720 Main Street, Suite 100, Williamsville, NY 14221

2. The nature of the Claim is one to recover for damages for personal injuries, past, present and future pain and suffering, past and future medical costs, lost wages, change of lifestyle, loss of enjoyment of life, general and special damages, and all other damages allowed by law resulting from the injuries suffered by the Claimant, KRISTINA HARRIS, as a result of the negligence of the CITY OF LOCKPORT, COUNTY OF NIAGARA, and CITY OF LOCKPORT PUBLIC WORKS DEPARTMENT, its servants, agents or employees in creating along with the other acts of negligence, carelessness and recklessness.

3. The incident which forms the basis for the Claim herein occurred at a traffic light at the intersection of West Genesee Street and Prospect Street in the City of Lockport, County of Niagara and State of New York.

4. On that date, KRISTINA HARRIS's vehicle was stopped at a red light when she was rear-ended by a dump truck operated by David A. Yourdon, and owned by City of Lockport.

5. That the Claimant's injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, KRISTINA HARRIS, by the CITY OF LOCKPORT, COUNTY OF NIAGARA, and CITY OF LOCKPORT PUBLIC WORKS DEPARTMENT, its servants, agents or employees in creating along with the other acts of negligence, carelessness and recklessness.

6. That the aforesaid Respondents by and through their agents, servants and employees failed to perform proper recruiting and evaluation of drivers that includes new driver background

checks and qualifications, and provide adequate training and supervision of truck and motor vehicle drivers.

7. That as a result of the foregoing, the Claimant, KRISTINA HARRIS, sustained very serious injuries, including, among others, whiplash, left shoulder pain, spot on her brain and headaches. Some of these injuries will be of a permanent or indefinite duration, and Claimant, KRISTINA HARRIS, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

8. That the said injuries were occasioned as a result of the negligence of the CITY OF LOCKPORT, COUNTY OF NIAGARA, and CITY OF LOCKPORT PUBLIC WORKS DEPARTMENT, and through its agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

**WHEREFORE**, Claimant, KRISTINA HARRIS requests that her claim be allowed and paid by each of the Respondents.

**PLEASE TAKE FURTHER NOTICE** that unless said claim is paid and adjusted by the Respondents and each of them within thirty (30) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against the CITY OF LOCKPORT, COUNTY OF NIAGARA, and CITY OF LOCKPORT PUBLIC WORKS DEPARTMENT for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

STATE OF NEW YORK     )  
COUNTY OF NIAGARA    ) ss:

KRISTINA HARRIS, being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

*Kristina Harris*  
KRISTINA HARRIS

Sworn to before me this  
8<sup>th</sup> day of December, 2021

*Jeffrey Daniel Berdzik*  
Notary Public

JEFFREY DANIEL BERDZIK  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
LIC. #01BE6266700  
COMM. EXP. 08/06/2024

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STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NIAGARA

DEC 21 2021  
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CITY CLERK OFFICE

JERRY NICHOLS,  
13200 Hemlock Ridge Road  
Albion, NY 14411

Plaintiff,

vs.

Index No. **E176514/2021**

Plaintiff designates Niagara  
County as the place of trial

CITY OF LOCKPORT NEW YORK  
Lockport Municipal Building  
One Locks Plaza  
Lockport, NY 14094

The basis of venue is based on  
Defendants' places of business in  
Lockport, NY

CITY OF LOCKPORT PUBLIC WORKS  
DEPARTMENT  
Lockport Municipal Building  
One Locks Plaza  
Lockport, NY 14094

**SUMMONS**

County of Niagara

THE NIAGARA MANAGEMENT GROUP, LLC,  
45 Main Street  
Lockport, NY 14094

Defendants.

**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's Attorneys within **TWENTY (20) DAYS** after the service of this Summons, exclusive of the day of service (or within **THIRTY (30) DAYS** after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York  
December 17, 2021

  
LIPSITZ GREEN SCIME CAMBRIA LLP

By:

TAYLOR D. GOBBA, ESQ.  
Attorneys for Plaintiff  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333

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DEC 28 2021  
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CITY CLERK OFFICE

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NIAGARA

MARY BEAUDOIN  
794 East High Street, Apt. B  
Lockport, New York 14094

Plaintiff,

vs.

CITY OF LOCKPORT  
One Locks Plaza  
Lockport, New York 14094

CITY OF LOCKPORT  
HOUSING AUTHORITY  
301 Michigan Street  
Lockport, New York 14095

AUTUMN GARDEN PHASE  
II ASSOCIATES, LLC  
801 East High Street  
Lockport, New York 14094

Defendants.

Index No.

Plaintiff designates Niagara  
County as the place of trial

The basis of venue is  
Plaintiff's residence

**SUMMONS**

Plaintiff resides at  
794 East High St., Apt. B  
Lockport, NY 14094


County of Niagara

TO THE ABOVE NAMED DEFENDANTS:

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's Attorneys within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York  
December 20, 2021

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

MAX HUMANN, ESQ.

Attorneys for Plaintiff  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333  
[MH: # 68390.0001]



12-15-2021

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DEC 16 2021  
CITY CLERK OFFICE

~~Robert~~ Scott Saylor

532 High St.

Lockport, NY

To Whom it may concern:

I asked one other time to look at the tree in my front yard between the road and the sidewalk. I am very concerned with it. The rotten spot is getting worse. I am worried that it may come down the next wind or ice storm. There are many heavy limbs that are already crashing down during the storms now. We are worried also about the kids walking to school, we are located between Roy B Kelley and Emmet Belknap schools.

I would like you to take it down and put it in my yard and I am willing to cut and split it up. I have a chainsaw and a wood splitter. I will pile the brush on the curb for pick up.

Thank you for your time!

Regards,

~~Robert~~ Scott Saylor/716 628 9643

A handwritten signature in dark ink, appearing to read "Scott Saylor", written in a cursive style.

Dec 16, 2021

Judith A. Enguria  
863 Willow St  
Lockport NY 14094

Dear Mayor and Council Members ~

I am contacting you regarding the City owned tree on my property on Willow St. Along with so many others, this tree has been neglected, without any pruning or care. This is becoming an issue with our increasing strong wind storms. Larger branches are falling. I am concerned for those walking and for parked cars. I am asking to be on the list for pruning and maintenance to prevent serious injury or damage.

Thank you for your attention ~  
Judy Enguria

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DEC 16 2021

CITY CLERK OFFICE  
handed

To whom it may concern:

12/16/2021

I am the property owner of 159 Prospect St., Lockport NY, after the recent storm on 12/14/2021 the city tree ripped my electric line off my house. I am informing the City of Lockport of the hazardous limbs still in the tree intertwined with the electric line.

Furthermore going forward, **I will be holding the City of Lockport financial responsible** for any further damage to my property and cost incurred from the city owned tree.

Sincerely,



Burkard Properties and Management LLC

Jenna Burkard 716-870-4195

Paul Burkard 716-870-4194

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DEC 16 2021

CITY CLERK OFFICE

handed

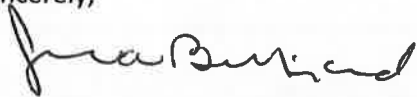
To whom it may concern:

12/16/2021

I am the property owner of 121 Olcott St., Lockport NY, after the recent storm on 12/14/2021 the city tree ripped my electric line off my house. I am informing the City of Lockport of the hazardous limbs still in the tree intertwined with the electric line.

Furthermore going forward, I will be holding the City of Lockport financial responsible for any further damage to my property and cost incurred from the city owned tree.

Sincerely,



Burkard Properties and Management LLC

Jenna Burkard 716-870-4195

Paul Burkard 716-870-4194

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DEC 16 2021

CITY CLERK OFFICE

handed

North corner Spalding  
and Erie  
handed

12/16/21

To whom it may concern,

The tree located at the corner of Spalding St. and Erie St. needs to be removed by the city. A large branch recently fell this past Saturday 12/11/21 causing multiple house to lose power for an extended amount of time. The tree is dead and has been since we moved to our property at 172 Erie St. We are concerned that if there is another big storm come through the City of Lockport, that more of the tree will fall and damage either our property or our neighbors.

Can you please look into this specific tree for removal at the earliest convince of the City of Lockport.

Thank you

Ashley Bretherton & Adam Clark

**RECEIVED**

DEC 16 2021

CITY CLERK OFFICE

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DEC 17 2021

CITY CLERK OFFICE

TO: City of Lockport

FROM: Karlene D. Pratt, 143 Waterman St

DATE: 12/13/2021

re: resubmit of notice of defect-trees

I would like to note that with the recent high wind event that continued damage has been caused to a neighboring home resulting in power service pulled from house next door and lines down making driveway and sidewalk access being closed off for the past 3 days.

TO: City of Lockport

FROM: Karlene D. Pratt, 143 Waterman St.

DATE: 12/15/2018

re: Notice of defect-trees

To whom it may concern,

2 trees located in the City of Lockport right of way in front of 143 Waterman St. that are in a dying, decaying state have been creating a hazardous and dangerous condition for neighbors, children walking to school, vehicles and homes due to branches falling from trees. There also is a large rot hole at the base of one tree and a large limb laying across and pushing down on service lines to 2 houses. I have contacted NYSEG concerning the service line situation. It would behove the City to address this unsafe condition as soon as possible rather than wait and a more costly situation for the City of Lockport occur.

Thank you in advance for your expected due diligence in this matter.

Karlene D. Pratt

  
143 Waterman St., Lockport NY 14094

December 21, 2021  
392 Washburn Street  
Lockport, NY 14094

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DEC 21 2021  
CITY CLERK OFFICE

To Whom It May Concern:

The tree in front of my property, at the above location, is dying and dropping large limbs and branches. This is extremely concerning since it is above the power lines for the street. I am requesting for the city to come out to my residence and assess the tree and ultimately have it removed before something happens to the power lines. It already has a larger branch broken off and laying on the lines. If you have any questions, you can reach out to me either through email or phone, both listed below.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason Talluto", with a stylized, cursive script.

Jason Talluto

716-262-6855

jdbtalluto@yahoo.com

Jerry Behe  
55 Weld Street Lockport, NY 14094  
919-215-7887



December 16, 2021

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DEC 27 2021

Lockport City Clerk  
Notice of Complaints  
1 Locks Plaza Lockport, NY 14094

CITY CLERK OFFICE

Dear Lockport City Clerk,

In April a letter was sent and received concerning a distressed tree.

On the dead-end side of Fairfax Street. The issue was never addressed and now the tree has become a liability to my property, and safety concerns from falling debris. It has been conveyed to me that the tree sits in a right of way and that makes it the responsibility of the city.

Please find enclosed with our second letter pictures of our concerns. I am confident that copies of this letter will be forwarded to the Highway and Transportation Dept. as well as the 4<sup>th</sup> ward Alderman Debra Allport.

Will be waiting for your prompt response.

Sincerely,

Jerry Behe

Jerry Behe 55 Weld Street Lockport NY 14094





# City of Lockport

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 11/25/21, PAID on date 12/02/21 is approved at dollars, \$ 677,485.71  
*Civil Service, Mary Pat Lebert*

## Pay Day Register

Pay Date Range 11/12/21 - 11/25/21

Pay Batch 2202124

Pay Batch 2202124 Total

Employees in Pay Batch 211

Female Employees in Pay Batch 51

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
207A Disability - 207A Disability	240.0000	2,964.40	Gross	677,485.71	Health Ins 298 Class 2 Family	21,306.13
BERV - Bereavement	46.0000	1,124.52	Imputed Income		Health Ins 298 Class 2 Single	5,018.63
BRIEF - Briefing/Debriefing	.0000	129,672.08	Federal	81,828.04	Health Ins 298 Class 3 Family	83,604.08
CLAL - Clothing Allowance	.0000	58,750.00	FICA	41,525.72	Health Ins 298 Class 3 Single	7,462.68
CMPB - Comp Buy Out	25.0000	760.04	Medicare	9,711.57	Health Ins 298 Class 4 Family	3,328.94
CMPE 1.0 - Comp Earned @ 1.0	377.7500	.00	New York State	33,265.32	Health Ins 298 Class 4 Single	845.71
CMPE 1.5 - Comp Earned @ 1.5	3.2500	.00	457 % Deduction	8,274.00	Total	\$121,566.17
CMPU - Comp Time Used	118.7500	4,100.66	457 Flat Dollar Deduction	11,773.03		
COVID - CORONA VIRUS HOUR	161.0000	5,489.32	AFLAC POSTTAX	161.33	Workers' Comp	
COVID VACCINE - 4 HOURS	4.0000	79.17	AFLAC PRETAX	351.70	Workers Comp Streets - Subsurf	106.15
EDAY - Extra Day	160.0000	5,358.74	ALLSTATE POSTTAX	790.94	Workers Compensation - General	23,777.60
FHDB - Floating Holiday Buy Out	40.0000	1,549.63	ALLSTATE PRETAX	689.48	Workers Compensation - Sewer	3,015.00
FHDE - Floating Holiday Earned	16.0000	.00	Child Support	375.00	Workers Compensation - Water	3,178.00
FHDU - Floating Holiday Used	300.0000	9,222.97	Child Support - Alabama	40.00	Total	\$30,076.75
FLSA - FLSA	.0000	214.68	COLONIAL LIFE POSTTAX	55.40		
FMLN - FMLA Leave without Pay	72.0000	.00	FSA PRETAX	305.23	Direct Deposits	
HOL - Holiday	710.5000	16,374.63	Health Ins 298 Class 2 Family	1,311.86	Alden State Bank	2,641.33
HOLS - Holiday - Salary	14.0000	.00	Health Ins 298 Class 2 Single	450.42	Amherst Federal Credit Union	100.00
HOLW - Holiday Worked	184.0000	9,983.31	Health Ins 298 Class 3 Family	1,058.24	Bank of Akron	5,599.58
HOT 2.25 - Holiday Overtime 2.25	8.0000	870.10	Health Ins 298 Class 3 Single	376.24	Bank of America	15,319.11
MILI - Military Time	24.0000	684.78	Health Ins 298 Class 4 Family	129.70	BANK OF AMERICA (2)	3,605.74
OOT - Out of Title	448.0000	16,281.91	Health Ins 298 Class 4 Single	76.88	BANK OF AMERICA (3)	3,660.89
OOT OT 1.5 - Out of Title OT at	36.0000	1,308.72	L&M LIFE	85.94	BANK OF AMERICA (4)	992.99
OT 1.0 - Overtime at Straight 1.0	35.5000	994.07	NEW YORK LIFE	325.46	Bank on Buffalo	3,787.30
OT 1.5 - Overtime @ 1.5	1,154.0000	46,227.43	OPEIU Initiation Fee	50.00	Chase Bank	3,699.99
PRSE - Personal Earned	24.0000	.00	Pearl Insurance through CSEA	191.81	Citizens Bank	6,764.40
PRSU - Personal Used	203.0000	5,403.45	RET ERS LOANS	1,581.00	Citizens Bank (2)	284.16
REG - Regular	10,473.2500	293,866.77	Retire ERS Tier 6 <= \$100,000	341.96	Cornerstone Comm FCU	149,316.04
REG PT - Regular Part Time	172.2500	3,743.06	Retire ERS Tier 6 <= \$45,000	1,598.83	Evans Bank	2,577.05
REGS - Regular Seasonal	172.0000	2,150.00	Retire ERS Tier 6 <= \$45,000 OT	154.51	Financial Trust FCU	4,023.83
RGS - Regular - Salary	196.0000	.00	Retire ERS Tier 6 <= \$55,000	322.96	Five Star Bank	995.41
RPTS - Regular Part Time Salaried	105.0000	.00	Retire ERS Tier 6 <= \$55,000 OT	43.72	HSBC	1,066.30
SAL - Salary	.0000	8,908.36	Retire ERS Tier 6 <= \$75,000	307.96	Key Bank	43,228.74
SAL PT - Salary Part Time	.0000	6,250.51	Retire PFRS <= \$55,000	1,294.80	KEY BANK (2)	1,467.63
SCKU - Sick Used	479.5000	14,050.98	Retire PFRS Tier 6 <= \$100,000	747.74	Key Bank (Formerly FNB)	18,820.14
STIP - Stipend	.0000	884.62	Retire PFRS Tier 6 <= \$75,000	2,605.95	Lockport School's FCU	1,265.70
VACB - Vacation Buy Out	40.0000	1,916.33	Retire PFRS Tier 6 <=	81.69	M&T Bank	63,244.53
VACU - Vacation Used	967.5000	28,300.47	Retire PFRS Tier 6 <= \$45,000	1,182.22	Navy FCU	10,273.32
Total	17,010.2500	\$677,485.71	Retire PFRS Tier 6 <= \$55,000	155.81	Niagara Regional FCU	1,799.07

## Paul Oates

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**From:** Kristin Schubring <kschubring@lockportny.gov>  
**Sent:** Wednesday, December 29, 2021 2:17 PM  
**To:** APOLICHETTE@LOCKPORTNY.GOV  
**Cc:** poates@lockportny.gov  
**Subject:** AP Fund Summary 12/22, 12/23, 12/27 spc runs, 1/1/22

Hi Abbey,

Invoices to be approved at the meeting on 1/1/22 are as follows:

Fund A General - \$90,915.25  
Fund CL Refuse & Recycling - \$279.23  
Fund CD Community Development - \$20,000.00  
Fund FX Water - \$20,589.58  
Fund G Sewer - \$14,588.46  
Fund H Capital Projects - \$95,537.19  
Fund MS Health Insurance - \$40.00  
**Total - \$241,949.71**

Please let me know if you have any questions.  
Kristin

*Kristin Bernardi Schubring*  
Principal Account Clerk – Accounts Payable  
City of Lockport  
716-439-6620