

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 22, 2023
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

032223.1

APPROVAL OF MINUTES

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

PUBLIC HEARING

The Mayor announced a public hearing on a proposed Local Law – Modification of Parking Ordinance, to permit overnight parking on the City Streets from April 15th to November 1st each year.

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

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

FROM THE CITY CLERK

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

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

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

Referred to the Common Council

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

Friday, April 7th

There will be no change in the garbage pickup schedule.

Referred to the Media

Notice of Complaint:

03/09/2023 705 Market Street – trees

03/08/2023 25 Adam Street – trees

03/13/2023 56 Livingston Place - Tree

Referred to the Director of Highways & Parks.

Notice of Claim:

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

032223.2 Special Use Permit – 115 Oakhurst Street

By Alderman _____:

Resolved, that a public hearing be held at the Common Council meeting Wednesday, April 12, 2023 starting at 6:30 P.M. in Council chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY, relative to a request for a Special Use Permit by Nussbaumer and Clarke Inc., for 115 Oakhurst Street, Lockport, NY 14094 to utilize the existing single-family dwelling while simultaneously operating as industrial use, 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 _____.

032223.3 Special Use Permit – 135 Charlotte Street

By Alderman _____:

Resolved, that a public hearing be held at the Common Council meeting Wednesday, April 12, 2023 starting at 6:30 P.M. in Council chambers, Lockport Municipal Building, One

Locks Plaza, Lockport, NY, relative to a request for a Special Use Permit by Eula Mae Collings for 135 Charlotte Street, Lockport, NY 14094 to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May 1st to October 31st, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

032223.4 Disc Golf Tournament – April 15

Alderman _____:

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

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

Seconded by Alderman _____ and adopted. Ayes _____.

032223.5 Videoconferencing Local Law Change

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

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

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

Whereas: The Lockport City Common Council conducted a public hearing on October 26, 2022, regarding implementing the Videoconferencing Policy.

Now, therefore, be it resolved that:

The Common Council hereby adopts the attached Videoconferencing Policy, relative to permitting the City Common Council from having videoconferencing and/or hybrid meetings, and amends that section of the Charter § C-52. Said Policy is incorporated herein and attached hereto.

**Lockport City Common Council
Videoconferencing Policy**

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

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

1. Common Council Aldermen, and the Mayor, must be physically present at any regular or special meeting, or committee meeting, unless an Alderman or the Mayor is unable to attend due to extraordinary circumstances, including, but not limited to: disability, illness,

caregiving responsibilities, or any other significant or unexpected factor or event which precludes the Alderman's or Mayor's physical attendance at such meeting.

2. A quorum of Aldermen must be present, in person, in the same physical location or locations where the public can attend. In the event that no "in person" quorum is reached, the Aldermen appearing by videoconferencing shall not be permitted to vote at said meeting. No Alderman appearing virtually shall be considered in establishing a quorum. Once an "in person" quorum is reached, the Alderman attending by videoconference may fully participate in said meeting, and vote upon any resolutions presented.

3. Except during executive session, the Public shall be permitted to attend the meeting virtually and participate, if applicable, in the event videoconferencing is utilized.

4. The public notice for said meeting shall inform the public that videoconferencing will be utilized with the virtual link and physical location of the meeting.

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

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

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

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

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

Alderman Beakman	VOTING	_____
Alderman Devine	VOTING	_____
Alderman Fogle	VOTING	_____
Alderman Swanson-Gellerson	VOTING	_____
Alderman Kantor	VOTING	_____
Alderman Lupo	VOTING	_____

The ordinance was thereupon declared duly adopted.

Seconded by Alderman _____ and adopted.

032223.6 **FILMING – Discovery Channel Expedition (Being Prepared)**

032223.7 Easter Egg Hunt – April 8, 2023

By Alderman _____:

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

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

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

Seconded by Alderman _____. Ayes _____.

032223.8 City Resolution – Gas Stove Ban

By Alderman Beakman:

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Lockport Common Council acknowledges the need to reduce greenhouse gas emissions, but sees that the proposed ban is as a potentially unnecessary overreach that will negatively impact the middle-class families and restaurateurs who depend on gas stoves and water heaters for cooking and heating in the City;

- (2) The Council strongly expresses their concerns and urges Governor Hochul’s office to reconsider the ban on gas stoves and water heaters; and
- (3) The Council requests that the City Clerk sends a copy of this Resolution to Governor Hochul.

Seconded by Alderman _____ and adopted. Ayes _____.

032223.9 Amendment to Lockport Food Fest – LMS (Being Prepared)

032223.10 60 Market Street – Korff Electric (**Being Prepared**)

032223.11 Friends of Outwater

By Alderman _____:

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

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

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

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

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

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

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

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

Revenue

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

Expenditures

Increase		
A.7110.51100	Overtime	\$3,750
A.7110.58010	FICA	\$286

A.7110.58050	Retirement	\$412
A.7110.54110	Landscape Materials	\$1,600
A.7110.54077	Construction and Maintenance Supplies	\$7,600
H206.7110.59000.A	Interfund Transfer to General	\$10,548
Decrease		
H206.7110.52490	Capital Improvement Expense	\$10,548

032223.12 Request for Third Party Investigation (Being Prepared)

032223.13

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

SARAH K. LANZO
City Clerk