

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 22, 2023  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**032223.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Swanson-Gellerson, the minutes of the Regular Meeting of March 8, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

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

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

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

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

## FROM THE CITY CLERK

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

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

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

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

Friday, April 7th

There will be no change in the garbage pickup schedule.

Referred to the Media

### **Notice of Complaint:**

03/09/2023 705 Market Street – trees

03/08/2023 25 Adam Street – trees

03/13/2023 56 Livingston Place - tree

Referred to the Director of Highways & Parks.

## **MOTIONS & RESOLUTIONS**

### **032223.2 WITHDRAWN**

### **032223.3**

By Alderman Beakman:

Resolved, that a public hearing be held at the Common Council meeting Wednesday, April 12, 2023 starting at 6:30 P.M. in Council chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY, relative to a request for a Special Use Permit by Eula Mae Collings for 135 Charlotte Street, Lockport, NY 14094 to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May 1<sup>st</sup> to October 31<sup>st</sup>, and be it further

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

Seconded by Alderman Lupo and adopted. Ayes 5.

### **032223.4**

By Alderman Kantor:

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

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

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

#### **032223.5 WITHDRAWN**

#### **032223.6**

By Alderman Beakman:

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 5.

#### **032223.7**

By Alderman Kantor:

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

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

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

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

#### **032223.8**

By Alderman Beakman:

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

Whereas, Governor Hochul's proposal to ban gas and oil-powered furnaces in newly constructed buildings and homes has sparked concerns among City of Lockport homeowners and businesses that they would have to replace their existing heating

equipment with electrified options such as geothermal pumps, which may be expensive to install and maintain; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

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

**032223.9**

By Alderman Lupo:

Whereas, resolution #022223.10, adopted by the Common Council at their February 22, 2023 meeting, gave permission to Lockport Main Street, Inc. (hereafter, 'LMS') to hold a series of events throughout the year; and

Whereas, permission was granted to LMS to conduct the sale of alcoholic beverages at Lockport Food Fest on Sunday, August 13, 2023 from 11 am to 4 pm; and

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

Whereas, LMS has already provided the City Clerk's office with a Certificate of Insurance, naming the City of Lockport as additional insured, for its 2023 events; and

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

Resolved, that Lockport Main Street, Inc. is hereby granted permission to conduct the sale alcoholic beverages from an enclosed and enforced beer tent at its 2023 Lockport Food Fest.

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

**032223.10**

By Alderman Lupo:

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

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

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

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

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

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

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

Seconded by Alderman Kantor and adopted. Ayes 5.

**032223.11**

By Alderman Beakman:

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

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

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

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

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

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

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

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

**Revenue**

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

**Expenditures**

Increase		
A.7110.51100	Overtime	\$3,750
A.7110.58010	FICA	\$286
A.7110.58050	Retirement	\$412
A.7110.54110	Landscape Materials	\$1,600
A.7110.54077	Construction and Maintenance Supplies	\$7,600
H206.7110.59000.A	Interfund Transfer to General	\$10,548
Decrease		
H206.7110.52490	Capital Improvement Expense	\$10,548

Seconded by Alderman Lupo and adopted. Ayes 5.

**032223.12**

By Alderman Fogle:

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

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

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

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

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

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

**032223.13**

### **ADJOURNMENT**

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

Seconded by Alderman Lupo and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk