

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 26, 2023
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

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

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

042623.1

APPROVAL OF MINUTES

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

PUBLIC HEARING

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

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

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

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

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

FROM THE CITY CLERK

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

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

4/1/2023 Wallace J. Linderman III, Lock City Moose Lodge #617, requesting permission to pave in front of chain link in front of property

Notice of Complaint:

04/9/2023 27 Vine Street – Tree

04/10/2023 587 Pine Street – Tree

04/10/2023 131 Church St; 281 Pine St; 69 Chapel St; 156 Vine St; 7 Priscilla Lane; 51 Genesee St - Trees

04/11/2023 258 Niagara Street – Storm Drain

04/14/2023 179 Park Ave – tree

04/18/2023 60 Adam Street

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

Notice of Claim:

04/6/2023 Joseph N. Shaw, 5599 Bear Ridge Road, Lockport, NY

04/10/2023 Lydia McCarthy, 60 Chapel St, Lockport, NY

Referred to the Corporation Counsel.

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

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

4/20/2023 - Blake Lemoi; Kathryn Fogle; Gina Pasceri; Joseph Kibler –vs- City of Lockport; Michelle Roman, Mayor; Paul M. Beakman Jr, Council President; Luke D. Kantor, Council

Member; Mark S. Divine, Council Member; Margaret Lupo Council Member; Lisa Swanson-Gellerson Council Member; Lockport Professional Firefighters IAFF Local 963

Referred to Corporation Counsel.

MOTIONS & RESOLUTIONS

042623.2

By Alderman Devine:

Resolved, that the request for a special use permit made by Eula Mae Collins to utilize the existing pole sign, erect two wall signs and utilize a 16' x 16' tent on the property from May to October, located at 135 Charlotte Street, be and the same is hereby approved, subject to the following provisions:

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

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

Seconded by Alderman Lupo and adopted. Ayes 5.

042623.3

By Alderman Kantor:

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

Resolved, that Thunderwolves Baseball, LLC file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

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

042623.4

By Alderman Devine:

Resolved, that pursuant to their request, 15U AnJo Bombers are hereby granted permission to use the baseball diamond at Outwater Park for games the weekends of May 14th & 15th and May 20th & 21st, subject to the approval of the schedule by the Highways & Parks Department, and be it further

Resolved, that said permission is subject to 15U AnJo Bombers filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 5.

042623.5

By Alderman Swanson-Gellerson:

Resolved, the City Clerk is hereby authorized and directed to forward a communication to the Lockport City School District requesting permission to conduct the fireworks display at Aaron Mossell Junior High School, and be it further;

Resolved, that the fireworks display shall be conducted on Tuesday, July 4, 2023, with the rain date being Wednesday, July 5, 2023.

Seconded by Alderman Lupo and adopted. Ayes 5.

042623.6

By Alderman Kantor:

Resolved, that pursuant to their request, permission is hereby granted to the Lockport Navy Marine Club, 37 Park Avenue, Lockport, to barricade Park Avenue at the eastern end of Ida Fritz Park and at the corner of Park Avenue and Hawley Street on Saturday, August 5, 2023, for their annual picnic, and be it further

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

Seconded by Alderman Beakman and adopted. Ayes 5.

042623.7

By Alderman Lupo:

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

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

042623.8 Purchase of Electric Vehicle Charge Station Equipment –

By Alderman Beakman:

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

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

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

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

NOW, THEREFORE, BE IT:

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

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

042623.9

By Alderman Beakman:

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

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

Seconded by Alderman Kantor and adopted. Ayes 5.

042623.10

By Alderman Lupo:

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

Seconded by Alderman Lupo and adopted. Ayes 5.

042623.11

By Alderman Beakman:

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

Whereas, the City of Lockport was notified in late 2022 that it will not have ambulance operation effective February 1, 2023, as the City's need has far exceeded the local volunteer fire companies' ability to provide ambulance service to the City, which is a detriment to the citizens and visitors of the City of Lockport; and

Whereas, the City of Lockport Common Council hired Freed Maxick to perform an Audit on Ambulance Service which concluded that a City-run ambulance service could operate at a long-term, no net loss, to the City; and

Whereas, the Mayor appointed an ad hoc committee entitled "the City of Lockport Ambulance Advisory Board", that studied the need and implementation for City run Fire Department operated ambulances, and said Board recommended that the City begin operating a Fire Department operated ambulance service within the City; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Lockport Fire Department shall make two of the ambulances in the LFD's possession fully operational (with a third in reserve for when the other two are in repair, or not operational), including any necessary funding for the required equipment for same, required licensing and insurance;
- (2) The City shall immediately apply for a Certificate of Need for Ambulance Services; and
- (3) The City shall commence appropriate negotiations for reimbursements and billing for ambulance services and care with appropriate insurance providers; and
- (4) The FY 2023 General Fund Balance is amended as follows:

Revenue

Increase

A.3410.31640	Ambulance Charges	\$750,107
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Expenditures

Decrease

A.1900.54775	Contingency	\$11,958
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Increase

A.3410.51010	Full Time Wages	\$46,603
A.3410.51100	Overtime	\$114,093
A.3410.58010	FICA	\$12,293
A.3410.58050	Retirement	\$39,354
A.3410.58040	Medical Insurance	\$20,954
A.3410.58020	Workers Compensation	\$3,586
A.3410.54055	Professional Services	\$178,219
A.1900.54076	Gasoline, Oil, and Fuel	\$80,000
A.1640.54300	Vehicle Maintenance	\$17,500
A.1900.54070	Insurance	\$2,620
A.3410.54115	Computer Software	\$8,100
A.3410.54515	Special Supplies	\$99,000
A.3410.54085	Clothing and Uniform	\$16,380
A.3410.54050	Equipment Maintenance	\$20,306
A.3410.52030	Motor Vehicle Equipment	\$103,057

(5) That the Mayor is authorized to enter into a purchasing agreement with Stryker for two powered lifts and a year of annual maintenance under FSS (Federal Supply Schedule), Contract Number: 36F79721D0021, for a total of: \$121,362.12.

Seconded by Alderman Lupo and adopted. Ayes 5.

042323.12

By Alderman Lupo:

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

042623.13

ADJOURNMENT

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

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO
City Clerk