

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

Lockport Municipal Building

Regular Meeting  
Official Record

December 13, 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- Moment of Silence**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**121323.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Fogle, the minutes of the Regular Meeting of November 15th, 2023 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

11/17/2023 Flora Hawkins, 199 West Avenue, Lockport, NY has been re-appointed to the Police Board. Said term expires December 31, 2027.

11/17/2023 Laurie George, 38 Hi Point Drive, Lockport, NY has been appointed to the Youth Board. Said term expires December 31, 2026.

11/17/2023 Roxanne Devine, 114 Maple Street, Lockport, NY has resigned from the Zoning Board of Appeals effective 11/30/2023. Said term expires November 15<sup>th</sup>, 2025.

11/27/2023 Victoria Pearson, 496 Davison Road, Lockport, NY, has been appointed to the Human Relations Committee. Said term expires July 15, 2024.

11/27/2023 Henry John Leible, 4321 Purdy Road, Lockport, NY has been appointed to Public Works Supervisor for the City of Lockport Public Works Department effective 11/24/2023. Said appointment is provisional and subject to the City of Lockport Municipal Civil Services Rules and Regulations.

11/28/2023 Daniel A. Mullane, 93 Lindhurst Drive, Lockport, NY, has been appointed to the City of Lockport Planning Board. Said term expires October 14, 2026.

11/28/2023 Ashley Pietrzykowski, 323 East Avenue, Lockport, NY, has been appointed to the City of Lockport Planning Board. Said term expires October 14, 2026.

11/28/2023 Anita Mullane, 93 Lindhurst Drive, Lockport, NY, has resigned from the Police Board effective November 27, 2023. Said term was set to expire December, 31 2026.

11/28/2023 Christina Quagliano has been appointed to the City of Lockport Police Board to fill the unexpired term of Anita Mullane effective November 28, 2023. Said term expires December 31, 2026.

11/28/2023 Kevin J. McDonough, 70 Lakeview Parkway, Lockport, NY, has been appointed to the City of Lockport Zoning Board of Appeals to fill the unexpired term of Roxanne Devine effective November 30, 2023. Said term expires on November 15, 2025.

11/28/2023 Andrew Rosenberg, 268 Genesee Street, Lockport, NY has been reappointed to the Zoning Board of Appeals effective November 16, 2023. Said term expires November 15, 2026.

11/29/2023 Sheila M. Tracy, 19 Grosvenor Street, Lockport, NY has been re-appointed to the Zoning Board of Appeals effective November 16, 2023. Said term expires November 15, 2026.

11/29/2023 Debra Allport's term on the Planning Board has been corrected to expire on October 14, 2024.

12/6/2023 Robert E. Bates, 147 Outwater Drive, Lockport, NY has been reappointed as Fire Commissioner on the Fire Board effective January 1, 2024. Said term expires December 31, 2027.

12/11/2023 Mayor Michelle M. Roman- letter of notification for the appointments to the Commissioner of Deeds: For the term of two years expiring on December 31, 2025.

1. Paul M. Beakman, Jr., 104 Caledonia Street, Lockport, NY 14094
2. Benjamin Briskey, 120 Grant Street, Lockport, NY 14094
3. Marco Notaro, 5251 Bridgeman Road, Sanborn, NY 14132
4. Daryl Bodewes, 2462 Woodthrush Court, Niagara Falls, NY 14304
5. Colin Ligamarri, 4210 Washington Street, Niagara Falls, NY 14305
6. John Jacoby 4621 Lower River Road, Lewiston, NY 14092
7. Paul Drabinski, 1495 Abington Place, North Tonawanda, NY 14120
8. Maggie Lupo, 17 Boblink Lane, Lockport, NY 14094
9. Doug Mooradian, 6964 Lakeside Drive, Niagara Falls, NY 14304
10. Anita Mullane, 93 Lindhurst Drive, Lockport, NY 14094
11. Douglas C. Nicholson, 22 Roosevelt Drive, Lockport, NY 14094
12. Jeanann Page, 532 Irving Drive, Lewiston, NY 14092
13. David Keegan, 3772 McKoon Avenue, Niagara Falls, NY 14305
14. Michelle M. Roman, 30 Cherry Street, Lockport, NY 14094
15. William C. Rutland, 5798 Locust Street, Lockport, NY 14094
16. Carla L. Speranza, 6438 Lincoln Avenue, Lockport, NY 14094

17. Sarah Waechter, 4791 Oakridge Lane, Lewiston, NY 14092
18. Tom Reynolds, 739 E. Robinson Street, North Tonawanda, NY 14120
19. Steve Allore, 154 Locust Street, Apt 2, Lockport, NY 14094
20. Adam Dickey, 324 Ward Road, North Tonawanda, NY 14120

### **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.

12/1/2024 Sarah K. Lanzo, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday and Tuesday, December 25<sup>th</sup> and 26<sup>th</sup> for the Winter Holidays.

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

11/17/2023 Roxanne Devine, 114 Maple Street, Lockport submitted her resignation from the Zoning Board of Appeals, effective November 30<sup>th</sup> 2023.

11/22/2023 Lockport Cares, 188 and 192 Genesee Street, Lockport, letter requesting permission to hold annual “Coldest Night of the Year” event on February 24, 2024.

**Notice of Complaint:**

11/16/2023 Brian Frazer from 97 Continental Drive, Lockport – Driveway damage

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

**Notice of Claim:**

11/13/2023 Daniel Warmus vs. City of Lockport, Lockport Police Department, Lockport Lieutenant Steven Tarnowski, Lockport Police Officer John Does, City of Lockport employee Carol Edwards, City of Lockport employee Sarah Lanzo, City of Lockport employee Jennifer Wochna and City of Lockport employee Emily Stoddard.

11/30/2023 Brianna R. Brundidge vs. City of Lockport

11/30/2023 Casey I. Dahlstrom vs. City of Lockport

Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

**121323.2 WITHDRAWN**

**121323.3**

By Alderman Lupo:

**Whereas**, the City of Lockport has appropriated \$75,000 in A.1900.54055 in the FY 2024 appropriation for a public works audit; and

**Whereas**, the City has published a request for proposals and has obtained three bids, from Matrix Consulting Group, Baker Tilly, and Raftelis; and

**Whereas**, a committee has reviewed said bids and has recommended to proceed with the most diligent and responsible bidder: Matrix Consulting Group for an estimated total of \$75,000 (including additional on-site days); and

**Now, therefore be it resolved**, that the City of Lockport Common Council hereby approves of the Mayor to enter into a contract, with Matrix Consulting Group, contingent on corporation counsel approval.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6.

#### **121323.4**

By Alderman Beakman:

**Whereas**, the Fire Chief of the City of Lockport is a position that is not represented by a collective bargaining unit; and

**Whereas**, the City of Lockport and the Fire Chief desire to enter into an amended written Employment Agreement thereby describing the salary, benefits and terms of employment for the Fire Chief; now, therefore, be it

**Resolved**, that the City of Lockport hereby authorizes the Mayor to execute the attached Employment Agreement with Fire Chief Luca Quagliano.

Seconded by Alderman Lupo and adopted. Ayes 6.

#### **121323.5**

By Alderman Devine:

**Whereas**, the Police Chief of the City of Lockport is a position that is not represented by a collective bargaining unit; and

**Whereas**, the City of Lockport and the Police Chief desire to enter into an amended written Employment Agreement thereby describing the salary, benefits and terms of employment for the Police Chief; now, therefore, be it

**Resolved**, that the City of Lockport hereby authorizes the Mayor to execute the attached Employment Agreement with Police Chief Steven Abbott.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6.

#### **121323.6**

By Alderman Swanson Gellerson:

**Whereas**, the City of Lockport's Water Filtration Chief Operator has requested plant improvements to the turbidity system and heating system; and

**Whereas**, the department has compiled a quote for turbidity improvements from Hach for a total of \$59,714.87 under NY State Contract #PC67243; and

**Whereas**, the department has compiled a quote for heating system improvements from Grainger for a total of \$8,791.16 under NY State Contract #PC69879; and

**Resolved**, that the City of Lockport Common Council hereby approves of the City to enter into agreement with Hach and Grainger, utilizing funds in the H204 capital project (FX Infrastructure Improvements) and that the FY 2023 Water Fund Budget is amended as follows:

Expenditures

Decrease

FX.1900.54775	Contingency	\$21,822
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Increase

FX.9901.59000.H	Interfund to Capital	\$21,822
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Seconded by Alderman Devine and adopted. Ayes 6.

**121323.7**

By Alderman Kantor:

**Whereas**, the City of Lockport has appropriated \$113,423 in A.5110.52030 in the FY 2024 appropriation for a trimmer attachment; and

**Whereas**, the Director of Streets, Parks, and Distribution has collected a bid from Stephenson Equipment, Inc. for a total of \$113,423 under NYS OGS bid PC69840 with a lead time of 35 to 37 weeks; and

**Now, therefore, be it resolved**, that the City of Lockport Common Council hereby approves the City to enter into a purchasing agreement with Stephenson Equipment, Inc.

Seconded by Alderman Lupo and adopted. Ayes 6.

**121323.8**

By Alderman Beakman:

**Whereas**, the New York State Community Development Block Grant Program provides funding to communities under the Economic Development Program to undertake activities that focus on economic development needs such as creating or expanding job opportunities, and

**Whereas**, Big Ditch Brewing Company LLC (hereinafter the "Company") is proposing to construct leasehold improvements and acquire furnishings, fixtures and equipment in connection with the establishment of a restaurant/taproom, event space, and small-batch brewery in the former Post Office Building at 1 East Avenue in the City (the "Project"); and

**Whereas**, the Project will have an estimated cost of \$1,875,000 and will create an estimated 52 new full-time equivalent employment opportunities within the City of Lockport; and

**Whereas**, the City of Lockport (the "City") has submitted an application to the New York State Office of Community Renewal ("OCR") for \$750,000 in grant funding to assist the Project; and

**Whereas**, the City desires to partner with The Greater Lockport Development Corporation ("GLDC") which would act as a subgrantee for the grant funding, which would be

used by GLDC to make a term loan and deferred loan to the Company to fund a portion of the Project costs.

**Now, therefore, be it resolved**, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

**Resolved**, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with GLDC relating to the use and administration of the grant funds, subject to review and approval by the City Attorney.

Seconded by Alderman Swanson Gellerson and adopted. Ayes 6.

#### **121323.9**

By Alderman Beakman:

**Resolved**, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Section C-45 of the City Charter regarding Residency Law, and be it further

**Resolved**, that a public hearing be held at the Common Council meeting of Wednesday, December 20, 2023 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said Local Law, and be it further

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

Seconded by Alderman Kantor and adopted. Ayes 6.

#### **121323.10 – WITHDRAWN**

#### **121323.11**

By Alderman Lupo:

**Whereas**, the Locks Historic District Commission (LHDC) successfully applied for a grant from the State Office of Parks, Recreation and Historic Recreation to fund the design and construction of wayfinding signs throughout the city; and

**Whereas**, the wayfinding signs have now been installed at numerous locations along the city rights of way to assist visitors to locate various landmarks and attractions and the LHDC wishes to convey by gift all the signs so constructed and installed; now be it

**Resolved**, that the Common Council, on behalf of the City of Lockport, accepts the wayfinding signs and assumes all future responsibility to maintain the signs in the future.

Seconded by Alderman Swanson-Gellerson and adopted. Ayes 6.

#### **121323.12**

By Alderman Swanson-Gellerson:

**Whereas**, the pursuant to the City of Lockport Charter, Section C-32, the Mayor shall annually appoint 20 Commissioners of Deeds who shall hold their offices for two years; and

**Whereas**, the New York State Executive Law § 139, enacted after the City of Lockport Charter, has a requirement that is inconsistent with the City Charter, that the Commissioner of Deeds are approved by the Common Council; and

**Whereas**, the New York State Attorney General an opinion regarding the conflicting language between Executive Law § 139 and a City Charter in 1966 NY Ops Atty Gen April 18 stating that “An irreconcilable conflict between the above statutes relating to the appointment and terms of office of commissioners of deeds must be resolved in favor of the special city charter; however, all other non-conflicting provisions of § 139 remain in full force and effect”; and

**Whereas**, the Mayor continues to have the unilateral ability to appoint the Commissioner of Deeds pursuant to the City Charter; and

**Whereas**, the Mayor has appointed twenty (20) Commissioner of Deeds attached hereto, pursuant to the Charter, for 2024-2025; and

**Now therefore be it resolved**, that the Common Council agrees that the Mayor has said powers of appointment pursuant to the Charter and it ratifies said appointments insofar as they have any ability to approve of the same.

Seconded by Alderman Beakman and adopted. Ayes 6.

By Alderman Fogle:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Devine. Ayes 6.

### **121323.12A**

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

**Whereas**, there was a residential structure fire at 96 Locust Street, Lockport, NY that occurred on October 19, 2023; and

**Whereas**, pursuant to Chapter 72-6 of the Lockport City Charter, Determination of unsafe buildings; Notice to repair or demolish, the City of Lockport shall consider the report of the Building Inspector and, if in their opinion the report so warrants, shall determine that the building is unsafe and order its demolition or repair, if the same can be safely repaired, and further order that a notice shall be given to the owner; and

**Whereas**, the fire damage to the structure was deemed a total loss of the property by the Lockport Fire Department, and the Building Inspector has rendered an opinion in his report dated October 23, 2023, that the building is unsafe and should be demolished; and

**Whereas**, that the City directs that the Building Inspector provide personal notice to the owner of the property located at 96 Locust Street regarding the demolition, pursuant to the Notice requirements of Chapters 72-6(b) and 72-7, including but not limited to notice of the demolition, right to a hearing and date of time of same, and a statement that if the owner refuses to follow the order to demolish the building, the City of Lockport is authorized to provide for its demolition, to assess all expenses thereof against the land on which it is located, and to institute a special proceeding to collect the costs of demolition, including legal expenses; and

**Whereas**, that in the event of neglect or refusal of the persons so notified to comply with said order of the City of Lockport, the City of Lockport shall provide for the demolition and

removal of such building either by City employees or by contract. Except in an emergency, any contract in excess of \$20,000 shall be awarded by competitive bidding pursuant to section 72-9 of the City Charter.

**Whereas**, the City issued a Notice to Bid for interested contractors for the Demolish 96 Locust Street project and subsequently received and publicly opened and read bids at the Municipal Building on October 27, 2023 at 2:00 pm as follows;

<b>CONTRACTOR NANE</b>	<b>Bid Item No. 1</b>	<b>Bid Item No. 2</b>	<b>Total Bid</b>
Durable Demolition, LLC	\$1,000.00	\$33,935.00	\$34,935.00

and

**Whereas**, the Chief Building Inspector has determined that Durable Demolition, LLC has submitted the lowest complete and responsible bid and recommends that the City award the contract to Durable Demolition, LLC, for a total amount of \$34,935.00; now, therefore, be it

**Resolved**, that the Mayor is authorized to execute an Agreement with Durable Demolition, LLC, PO Box 71, Lockport, New York 14094, in the amount of \$34,935.00, contingent upon legal review and availability of funding for the City project.

Seconded by Alderman Beakman and adopted. Ayes 6.

**121323.13**

### **ADJOURNMENT**

At 6:49 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, December 20th, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk