

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

MAYOR'S UPDATE

RECESS

Recess for public input.

121323.1

APPROVAL OF MINUTES

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

PUBLIC HEARING

The Mayor announced a public hearing on the Comprehensive Plan and Zoning Code update.

The Mayor asked the City Clerk if any petitions or communications relative to the Comprehensive Plan and Zoning Code update.

12/5/2023 Jeff Tracy, from the Lockport Planning Board, stating the Board recommends the adoption of the Comprehensive Plan with noted amendments.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

11/17/2023 Flora Hawkins, 199 West Avenue, Lockport, NY has been 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 15th, 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 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. Said term expires 12/31/2025.

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 25th and 26th 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 30th 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

By Alderman:_____

Whereas, Resolution 040721.8 (FY 2021 Budget Supplement #1) established a Park Revitalization Program (H206) in the Capital Budget with \$275,000 in funding; and

Whereas, the City wishes to purchase ten metal trash bins for the parks; now, therefore, be it

Resolved, that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with Integrity Machining and Fabrication for \$12,073.50 and utilize funds in the H206 capital project.

Seconded by Alderman _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

121323.6

By Alderman:_____

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 _____ and adopted. Ayes _____.

121323.7

By Alderman:_____

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 _____ and adopted. Ayes _____.

121323.8

By Alderman:_____

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

121323.10

By Alderman Swanson-Gellerson - Being Prepared

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 _____ and adopted. Ayes _____.

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 _____ and adopted. Ayes _____.

121323.13

ADJOURNMENT

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

Seconded by Alderman _____ and adopted. Ayes _____.

SARAH K. LANZO
City Clerk