

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

Lockport Municipal Building

Regular Meeting  
Official Record

December 20th, 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, Swanson-Gellerson, Kantor, and Lupo.  
Absent – Alderman Fogle

**INVOCATION – Moment of Silence**

**RECESS**

Recess for public input.

**122023.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman Kantor, the minutes of the Regular Meeting of December 13th, 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 to amend section C-45 of the City Charter – Residency Law.

The Mayor asked the City Clerk if any petitions or communications relative to section C-45 of the City Charter – Residency Law have been received.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

## 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)

12/8/2023 Sarah K. Lanzo, City Clerk – notification of bids received on December 8<sup>th</sup>, 2023 in response to RFP for Air Compressor.

George and Swede Sales & Service \$20,900

12/8/2023 Sarah K. Lanzo, City Clerk – notification of bids received on December 8<sup>th</sup>, 2023 in response to RFP for Plow.

Joe Basil Chevrolet, Inc \$67,065

### **Notice of Complaint:**

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

### **Notice of Claim:**

Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **122023.2**

By Alderman Kanto:

**Whereas**, the City of Lockport has appropriated \$26,000 in A.5110.52035 in the FY 2023 budget for an air generator; and

**Whereas**, on November 29<sup>th</sup>, 2023, the City published an RFP and collected one quote, from George and Swede Sales and Services for a net total of \$20,900; and

**Now, therefore, be it resolved**, that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with George and Swede Sales and Services for said equipment.

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

### **122023.3**

By Alderman Swanson-Gellerson:

**Whereas**, the City of Lockport has appropriated \$68,000 in A.5110.52030 in the FY 2024 budget for a street plow; and

**Whereas**, on November 29<sup>th</sup>, 2023, the City published an RFP and collected one quote, from Joe Basil Chevrolet, Inc. for a total of \$67,065; and

**Now, therefore, be it resolved**, that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with Joe Basil Chevrolet, Inc. for said equipment.

Seconded by Alderman Kantor and adopted. Ayes 5.

**122023.4**

By Alderman Beakman:

**Whereas**, the City of Lockport Fire Department has excess funding in professional services in their FY 2023 budget; and

WHEREAS, the department can improve operations and operating costs by investing in an oxygen generator; and

**Whereas**, said project is sole source with Dival Fire and EMS Supply for a total cost of \$72,037.70; and

**Now, therefore, be it resolved**, that the City of Lockport Common Council hereby approves of the Mayor to enter into a purchasing agreement with Dival Fire and EMS Supply for said equipment and that the FY 2023 General Fund Budget is amended as follows:

Expenditures

Decrease

A.3410.54055	Professional Services	\$72,038
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Increase

A.3410.52015	Technical Equipment	\$72,038
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Seconded by Alderman Devine and adopted. Ayes 5.

By Alderman Lupo:

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

Seconded by Alderman Kantor. Ayes 5.

**122023.5**

By Alderman Lupo:

**Resolved** that the City of Lockport establishes the following ambulance rates retroactive to February 14, 2023:

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Ambulance Charges:

BLS Non-Emergency	\$800
BLS Emergency	\$1,025
ALS Non-Emergency	\$1,200
ALS Emergency	\$1,450
ALS Multi	\$1,600

ALS Interface	\$900
Specialty Care	\$1,400
Mileage	\$37.50 per mile
Treat and Release	\$150
ALS Treat and Release	\$475
MVA Treat and Release	\$350
Bariatric Surcharge	\$150
Mutual Aid Fee	\$75

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

### 122023.6

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 for the 2023-2024 term and four (4) appointees did not complete their registration process; and

**Now therefore be it resolved** that the Mayor removes the following appointed Commissioner of Deeds:

Paul Drabinski  
Jeanann Page  
David Keegan  
Adam Dickey

**And be it further resolved** that the Mayor appoints the following Commissioner of Deeds effective immediately for a term that expires on December 31, 2024:

- Paul Patterson, 5513 Hallmark Lane, Lockport, NY 14094
- James Perry, 235 69<sup>th</sup> Street, Niagara Falls, NY 14304
- Amy S. Bonnett, 97 Webb Street, Lockport, NY 14094

**And be it further 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 Devine and adopted. Ayes 5.

**122023.7**

By Alderman Kantor:

**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 Lupo and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Lupo. Ayes 5.

**122023.8**

By Alderman Beakman:

Resolved, that the following local law be and the same is hereby adopted:

**City of Lockport  
Local Law No. 4 of the year 2023**

A Local Law to amend Section C-45 under Article II – City Officers, General Provisions, City Elections of Chapter C of the Charter Section C-45 relative to the residency requirement shall be amended in the following manner:

**§ C-45 Residency Law.**

1. The City of Lockport recognizes that emergency situations arise which require employees of the City of Lockport to be near their place of employment and to assume the continuation of public services to protect the health, safety, and general welfare of the people. The City of Lockport believes that those who are residents of the City of Lockport take a greater interest in promoting the public safety and health in the future of this community, than do nonresidents who reside in areas unaffected by City of Lockport services. The City of Lockport further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees within the community will help to assure continuation of essential public services. However, the City also recognizes the decline in population in the City, and the need to find the best possible candidate for each position within the City of Lockport. The best candidate may not always be a Resident of the City of Lockport. Therefore, through adoption of this local law, the City of Lockport amends the current local local for residency to

require employees to live within five and one half (5.5) miles from One Locks Plaza, Lockport. The legislative body makes a legislative determination that when reviewing candidates for employment opportunities, qualified candidates that reside within 5.5 miles from One Locks Plaza will be given preference over those that are qualified, but do not live in the City and/or within that radius. Further, if there are no qualified City residents who apply for a given position, or residents within 5.5 miles of One Locks Plaza, then qualified residents of the County of Niagara shall be given preference over those candidates that do not live in the County. The City of Lockport determines that the public need for the best qualified candidate is sufficient to require that candidates of the City be given preference, if qualified, over nonresidents, but after the effective date of this local law, it is no longer a mandatory requirement to be a resident of the City of Lockport to be employed by the City, the employee only needs to maintain his or her permanent residence within 5.5 miles of One Locks Plaza. However, this local law does NOT affect any residency requirements of enumerated positions within this City Charter, Code, or employment agreements that specifically require residency, to wit: all elected positions, or the following officer positions: City Clerk, Corporation Counsel, Chief Building Inspector, Chief Water Treatment Plant Operator, Chief Waste Water Treatment Plant Operator, Chief of Police, Chief of Fire.

**2. Definition.** Residency shall mean, for the purpose of this local law, the actual principal domicile of an individual, where he or she (1) normally sleeps (2) maintains usual personal and household effects (3) lists as an address on tax filings; and lists as his or her address for a motor vehicle registration, if any.

**3. Residency for new municipal employees that have a residency requirement as described hereinabove.** Except as otherwise provided by law, the City of Lockport hereby maintains a residency requirement for all prospective employees that have been specifically enumerated in this Charter, Code, or in Employment contracts as stated hereinabove. Any other City employee shall be interviewed and/or hired as described hereinabove, with preference given to City residents who are qualified for the position, then residents within 5.5 miles of One Lock Plaza, then County residents who are qualified for the position, then the most qualified candidate if no City or County residents apply. Every person initially employed by the City of Lockport that is an enumerated position for residency, on or after the effective date of this local law shall, as a qualification of employment, become a resident within 5.5 miles of One Locks Plaza, Lockport, within twelve (12) months of the date of initial service for the City of Lockport. During the time of service of such an employee whose enumerated position requires residency, said individual shall not cease to be a resident of the City of Lockport.

**4. Exceptions.** The requirement of residency within the corporate limits of the City does not apply to temporary employees, temporary advisors and consultants, persons having an independent contractor status and current employees of the City of Lockport, who reside outside the corporate limits of the City. Also exempt from residency requirements are members of the Fire Department and Police Department, so long as the Police Department has 200 or more full-time members as set forth in further detail in Section 30(4) of the Police Officers Law. Finally, the City Engineer position is no longer required to have a residency requirement due to the difficulty the City historically has had filling that position. However, said position of City Engineer does have the requirement of the 5.5 mile residency radius.

**5. Residency upon promotion.** All employees promoted by the City of Lockport on or after the effective date of this local law, whose position specifically requires residency per the Charter,

Code, or employment contract, shall be, or, within twelve (12) months of such promotion shall become, a resident within 5.5 miles of One Locks, Plaza, Lockport.

**6. Notice and posting.** A copy of this local law shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this local law to any employee appointed or promoted after its effective date. A copy of this law shall be posted in all locations normally used for employee communications.

**7. Investigation of residency.** Should it be alleged that an employee, whose position requires residency, is not in compliance with Section three or four of this local law as the case may be, the City of Lockport may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if, in the judgment of the City of Lockport, the response is not sufficient to satisfy the requirements of this local law, the City of Lockport shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee whose position requires residency, establish residency to the satisfaction of the City of Lockport prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

To conduct the hearing, the City of Lockport may in writing designate an individual who for the purpose of the hearing shall be vested with all powers of the City of Lockport for review and decision. Should the City of Lockport determine that an employee, whose position requires residency, is a nonresident in violation of this local law, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

**8. Waiver of requirements.** In the event that the City of Lockport determines that it is in the best interest of the City of Lockport to do so, the provisions of Section three or four – as it relates to enumerated positions with residency requirements- may be waived by the appointing/hiring body, with respect to an incumbent or incumbents of a particular title or titles in accordance with the following standards:

**a) Lack of applicants.** The requirement of residency within 5.5 miles of One Locks Plaza may be waived in those instances where the City of Lockport has difficulty hiring or promoting the most qualified person because of its residency requirements.

**b) Necessity for nonresidence.** The requirement of residency within 5.5 miles of One Locks Plaza may be waived in those instances where it is determined that residency is not in the best interest of the municipality.

Such a waiver shall not in any way affect the application of Section three or four of this local law with respect to any other title or titles. **[Added 3-2-2005 by L.L. No. 3- 2005]**

Alderman Beakman: YES

Alderman Devine: \_\_\_ YES \_\_\_\_\_

Alderman Swanson-Gellerson: YES

Alderman Kantor: YES

Alderman Lupo: YES

The Local Law was thereupon declared duly adopted.

Seconded by Alderman Devine and adopted. Ayes 5.

**122023.9**

By Alderman Swanson-Gellerson:

**Whereas**, Parks & Trails is the leading statewide advocate for parks and trails in New York State; and

**Whereas**, Lockport Main Street (LMS) worked with Park & Trails to certify the City of Lockport as an Empire State Trail Town; and

**Whereas**, the Parks & Trails recommend that Lockport Main Street and the City of Lockport make both short term and long term improvements and enhancements for our community to welcome and accommodate cyclists. Further, LMS 2024 Implementation is to plan for the provided recommendations and improvements in 2024 as a commitment to the Empire State Trail Town designation, as more described herein in the attached Action Agenda; and

**Now therefore be it**

**Resolved**, that the City is authorized to adopt the attached Action Agenda for LMS along with the LMS plans for 2024.

Seconded by Alderman Kantor and adopted. Ayes 5.

**122023.9A**

By Alderman Beakman:

**Resolved**, that pursuant to their request Southern Tier Express Inc, is hereby granted permission to travel on some City of Lockport owned streets on December 28, 2023, in order to transport a Transformer from University of Buffalo, Amherst to Buffalo Transformer Services, 10 Simons Street, Lockport, NY.

**Resolved**, that the proposed route will bring Southern Tier Express from State Route 93 to Ohio Street North and then turn on to Simonds Street

**Now there for it be**

**Resolved**, that said permission is subject to Southern Tier Express Inc, filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Lupo and adopted. Ayes 5.



**122023.10**

**ADJOURNMENT**

At 6:56 P.M. Alderman Beakman moved the Common Council be adjourned until 11 AM.,Monday, January 1st 2024.

Seconded by Alderman Kantor and adopted. Ayes 5.

SARAH K. LANZO  
City Clerk