

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

January 24, 2024
6:00 P.M.

Mayor John Lombardi III called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Craig, Devine, Fogle, Kirchberger, Lupo, Mullane

INVOCATION

RECESS

Recess for public input.

012424.1

APPROVAL OF MINUTES

On motion of Alderman Fogle, seconded by Alderman Mullane, the minutes of the Regular Meeting of January 10th, 2024 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointments:

For the term of one year beginning 1/1/2024 expiring on December 31, 2024.

President of Common Council	Kathryn Fogle
Corporation Counsel	David E. Blackley
Deputy Corporation Counsel	Kathleen Kugler
Deputy Corporation Counsel	Anthony Serianni
Traffic Advisory Committee	Anita Mullane
Niagara Community Action Program	John Lombardi III

2024 Common Council Standing Committees:

Finance Committee - Alderman Craig, Chairman
Members: Aldermen Devine, Fogle, Kirchberger, Lupo, Mullane
City Treasurer, Director of Finance

Public Health & Safety Committee - Alderman Lupo, Chairman
Members: Fire Chief, Police Chief, and Chief Building Inspector, Aldermen Craig, Devine, Fogle, Kirchberger, Mullane

Highways & Parks Committee - Alderman Kirchberger, Chairman

Members: Aldermen Craig, Devine, Fogle, Lupo, Mullane
City Engineer, Director of Streets and Parks

Water & Sewer Committee - Alderman Devine, Chairman

Members: Aldermen Craig, Fogle, Kirchberger, Lupo, Mullane
City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Operator Water, Water Distribution Supervisor

Youth Committee – Alderman Fogle, Chairman

Members: Aldermen Craig, Devine, Kirchberger, Lupo, Mullane

Personnel Committee - Alderman Fogle Chairman

Members: Aldermen Craig, Devine, Kirchberger, Lupo, Mullane
City Clerk, Personnel Officer

Washington Hunt Committee - Mayor Lombardi, Alderman Mullane, Chairman

Members: Alderman Devine, Corporation Counsel David Blackley

For their term of office:

Police Board	Alderman Kevin Kirchberger
Fire Board	Alderman John Craig
Community Cable Commission (LCTV)	Alderman Anita Mullane

Board of Estimate & Apportionment – Director of Finance- Chair, Members: Treasurer, Mayor, Finance Committee Chair, Corporation Counsel, City Clerk

License Revocation Board - Alderman Lupo - Chairman

Members - Chief Building Inspector, Mayoral appointed residents

Buildings & Grounds Accessibility Committee-(Ad-Hoc) - Alderman Craig, Chairman

Members: City Clerk, Mayoral appointed community members

Tree Advisory Committee-(Ad-Hoc) – Alderman Mullane - Chairman

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)

12/28/2024 Ed Sandusky, on behalf of the Lockport Optimist Club of Lockport, requesting permission for the 48th Annual Lockport Optimist Outdoor Arts and Crafts Festival on September 29th and 30th 2024.

1/3/2023 Jeff Tracy, Race Director for the Historic Palace, requesting permission for the 52nd Annual Lockport Open 10 Road Race on February 10th, 2024.

1/10/2024 Allison Bolt, Special Events Coordinator for Niagara Hospice requesting permission for the Hospice Gran Fondo on Saturday August 10th, 2024.

1/11/2023 Brooke Chavanne, Director of Coaching for Soccer Shots Buffalo requesting permission for use of Altro/Willow Park for their 2024 season.

Notice of Complaint:

1/9/2024 83 Davison Road – tree.

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

Notice of Claim:

1/16/2024 289 Locust Street – tree.

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

012424.2

By Alderman Craig:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills and services to be paid on January 25th 2024.

Seconded by Alderman Kirchberger and adopted. Ayes _____.

012424.3

By Alderman Craig:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Fogle and adopted. Ayes _____.

012424.4

By Alderman Fogle:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Tricia K. Vosburgh	15	Police Detective
Adam Heiman	5	Public Works Equipment Mechanic

Seconded by Alderman Lupo and adopted. Ayes _____.

012424.5

By Alderman Mullane:

Resolved, that pursuant to their request, The Historic Palace, Inc. is hereby granted permission to conduct the 52nd Annual Lockport 10 Open Road Race on Saturday, February 10th, 2024. The race route will require closing East Avenue between Elm and Charles Streets; closing Elm Street for the finish of the race; and, disrupting traffic flow on Market Street from 8 am – 12:30 pm. Permission is granted subject to approval of the race route by the Police Chief and subject to The Historic Palace, Inc. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for salting the streets in the City's portion of the race route if necessary, and to deliver barricades, cones, and "street closed" signs as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Kirchberger and adopted. Ayes _____.

012424.6

By Alderman Craig:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Hospice to conduct the 10th Annual Hospice Gran Fondo Bike Ride, on Saturday, August 10th, 2024 beginning at 7 a.m., subject to approval of the race route by the Police Chief; and be it further

Resolved, permission include the barricading of West Jackson Street to through traffic, from Plank Road to Niagara Street, from 7am until 1pm; and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for delivery of barricades, cones and 'street closed' signs as required; and be it further

Resolved, that Niagara Hospice send a letter to affected residents informing them of the race and the closure of West Jackson to through traffic; and be it further

Resolved, that Niagara Hospice file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes _____.

012424.7

By Alderman Fogle:

Whereas, on November 15, 2023, the City of Lockport Common Council adopted and approved resolution 111523.10, an Unrepresented Employees Policy, which provided for a salary structure and benefit package for certain City employees covered under the policy; and

Whereas, the offices of Corporation Counsel and Deputy Corporation Counsel are subject to the Unrepresented Employees Policy and the approved salary schedule in said policy; and

Whereas, the Corporation Counsel and Deputy Corporation Counsel are confidential positions appointed by the Mayor, and

Whereas, SEC 11(1) (C) of the Unrepresented Employee's Policy states that employees shall begin employment at Step 1 for the grade unless the Mayor determines the need for the services or the employee's experience requires that compensation be fixed at a higher step, and

Whereas, the salary schedule in the said policy contemplated that the Office of the Corporation Counsel would be staffed by an additional Deputy Corporation Counsel at the rates set forth in the approved salary schedule in the 2024 fiscal year; and

Whereas, the Corporation Counsel desires to return to the previous staffing level of one Corporation Counsel and two Deputy Corporation Counsel and reallocate the respective salaries set forth in the 2024 Corporation Counsel Budget, and

Whereas, the Office of the Corporation Counsel and its Deputies have multiple years of municipal law experience and intends to cease contracting with outside counsel for legal services previously performed in-house; and

Whereas, the Unrepresented Employees Policy may be modified by resolution of the Common Council;

Now, therefore, be it resolved, that SEC 11(1) (C) of the Unrepresented Employee's Policy be and is hereby amended to remove the Corporation Counsel and Deputy Corporation Counsel from the steps and salaries set forth in the Unrepresented Employees Policy and delegate the salaries of the Corporation and Deputy Corporation Counsel to the Mayor as the Mayor determines the need for the services or the employee's experience that requires that compensation , and be it further

Resolved, that the 2024 Budget of the Corporation Counsel be and is hereby amended to remove the position of third Deputy Corporation Counsel and reallocated the salaries of the Corporation Counsel and two Deputy Corporation Counsel be set as follows:

Corporation Counsel	\$75,000.00
First Deputy Corporation Counsel	\$43,000.00
Second Deputy Corporation Counsel	\$43,000.00

Seconded by Alderman Kirchberger and adopted. Ayes _____.

012424.8

By Alderman Kirchberger:

Resolved, that pursuant to their request, Soccer Shots Buffalo is hereby granted permission to conduct a Spring, Summer and Fall Soccer Program on Saturday's at Altro Park beginning April 20th, 2024 through November 2, 2024, subject to Soccer Shots Buffalo filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Mullane and adopted. Ayes _____.

012424.9

By Alderman Lupo:

Resolved, that permission is hereby granted the Optimist Club of Lockport to conduct their 48th Annual Lockport Optimists Arts and Crafts Festival on June 29th and 30th, 2024 from 10:00 A.M. until 5:00 P.M. (street closing from 8:00 A.M. until 7:00 P.M.) with the following provisions:

- (1) The Lockport Optimist Club shall issue exhibitor's permits to arts and crafts exhibitors, vendors and peddlers, and to insure public safety and order and to avoid overcrowding of the exhibit areas, no other exhibits, displays, vendors or peddlers shall be permitted within the show area, whether located on public or private property, and the Lockport Optimist Club shall enforce this ban with the cooperation of the Lockport Police Department.
- (2) The Lockport Optimist Club shall obtain the required operating permits for the mobile food vehicles
- (3) The Police Department is hereby directed to enforce the removal of all concessionaires, vendors, or peddlers from the show area not possessing an exhibitor's permit.
- (4) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street and Market Street from Main Street north to Chestnut Street.
- (5) The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and the approval of the Corporation Counsel, and be it further

Resolved, that the Director of Highways, Parks and Water Distribution is hereby authorized and directed to arrange for delivery and pick-up of City barricades and trash receptacles as needed, and be it further

Resolved, that permission is granted the Optimist Club to use the Police Garage for storage of a golf cart overnight on Friday and Saturday night, June 29th and 30th subject to the approval of the Chief of Police.

Seconded by Alderman Mullane and adopted. Ayes _____.

012424.10

By Alderman: _____

Resolved, that the following Rules and Order of the Common Council are hereby adopted:

RULES AND ORDERS OF THE COMMON COUNCIL

- 1. **Roll Call** - At the hour appointed for the meeting of the Council, the Mayor shall take the chair and direct a call of the members of the Council, and the Clerk shall note the absentees. Upon the appearance of a quorum, the Mayor shall call the members to order. If a quorum be not present, they shall send for absent members. Following shall be the

ORDER OF BUSINESS

- a. Reading of minutes. Reading and approval of the minutes preceding meeting; but a majority of the members present may approve of, or dispense with, the reading of the minutes of any previous meeting.
- b. Communications from the Mayor.
- c. Communications and reports of officers of the corporation.
- d. Petitions and remonstrances.
- e. Reports of Standing Committees, in the order named in rule.
- f. Reports of Special Committees.
- g. Committee of the Whole.
- h. Executive business.
- i. Motions, resolutions and notices.
- j. Unfinished business.

DUTIES OF THE MAYOR AS PRESIDING OFFICER

2. **The Mayor, as presiding officer, shall possess the powers and perform the duties as herein prescribed:**
 - a. They shall preserve order and decorum.
 - b. Question of Order. They shall decide all questions of order, subject to appeal of the Council. On every appeal they shall have the right in his/her place to assign his/her reason for his/her decision; but any member may state the grounds for his/her appeal.
 - c. Appointment of Committees. He/she shall appoint all committees except where the council shall otherwise order.
 - d. Temporary Chairman. He/she may substitute any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment of the Council, except by special consent of the Council.
 - e. Committee of the Whole. When the Council shall be ready to go into Committee of the Whole, he/she shall name a chairman to preside therein.
 - f. Privileges of the floor. He/she shall have the right to invite to the floor of the Council such persons as he/she shall deem deserving of the privilege; but the right of admission under such invitation shall not extend beyond the day on which it shall be given.
3. **While a question is being put** - While the presiding officer is putting a question, no member shall walk across or out of the room; nor in such case, or when a member is speaking, shall entertain any private discourse, nor, while a member is speaking, shall pass between him and the chair.
4. **Speaking** - Every member, when he/she speaks, shall, from his/her chair, address the presiding officer as Mr. /Madam Mayor, or proper title and shall not proceed until recognized by the presiding officer; and no member shall speak more than twice to the same question, nor more than five minutes each time at the same meeting, without requesting and receiving the consent of a majority of the members present, by a roll call vote.
5. **Speaker recognized** - When two or more members request recognition simultaneously, the presiding officer shall name the member he wishes to speak first.
6. **Call to order** - Any member may be called to order; in which case the member so called to order shall immediately sit down. The point of order shall be stated at the request of the presiding officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.

7. **Vote** - Every member shall vote when a question is stated from the chair, unless excused by the Council; and every member voting shall be in his/her place.
8. **Petitions, etc.** - Petitions and other papers may be presented by the presiding officer or any member, but when presented by a member, he/she shall first endorse on the petition or paper the substance thereof.
9. **Motions or Resolutions** - No motion or resolution shall be debated or put until seconded. No member shall make or second a motion or resolution except he/she request recognition from his/her chair for that purpose; and when seconded the motion or resolution shall be stated distinctly by the presiding officer, before being put or debated. No motion or resolution shall be presented for action, unless it has been reviewed by Corporation Council and submitted in writing to the Clerk by noon of the day of the Committee of the Whole work session, one week prior to the Common Council meeting, excluding the work session the day of the Common Council Meeting, or unless by prior authorizations of the Mayor, City Clerk, and City Attorney and then by consent of two-thirds of the whole number of the Council. Resolutions submitted for consideration may go to the appropriate committee prior to submission. A motion or resolution referred to any committee may be recalled from that committee at any subsequent Council meeting by vote of a majority of the whole number of the Council. If any motion or resolution referred to a committee shall not have been reported out within forty-five days of the time when it was referred, then the sponsor of the motion or resolution may have it brought out for Council consideration without any committee report. Any motion or resolution may be withdrawn at any time before decision, commitment or amendment by unanimous consent.
10. **Ayes and noes** - If any member require it, the ayes and noes upon any question shall be taken and entered upon the minutes of the Council. In taking the same, the names of members shall be taken alphabetically.
11. **Appointment of committees** - All committees shall be appointed by the presiding officer, unless otherwise specially directed by the Council, in which case they shall be appointed by ballot.

PRIVILEGED QUESTIONS

12. **Order of motions** - When a question is pending, no motion shall be received, except as hereinafter specified; which motion shall have preference in the order stated:
 - a. For an adjournment of the Council.
 - b. A call of the Council.
 - c. To lay on the table.
 - d. For the previous question.
 - e. To postpone indefinitely.
 - f. To postpone to a day certain.
 - g. To refer to the Committee of the Whole.
 - h. To refer to a standing committee.
 - i. To refer to a special or select committee.
 - j. To amend.
13. **Non-debatable motions** - A motion to adjourn, lay on the table, or for the previous question, shall be decided without amendment or debate; and all questions of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone or to refer, shall preclude all debate of the main question.
14. **Reconsideration** - A motion for reconsideration if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.

15. **Executive business** - Executive business shall be governed by Chapter 511 of the Laws of 1976.
16. **Concerning applicant for office** - All information, or any remarks by any member concerning the character or qualifications of any person whose name shall be before the council for an appointment to any office, shall be kept secret, and all proceedings and things of the Council, or any member thereof, in secret session, shall be kept secret until the Council shall remove all injunctions to secrecy.
17. **Divisions of questions** - If any question contains several distinct propositions, it may be divided by the chair.
18. **Reading of paper** - Any member may have any paper in possession of the council read, upon request, unless the same shall be objected to by some other member; and then the question shall be determined by a vote of a majority of the whole council, without debate.
19. **Speaking to question** - After the roll-call upon any question has commenced, no member shall speak to the question except to explain his/her vote, and then not to exceed five minutes; nor shall any motion be made until after the result is declared.
20. **Committee's Report** - No report shall be received from any committee unless the committee, or a quorum thereof, shall have met and considered the matter in a regular or special meeting of the committee.
21. **Robert's Rule of Order** - Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order. The Corporation Counsel shall preside as the Parliamentarian at all meetings. (Amended 4/2/14)
22. **Standing Committees** - The following standing committees shall be appointed by the Mayor at the commencement of the session, or as soon thereafter as may be practicable:

FINANCE COMMITTEE – to consist of Common Council members as appointed by the Mayor, and ex-officio members: City Treasurer and Director of Finance.

PUBLIC HEALTH & SAFETY – to consist of Common Council members as appointed by the Mayor and ex-officio members: Police Chief, Fire Chief, and Chief Building Inspector.

HIGHWAYS & PARKS - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Director of Streets and Parks, Public Works Supervisor

WATER & SEWER - to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer, Sr. Building Inspector, Chief Operator/WWTP, Chief Water Treatment Plant Operator, Water Distribution Maintenance Supervisor

YOUTH – to consist of Common Council members as appointed by the Mayor and ex-officio members: Assistant City Engineer.

PERSONNEL – to consist of Common Council members as appointed by the Mayor and ex-officio member: City Clerk and Personnel Officer.

WASHINGTON HUNT - to consist of three members: Mayor and two aldermen as appointed by the Mayor.

The Common Council President shall be qualified to sit as a member of any standing committee whenever his/her presence will enable such committee to reach a quorum for the transaction of business.

23. **Changing of Rules** - No standing rule or order of the council shall be amended, repealed, rescinded, changed or superseded, except by a vote of two-thirds of the whole council, nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by a two-thirds consent of the whole council.
24. **Regular Meetings:**
 - a. The regular meeting of the Council shall be held on the second and fourth Wednesday of each month, except when otherwise directed by resolution of the Common Council. The hour of meeting shall be 5:30 PM., and if a quorum shall not be present at 6 P.M. the Common Council shall stand adjourned. The Committee of the Whole shall meet one hour prior to the start of the regularly scheduled Common Council meetings.
 - b. The Committee of the Whole work sessions if scheduled shall be held every Wednesday at 5 PM of each month or any other day and time if so directed by the President of the Common Council.
25. **Business of Special Meeting** - It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, unless by unanimous consent of all members present.
26. **Regular Committee Meetings** - The standing committees shall have regular meetings for the transaction of committee business.
27. **Report of Committees** - It shall be the duty of the committees to report on every subject referred to them, within two weeks from the time of such reference, unless the time shall have been extended by the council.
28. **General rules and regulations for the letting of contracts for materials, supplies, equipment or public works projects (including local public improvements).**
 1. After any materials, supplies, equipment or public works project shall have been ordered, the Common Council shall, at the time of adopting the ordinance therefor, or at any time thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received.
 2. All notices shall be given by the City Clerk by publishing same in the official paper of this city.
 3. Notices for the receiving of proposals shall be of the following form - the blanks therein to be filled at the time of publication as necessities require: **NOTICE TO BIDDERS** City Clerk's Office, Lockport, New York Sealed proposals shall be received by the undersigned at his office, Lockport Municipal Building, One Locks Plaza, Lockport, NY until (day), (date), at (time) for in accordance with the specifications made therefor and obtainable at the (appropriate City office). Proposals must be for the amount in gross and include everything connected with the proposed materials, supplies, equipment or public works project being bid. Each proposal must be accompanied by a certified check or bid bond in an amount equal to ten percent of the bid. The Common Council hereby reserves the right to reject any or all proposals. By order of the Common Council of the City of Lockport, N.Y. _____ City Clerk
 4. No proposal after time expires. After the time in said notice specified for the reception of proposals shall have expired no further proposals for the work specified therein shall be

received; and each and every plan and specification therein published shall be particularly and strictly observed by all concerned.

5. Proposals to be guarded. The City Clerk shall receive all proposals at his office in this City, and shall carefully guard and preserve the same unopened; he shall not permit either or any of them to be taken from his custody until such time and in such manner as the Common Council may order and direct.

6. Clerk to open. The Clerk shall publicly open and read the bids on the date and at the time specified in the Notice to Bidders.

7. Clerk to report to Council. The City Clerk shall submit a summary of those bids received and opened to the Common Council at its first regular meeting thereafter, under the order of "unfinished business."

8. Recess to examine. The Mayor may thereupon declare a recess, stating the duration thereof, in order that the members of the Council may critically examine each proposal.

9. Action on proposals. Upon re-assembling, the Common Council shall consider said proposal, and shall without adjournment take some action in relation thereto, either by accepting the proposal of the lowest responsible bidder, or by rejecting all bids, or by referring the same to some proper committee.

10. To again advertise. In case all bids are rejected, the Common Council shall again direct the publication of a notice to bidders, similar in all respects to that first advertised, and shall so continue to advertise for, receive and consider proposals for said items until by a vote of a majority of the council, a contract is finally awarded, except, however, in cases where the Common Council shall reconsider its action requiring such work to be performed by contract.

11. Certified Check or Bid Bond. Each proposal shall be accompanied by a certified check or bid bond in a sum not less than ten percent of the amount of the proposal. In the event the successful bidder fails to enter into contract within five days after being notified by the City Clerk, the check will be forfeited.

12. The Common Council reserves the right to reject any or all proposals.

29. **Two-thirds vote to repeal** - No legislative ordinance, act or resolution passed during any previous meeting of the current term of this council, shall be amended, repealed, rescinded, changed or superseded, in whole or in part, except by two-thirds vote of the whole Council.

30. **Recess for public input** - Following roll call at the Common Council meetings, any speaker desiring to speak at the Common Council meetings may be heard regarding city business on the Agenda for a period not to exceed 5 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker that has signed up who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 3 minutes with a 1 minute warning to conclude his or her speaking. No speaker shall be permitted to transfer their time to another speaker.

Seconded by Alderman _____ and adopted. Ayes _____.

012424.11
ADJOURNMENT

At _____ P.M. Alderman Fogle moved the Common Council be adjourned until 6:00 P.M., Wednesday February 14th, 2024.

Seconded by Alderman _____ and adopted. Ayes _____.

SARAH K. LANZO
City Clerk