

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 14th, 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

MAYORS UPDATE

RECESS

Recess for public input.

021424.1

APPROVAL OF MINUTES

On motion of Alderman Fogle, seconded by Alderman Craig, the minutes of the Regular Meeting of January 24th, 2024 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

Robert Bragg, 536 Willow Street, appointed to the Planning Board for the City of Lockport effective January 1, 2024. Said term expires on December 31, 2026.

Terry Harmon, 57 Regent Street, appointed to the Planning Board for the City of Lockport to fill the unexpired term of Donald A. Stevens. Said term expires on October 14, 2025

Jennifer A. Diel, appointed to Senior Account Clerk, for the City of Lockport Building Inspection Department effective January 19, 2024. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Brittany A. Schuner, appointed to Senior Account Clerk for the City of Lockport Treasurers office effective January 17th, 2024. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

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)

1/29/2024 Notification from Matt Kahn, Big Ditch Brewing Company LLC, 1 East Avenue, Lockport, NY of his application to the New York State Liquor Authority for said license.

Notice of Complaint:

1/16/2024 Hardy Sandstrom, 263 Pine Street – tree.
1/25/2024 Michael Barclay, 171 Irving Street – tree.
1/26/2024 Nelson Hughes Jr, 65 Maple Street – tree
1/29/2024 Garth Wilson, 194 Church Street – tree

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

Notice of Claim:

1/26/2024 Carolyn Erick, 323 N. Adam Street.
1/29/2024 Paul Zapp and Margaret Wysochanski, 125 Irving Street

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 February 15, 2024.

Seconded by Alderman Kirchberger and adopted. Ayes 6..

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 6.

021424.4

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>
Randy S. Szymanski	20	Municipal Worker
Nicholas P. Kalbfliesh	5	Fire Lieutenant
Paul D. Licata	5	Firefighter
James P. Pytlik	5	Fire Lieutenant

Seconded by Alderman Mullane and adopted. Ayes 6.

021424.5

By Alderman Craig:

Resolved that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct their annual St. Patrick's Day Event on Saturday, March 16, 2024 from 12pm until 9pm, and be it further

Resolved that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue on Saturday, March 16th for said event, and be it further

Resolved that permission is hereby granted to allow live music, vendors, food and alcoholic beverages during said event, and be it further

Resolved that permission to erect tents is subject to obtaining necessary permits from the City of Lockport Building Inspection, and be it further

Resolved that said permission is subject to The Shamus Restaurant 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 delivery of barricades, traffic cones, and street closed signs to the area prior to the event.

Seconded by Alderman Lupo and adopted. Ayes 6.

021424.6

By Alderman Fogle:

Resolved that pursuant to their request, the Juneteenth Celebration Committee is hereby granted permission to conduct a Juneteenth Parade in the City of Lockport on Saturday, June 22nd at 12 p.m. subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Mullane and adopted. Ayes 6.

021424.7

By Alderman Devine:

Resolved that pursuant to their request, the Central Niagara Catholic Family is hereby granted permission to conduct a Eucharistic Procession in the City of Lockport on Sunday, June 2, 2024, starting at 12:30 p.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk and be it further

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

Seconded by Alderman Lupo and adopted. Ayes 6.

021424.8

By Alderman Devine:

Resolved that pursuant to their request, permission is hereby granted to Niagara Region Disc Golf to conduct a Tournament at Outwater Memorial Park on May 15, 2024 and August 21, 2024, from 4 pm until 8 pm, and be it further

Resolved that said permission is subject to Niagara Region Disc Golf filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Craig and adopted. Ayes 6.

021424.9

By Alderman Kirchberger:

Resolved that pursuant to their request, permission is hereby granted to Western New York Disc Golf Club to conduct a Tournament at Outwater Memorial Park on April 20, 2024, from 8 am until 5 pm, and be it further

Resolved that said permission is subject to Western New York Disc Golf Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Devine and adopted. Ayes 6.

021424.10

By Alderman Mullane:

Resolved that pursuant to their request, Lock City Circus is hereby granted permission to use city bleachers for the Lock City Circus charity performance to be held March 8 and 9, 2024, at the Kenan Center Arena. Said permission is subject to Lock City Circus 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 delivery of the bleachers.

Seconded by Alderman Kirchberger and adopted. Ayes 6.

By Alderman Devine:

Resolved, that the reading of the foregoing resolution be and the same are hereby waived/

Seconded by Alderman Lupo and adopted. Ayes 6.

021424.11

By Alderman Lupo:

Resolved that pursuant to their request, Lockport Main Street, Inc. (hereafter, 'LMS') is hereby granted permission to hold the following events on Canal Street, at the pocket park, and the adjoining parking lot, and Main Street including the upper parking lot near 51 Main Street, the extent to be determined by the city, for the following dates and times during the 2024 season:

- **Lockport Community Farmers Market (hereafter, LCFM):**
 - Saturdays, May 1st - November 1st from 6am to 4pm- Market hours are 9am to 2pm
 - Wednesdays: July 3rd - September 25th, 1 pm to 8 pm- Market hours are 3pm to 7pm
- **Cycle the Erie Canal 2024:** Sunday, July 7th between 7am and 2pm
- **Lockport Chalk Walk:** Saturday, July 20th, 2024 from 9am to 4pm OR (tentative rain date) Sunday, July 21st from 9am to 4pm on Canal St.
- **Lockport Food Fest:** Sunday, August 11th, 2024 from 11am to 4pm, on Main St.
- **Locktoberfest:** Saturday, September 28th, 2024 from 10am to 6pm on Canal St.
- **Downtown Trick or Treating:** October 25th, 2024 from 5pm – 7pm on Main St.

Resolved LMS is granted access to electricity at the light posts, in addition to the gazebo, and that the city will install outdoor extension cords at each junction box beginning May 1st, 2024 through October 31st, 2024, for use in all LMS events; and be it further

Resolved LMS and the LCFM are hereby granted permission to place yard signs in the city rights-of-way, May through October, 2 banners attached to the north and south facing side of the gazebo on Canal St., feather flags for the LCFM and LMS event days, and A-frame directional signage at the intersections of Main and Pine, Main and Cottage, Ontario and Church, and Ontario and Pine, for the open hours of the market on assigned days and during hours of LMS special events such as Locktoberfest, and Lockport Food Fest; and be it further

Resolved LMS is granted permission to sell concessions, including bottled drinks and merchandise, during all LMS and LCFM events on Canal Street and Main Street, May 1st through October 31st; and be it further

Resolved that LMS is hereby granted permission to host **Cycle the Erie Canal 2024:** Sunday, July 7th between 7am and 2pm requests the use of **Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city,**

- LMS requests permission to place portable sanitation units on Canal Street on Friday, July 5th for this event
- Permission to set up a large dining and rest tent on Canal Street on Sunday, July 7th and to be taken down Monday, July 8th
- Permission to have access to the electricity available at the light posts, in addition to the gazebo, and for the city to install the outdoor extension cords at each junction box
- Permission to hang and display signage, yard signs, and feather flags on Canal St. and the gazebo beginning July 5th for this event
- Permission to set up an information tent and signage in Upson Park and near the Exchange Street bridge for this event
- Permission to set up vendors, food trucks, and local restaurants on Canal Street for this event

Resolved that LMS is hereby granted permission to host **LKPT Chalk Walk** on Saturday, July 20th, 2024 from 9am to 4pm. This event will be co-hosted by WAHI Art Studio and LMS requests the use of **Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city,:**

- Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city (see a provided map of the event) to host LKPT Chalk Walk on Saturday, July 20th, 2024 from 9am to 4pm alongside the Lockport Community Farmers Market
- LMS requests street barricades for closures of Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city, to prepare and set up for this event
- Permission to have access to the electricity available at the light posts, in addition to the gazebo, and for the city to install the outdoor extension cords at each junction box
- Permission for vendors, restaurants, and food trucks to set up in the parking lot of Canal Street and permission for these vendors to use the electricity
- Permission to hang and display signage and yard signs on Canal St. and the gazebo beginning July 8th for this event to be taken down on Monday, July 22nd
- Requests permission to place portable sanitation units on Canal Street on Friday, July 19th for this event
- Request permission to create a temporary chalk artwork on the sidewalks located in the pocket parking lot between Steamworks and the 57 Canal Street building for this event

Resolved that LMS is hereby granted permission to host **Lockport Food Fest on Sunday, August 11th, 2024 from 11am to 4pm** on Main Street between Cottage and Locust, leaving Pine Street open for intersecting traffic and utilizing the parking lot located next to 51 Main Street, the extent to be determined by the city

- Temporary no parking on Main St between Cottage St. and Pine St. and Pine St. and Locust St. beginning Saturday, August 10th at 6:00pm, concluding at 8:00pm Sunday, August 11th.

- Closure of the city parking lot next to 51 Main St. for preliminary setup including portable sanitation units and trash cans (see attached map) and remain closed until 8pm Sunday, August 11th.
- Street closure on Main St between Cottage St. and Pine St. and Pine St. and Locust St (keeping these parking lots open-see attached map) beginning 6am on Sunday, August 11th through 8pm that same day.
- LMS requests to have access to the electricity available at the light posts located on Main Street between Cottage St. and Locust St. and in the parking lot of 51 Main Street and for the city to install the outdoor extension cords at each junction box to use during this event
- Permission for vendors and restaurants to set up in the parking lot of Canal Street and access electricity from the light post.
- Placement of the City Stage on Sunday, August 11th by 8am.
- 20 Street barricades for closures to be delivered on Saturday, August 10th.
- Permission for vendors, restaurants, and food trucks to set up on the above-closed streets
- 8 to 12 Garbage barrels delivered to the Main St. parking lot on Saturday for distribution throughout the event on Sunday.
- Permission to distribute promotional event yard signs on City right of ways (excluding the center medians on Main St.) beginning July 22nd and to be taken down by Monday, August 12th.
- Promotional signage displayed on the gazebo located on Canal Street beginning Saturday, July 27th through Monday, August 12th.
- Permission to lift the open-container law for the duration of this event to conduct the sale of alcoholic beverages from 2 enforced beer tents, which will include local breweries at the festival as part of fundraising for LMS and allowing Lock 34 to open their outside bar for patrons to access during the duration of the event.

Resolved that LMS is hereby granted permission to host **Locktoberfest** which will be held on **Saturday, September 28th, 2024 from 10am to 6pm** at 69 Canal Street, in the pocket park, and the adjoining parking lot, the extent to be determined by the city, and that said event include the following:

- Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city (see a provided map of the event) to host Locktoberfest on Saturday, September 30th between 6am to 8pm.
- LMS requests street barricades for closures of Canal Street, the pocket park, and the adjoining parking lot, the extent to be determined by the city, to prepare and set up for Locktoberfest beginning Friday, September 27th and ending Sunday, September 29th at 9:00 am.
- LMS Permission for vendors, restaurants, and food trucks to set up on Canal Street and parking lots and access electricity from the light post.
- LMS requisition permission to place portable sanitation units on Canal Street beginning Friday, September 27th for this event

- LMS requests the use of the city stage on September 28th from 6am to 7pm. LMS requests the City Stage to be placed on Friday, September 27th
- Permission to distribute promotional event yard signs on City right of ways (excluding the center medians on Main St.) beginning September 9th and to be taken down by Monday, September 30th.
- Promotional signage displayed on the gazebo located on Canal Street beginning Saturday, September 14th through Monday, September 30th
- Permission to lift the open-container law for the duration of this event to conduct the sale of alcoholic beverages from 2 enforced beer tents, which will include local breweries at the festival as part of fundraising for LMS.

Resolved that LMS is hereby granted permission to host **Downtown Trick or Treat on Friday, October 25th from 5pm to 7pm.** To the extent to be determined by the city, and that said event include the following:

- Permission to close Main Street be closed to through traffic from Transit to Locust (intersecting streets will remain open- see map) between 4pm and 8pm for setup, execution, and breakdown of the event
- Requests the Director of Highways, Parks and Water Distribution is permit delivery and pick-up of 28 City barricades and 8 trash receptacles on Thursday, October 24th to Main Street
- LMS requests to have access to the electricity available at the light posts located on Main Street and for the city to install the outdoor extension cords at each junction box to use during this event
- Permission to use the City Stage on October 25th and place it in front of City Hall for this event
- Permission to set up a Haunted House in City Hall and to begin to deliver equipment and to preset up beginning Thursday, October 24th

Resolved that the Director of Highways, Parks and Water Distribution is authorized and directed to arrange for delivery of refuse containers and barricades to the area prior to the said dates; and be it further

Resolved that said permission is subject to LMS filing a certificate of insurance, covering all of said events, with the City clerk, naming the City of Lockport as additional insured; and be it further

Resolved the Mayor has the authority to permit the use of the same space on other days, should an event be rescheduled or added to the calendar, provided LMS supplies the City with proper insurance coverage.

Seconded by Alderman Mullane and adopted. Ayes 6.

021424.12

By Alderman Mullane:

Whereas a Resolution was brought on January 24, 2024, that requested that the new Corporation Counsel received a nearly 50% increase in his pay over the prior Corporation Counsel's salary, within a month of his employment; and

Whereas the Resolution also requested that the new Assistant Corporation Counsel likewise receive a 50% increase in his pay over the prior Assistant Corporation Counsel, also a month within a month of his employment; and

Whereas the Resolution was tied after a vote by the Council 3-3, but Mayor Lombardi broke the tie in favor of the significant increases in pay for the Corporation Counsel and the Assistant Corporation Counsel; and

Whereas the Corporation Counsel advised this Council that the salary increase was due to the fact that the new Corporation Counsel and his office would be doing all legal work in house, and not employing outside counsel; and

Whereas the Corporation Counsel has an outside budget that is now unnecessary, according to Corporation Counsel prior to receiving his salary increase; and

Whereas the City can now save significant money for the citizens by transferring the outside counsel budget to contingency; and
Now therefore be it

Resolved that the following adjustments shall be made to the budget:

INCREASE	A.1900.54775	\$50,000	Contingency
DECREASE	A.1420.54055	\$50,000	Professional Services

Seconded by Alderman Lupo and NOT adopted. Ayes _____.

Ayes 3. Alderman Devine, Lupo and Mullane voted yes

Nays 3. Alderman Craig, Fogle and Kirchberger voted no.

Mayor Lombardi voted in the negative. Motion does not pass.

021424.12A

By Alderman Craig:

Whereas the owner(s) of the development commonly known as Lockport Professional Park had challenged their property assessment against the City for successive years beginning in 2015 through 2020; and

Whereas the City appeared and answered the litigation and defended itself throughout multiple court appearances and motion practice; and

Whereas all parties reached a settlement in 2020, which said settlement became the subject of additional motion practice in New York State Supreme Court that resulted in a court order determining the precise amount of overpayments during the period of the 2015 through 2020 and the City issued a refund in 2023 pursuant to Resolution No. 072623.11 for that stated amount for those designated years; and

Whereas pursuant to the court order, assessments were frozen for the following three years 2022 through 2024 which resulted in a refund that is owed within forty-five days of the court order and payable to counsel for Lockport Professional Park;

Now be it Resolved that that the FY 2024 General Fund Budget is amended as follows:

Expenditures:

Decrease

A.1900.54775	Contingencies	\$91,659.74
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Increase

A.1900.54765	Judgment & Claims	\$91,659.74
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Contingent upon the review and approval by Corporation Counsel.

Seconded by Alderman Devine and adopted. Ayes 6.

021424.13

ADJOURNMENT

At 6:17 P.M. Alderman Fogle moved the Common Council be adjourned until 6:00 P.M., Wednesday February 28th, 2024.

Seconded by Alderman Lupo and adopted. Ayes 6.

SARAH K. LANZO
City Clerk