

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

Lockport Municipal Building

Regular Meeting  
Official Record

May 22nd, 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.

**052224.1**

**APPROVAL OF MINUTES**

On motion of Alderman Fogle, seconded by Alderman Mullane, the minutes of the Regular Meeting of May 8th 2024 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

Robert C. Johnston, 1918 Langdon Road, Ransomville, NY 14131 has been appointed to Heavy Equipment Operator of the Highway and Parks Department effective February 5<sup>th</sup>, 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)  
5/3/2024 Justin Rogers, on behalf of Cornell Cooperative Extension, requesting permission to erect banner in promotion of the 2024 Niagara County Fair.

5/15/2024 Michael Peacock, on behalf of Freedom Church in Lockport, requesting permission to hold event at Imagine Community Garden, on the corner of Ontario and Hawley Street in Lockport, Wednesday, June 19<sup>th</sup>.

**Notice of Claim:**

4/19/2024 Dan Hasely, 4542 Main Street, Gasport, NY 14067.

5/14/2024 Priscila Sepulveda, 9901 Niagara Falls Blvd. Apt 33, Niagara Falls, NY vs City of Lockport.

5/15/2024 Krista Gorman, as proposed Administrator of the Estate of Ainsley Gorman, deceased vs City of Lockport, City of Lockport Fire Department and Niagara County Sheriff's Department.

Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**052224.2**

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 May 23rd 2024.

Seconded by Alderman Lupo and adopted. Ayes 6.

By Alderman Lupo:

Resolved, that the Rules & Orders governing Common Council meetings be and the same are hereby waived for this meeting.

Seconded by Alderman Mullane and adopted. Ayes 6.

**052224.3**

Alderman Craig, who moved its adoption, seconded by Alderman Devine, to-wit, offered the following ordinance:

BOND ORDINANCE DATED MAY 22, 2024.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,362,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE GULF INTERCEPTOR SEWER PROJECT, IN AND FOR SAID CITY.

**Whereas** the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

**Whereas** it is now desired to authorize additional bonds for the financing thereof,

**Now, therefore,**

**Be it ordained**, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

**Section 1.** For the specific object or purpose of paying additional costs of the Gulf Sewer Interceptor Sewer Project, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$1,362,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at a revised maximum estimated cost of \$9,100,000.

**Section 2.** The plan for the financing of such \$9,100,000 maximum estimated cost is as follows:

- a) By the issuance of the \$7,738,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated and duly adopted November 17, 2021; and
  - b) By the issuance of the additional \$1,362,000 bonds of said City herein authorized.
- The amount of obligations authorized to be issued shall not be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose, and the bond ordinance dated and duly adopted November 17, 2021 is hereby amended accordingly.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations issued therefore.

**Section 4.** The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

**Section 7.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said City; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

**Section 8.** All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

**Section 9.** This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 10.** The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

**Section 11.** The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

**Section 12.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 13.** This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Craig	VOTING YES
Alderman Devine	VOTING YES
Alderman Fogle	VOTING YES

Alderman Kirchberger	VOTING YES
Alderman Lupo	VOTING YES
Alderman Mullane	VOTING YES

**052224.4**

By Alderman Craig:

**Resolved** that pursuant to their request, the Kenan Center, Inc. is hereby granted permission to erect a banner across Lake Avenue at Olcott Street, at least 17 feet from the ground to promote the 52nd Annual 100 American Craftsman event from May 24<sup>th</sup> through June 2<sup>nd</sup> 2024. Said permission is subject to the Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kirchberger and adopted. Ayes 6.

**052224.5**

By Alderman Devine:

**Resolved** that a public hearing be held at the Common Council meeting on June 12, 2024 starting at 6:00 PM in council chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY, relative to a request for a Special Use Permit by Joshua Brege of 291 Prospect Street, Lockport, NY 14094 to harbor hens on the property.

**And be it further**

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

Seconded by Alderman Lupo and adopted. Ayes 6.

**052224.6**

By Alderman Devine:

**Resolved** that pursuant to their request, permission is hereby granted to WNY Disc Golf Club to conduct a Tournament at Outwater Memorial Park on July 28<sup>th</sup>, 2024 from 8 AM until 7 PM, and be it further

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

Seconded by Alderman Kirchberger and adopted. Ayes 6.

**052224.7**

By Alderman Fogle, no second was offered.

**Whereas** the City of Lockport (“City”) and the Civil Service Employees Association Local 1000 (“Union”) are parties to a Collective Bargaining Agreement (“CBA”) for the City of Lockport (CSEA) 7651 in Niagara County Local 832; and,

**Whereas** the CBA covers the period from January 1, 2015 to December 31, 2026; and,

**Whereas** the Union wishes to add the holiday of Juneteenth to its list of paid Holidays; and,

**Whereas** the addition of the Holiday is a point of collective bargaining; and

**Whereas** the Common Council (“Council”) of the City of Lockport must approve any financial expenditures by the City;

**Now therefore be it resolved** that the City of Lockport Common Council hereby approves the addition of Juneteenth (June 19<sup>th</sup>) as an observed public holiday beginning in 2024 for the Union.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**052224.8** Withdrawn

**052224.9**

By Alderman Mullane:

**Resolved** that pursuant to their request, Cornell Cooperative Extension is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground to promote the Niagara County Fair to be held from July 24, 2024 through August 4, 2024. Said permission is subject to the Cornell Cooperative Extension filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

**Resolved** that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Lupo and adopted. Ayes 6.

**052224.10**

By Alderman Craig:

**Whereas** Lockport Main Street (LMS) in conjunction with Sterling Carrol (Spill Your Creativity) are planning to conduct, a community event titled “Until The Wheels Fall Off” at Outwater Park, now therefore be it

**Resolved** that pursuant to their request, Lockport Main Street, Inc is here by granted permission to hold event on August 17, 2024 from 8AM until 6 PM at Railyard Skate Park, subject to adherence to established rules and regulations for City Parks and be it further

Resolved that said permission is subject to LMS providing 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 the delivery of the city stage, garbage cans, and to have the restroom facilities opened and the electricity turned on for said event.

Seconded by Alderman Devine and adopted. Ayes 6.

**052225.11**

By Alderman Devine:

**Resolved** that pursuant to their request, permission is hereby granted to Freedom Church to barricade a portion of Ontario Street, between Hawley and North Transit Streets, in front of the Imagine Community Garden, Wednesday, June 19, 2024, for a Neighborhood Appreciation Picnic from 5 until 8 p.m., and be it further

**Resolved** that Freedom Church is granted permission to erect a bounce house during the event, subject to Freedom Church providing the City Clerk with a certificate of insurance naming the City of Lockport as additionally insured prior to the event, 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 delivery of barricades to said area prior to said event.

Seconded by Alderman Mullane and adopted. Ayes 6.

**052224.12**

By Alderman Kirchberger:

**Resolved** that the Mayor and the Common Council do hereby extend condolences to the family of Brian W. Wentland, a former City of Lockport Police Captain employed from February 6, 1998 through February 23, 2018, who recently passed away.

Seconded by Alderman Lupo and adopted. Ayes 6.

**052224.13**

## **ADJOURNMENT**

At 6:30 P.M. Alderman Fogle moved the Common Council be adjourned until 6:00 P.M., Wednesday June 12th 2024.

Seconded by Alderman Devine and adopted. Ayes 6.

SARAH K. LANZO  
City Clerk