

CITY OF LOCKPORT
COMMON COUNCIL PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 12th, 2025
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 Fogle, Craig, Kirchberger, Lupo, Mullane.
Delayed: Mark Devine

INVOCATION – Steve O’Mara

ANNOUNCEMENTS

RECESS

Recess for public input.

021225.1

APPROVAL OF MINUTES

On motion of Alderman Craig seconded by Alderman Lupo, the minutes of the Regular meeting of January 22nd, 2025 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

1/1/2025 James Benedict, 4028 Beebe Road, Newfane, has been appointed to the Plumbing Board effective January 1st, 2025 for a three year term to expire on December 31, 2027.

1/30/2025 Vicki A. Smith, 7383 Tonawanda Creek Road, Lockport has been appointed to Director of Planning and Development in the Community Development Department. This is a provisional position effective January 30, 2025. Said appointment is provisional and is subject to the City of Lockport’s Municipal 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)

1/28/2025 Emily Stoddard, City Clerk, notification that the Lockport Municipal offices will be closed on Monday, February 17th in recognition of President's Day. There will be no change in the garbage collection schedule.

1/31/3025 Dennis Caswell, Lock City Circus and D&T Graphics requesting permission to use the city's bleachers as in years past.

Notice of Claim:

Carlson Clarke vs City of Lockport

Referred to Corporation Counsel.

Notice of Summons:

Roger Donovan vs. City of Lockport

Referred to Corporation Counsel.

MOTIONS & RESOLUTIONS

021225.2

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 13th , 2025.

Seconded by Alderman Devine and adopted. Ayes 6.

021225.3

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>
Detective Captain Anthony Palumbo	30	Police Department
Eric S. Weber	5	Firefighter

Seconded by Alderman Mullane and adopted. Ayes 6.

By Alderman Craig:

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

Seconded by Alderman Devine and adopted. Ayes 6.

021225.4

By Alderman Fogle:

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 P.M., 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).**
 - I. 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 3 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 5 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 Lupo and adopted. Ayes 6.

021225.5

By Alderman Devine:

Resolved that pursuant to their request, Western New York Disc Golf, is hereby granted permission to use Outwater Park for a league to begin on April 28th, 2025 through September 8th, 2025, on Monday evenings from 4:00pm – 8:00pm subject to approval of the schedule by the Highways & Parks Department and subject to 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.

021225.6

By Alderman Craig:

Resolved that pursuant to their request, The Lock Tender, is hereby granted permission to conduct a 1 year anniversary festival on July 26th, 2025 from 3pm – 7pm, and be it further

Resolved that permission is hereby granted to close Ontario Street from the corner of Lock Street to the Spires from 9am- 9pm, for setup and takedown of said event, and be it further

Resolved that permission is hereby granted to allow food, wine and beer during said event, and be it further

Resolved that said permission is subject to The Lock Tender 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 Kirchberger and adopted. Ayes 6.

021225.7

By Alderman Devine:

Resolved that pursuant to their request, permission is hereby granted to DiscGolf716 to conduct “Lockdown at the Locks”, a disc golf event at Outwater Park on May 24th from 7am – 7pm, as well as the “2025 Niagara Classic” disc golf event at Outwater Park on August 30th, from 6am – 7pm, and be it further

Resolved that said permission is subject to DiscGolf716 filing a certificate of insurance with the City Clerk naming the City of Lockport as additionally insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

021225.8

By Alderman Craig:

Whereas the 2025 Budget for the City of Lockport was approved with an oversight that erroneously excluded funding for the position of Streets Crew Leader and instead allocated funds for a Heavy Equipment Operator (HEO) position; and

Whereas it is necessary to amend the 2025 Budget to reflect the correct position of Streets Crew Leader to ensure proper staffing and operational efficiency within the Department of Public Works; and

Whereas sufficient funds are available in the Contingency account to cover the budget adjustment required for this amendment;

Now, therefore, be it resolved, that the FY 2025 General Fund Budget is amended as follows:

Expense:

Decrease

A.1900.54775	Contingency	\$6,536
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Increase

A.5110.51010	Full Time Wages	\$5,373
A.5110.58010	FICA	\$411
A.5110.58050	Retirement	\$752

Seconded by Alderman Mullane and adopted. Ayes 6.

021225.9

By Alderman Lupu:

Whereas the City of Lockport is primarily responsible for Dog Control Officer (DCO) duties within the city, in accordance with Article 7 of the New York State Agriculture and Markets Law; and

Whereas the Niagara County SPCA has notified the City of Lockport that they can no longer fulfill the City's dog sheltering needs; and

Whereas in response, the City issued a Request for Proposals (RFP) for dog sheltering services and received one response from Paws Inn The Falls; and

Whereas the City entered into a contract with Paws Inn The Falls in the amount of \$2,400 per month, totaling \$28,800 annually; and

Whereas the currently approved budget for the "Control of Dogs - Professional Services" line for the 2025 fiscal year is \$24,000, resulting in a shortfall of \$4,800; and

Whereas it is necessary to transfer funds from the contingency line to cover the additional costs associated with the new contract;

Now therefore be it resolved, that the FY 2025 General Fund Budget is amended as follows:

Expense:

Decrease

A.1900.54775	Contingency	\$4,800
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Increase

A.3510.54055	Professional Services	\$4,800
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Seconded by Alderman Fogle and adopted. Ayes 6.

021225.10

By Alderman Kirchberger:

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 February 21st and 22nd, 2025, 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 Craig and adopted. Ayes 6.

021225.11

By Alderman Craig:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into Memorandum of Agreement with the Department Head Association related to the Grade and Step of the City Assessor.

Seconded by Alderman Craig and adopted. Ayes 6.

021225.12

By Alderman Craig:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into Memorandum of Understanding with the Department Head Association related to the beginning Step of the Director of Community Development.

Seconded by Alderman Devine and adopted. Ayes 6.

021225.13

By Alderman Craig:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to enter into Memorandum of Understanding with the Department Head Association related to the beginning Grade and Step for the Director of Engineering.

Seconded by Alderman Mullane and adopted. Ayes 6.

012225.14

ADJOURNMENT

At 6:14 pm Alderman Fogle moved the Common Council be adjourned until 6:00pm Wednesday, February 26th, 2025.

Seconded by Alderman Devine and adopted. Ayes 6.

EMILY STODDARD
City Clerk