

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 3, 2010
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Pasceri, Smith, McKenzie, Chapman, and Genewick.

RECESS

Recess for public input.

020310.1

APPROVAL OF MINUTES

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of January 20, 2010 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

1/21/10 Susan E. Israel, 81 Washington Street, Lockport NY – appointed as Senior Account Clerk effective January 19, 2010. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

1/25/10 Donna J. Winters, 29 Franklin Avenue, Lockport, NY – appointed as Senior Account Clerk/Promotional effective January 19, 2010. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

1/28/10 David J. Miller, 25 Park Lane Circle, Lockport, NY – appointed as Building Inspector effective January 18, 2010. Said appointment is Permanent/Contingent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

2/1/10 Kristopher W. Pratt, 97 Adam Street, Lockport, NY – appointed as Laborer effective January 26, 2010. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

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. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

1/12/10 Tim Dombrowski, Lockport Evangelical Ministers Association – request to conduct a “Meet at City Hall” prayer gathering in front of City Hall on May 6, 2010, from noon to 1:00 p.m. in conjunction with National Day of Prayer. Referred to the Committee of the Whole.

1/25/10 Sam Pasceri, Owner, Resurrection Racing – request permission to use the rest room facilities at Wide Waters Marina for the first annual Beast of Burden Winter 100 Miler Marathon on Saturday, February 27, 2010. Referred to the Committee of the Whole.

1/29/10 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President's birthdays:

Monday, February 8th
Monday, February 15th

There will be no change in the garbage pickup schedule.

Referred to the Media.

Notice of Defect:

1/26/10 Corner of Cherry and High Streets – Pothole
Referred to the Highways & Parks Department.

Notice of Claim:

1/8/10 Terri Bishop, PO Box 1403, Lockport, NY
1/21/10 Bartolomeo DiPaolo, 289 Beattie Avenue, Apartment 4, Lockport, NY
1/25/10 Susan and David Ciappa, 320 Perry Street, Apartment 4D, Buffalo, NY
1/26/10 Nathaniel L. Bolt, 241 Elmwood Avenue, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

020310.2

By Alderman Kibler:

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 5, 2010.

Seconded by Alderman Pasceri and adopted. Ayes 6.

020310.3

By Alderman Kibler:

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

Seconded by Alderman McKenzie and adopted. Ayes 6.

020310.4

By Alderman Pasceri:

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>
Steven F. Cutter	30	Sr. Water Treatment Plant Operator
Barbara A. Parker	20	Administrative Coordinator
Anthony J. Palumbo	15	Police Captain
John F. Sakowski	15	Fire Lieutenant

Seconded by Alderman Genewick and adopted. Ayes 6.

020310.5

By Alderman McKenzie:

Resolved, that permission be and the same is hereby granted the Optimist Club of Lockport to conduct their Annual Lockport Optimists Arts and Craft Show on June 26th and 27th, 2010 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 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.
- (3) The show area shall include the blocks on Main Street from Washburn Street west to Saxton Street.
- (4) The Lockport Optimist Club shall file a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, subject to the approval of the Corporation Counsel, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver and pick-up 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 25th and 26th, 2010 subject to the approval of the Chief of Police.

Seconded by Alderman Kibler and adopted. Ayes 6.

020310.6

By Alderman Pasceri:

Resolved, that pursuant to their request, the Lockport Evangelical Minister's Association is hereby granted permission to conduct their annual "Meet at City Hall" prayer gathering in front of the Lockport Municipal Building on Thursday, May 6, 2010 starting at noon to 1:00 p.m. in conjunction with the "National Day of Prayer".

Seconded by Alderman McKenzie and adopted. Ayes 6.

020310.7

By Alderman Pasceri:

Resolved, that pursuant to their request, Resurrection Racing is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on Saturday, February 27, 2010, for a resting shelter for the Beast of Burden Winter race. Said permission is subject to Resurrection Racing filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Highways and Parks Department is hereby authorized and directed to prepare the restroom facilities for said event and to deliver barricades to close off the parking lot.

Seconded by Alderman Genewick and adopted. Ayes 6.

020310.8

By Alderman Pasceri:

Whereas, section 47 of Chapter A192-1 of the Plumbing Rules and Regulations for the City of Lockport states that the Examining Board of Plumbers may be designated by local law with the authority to cancel registration for violations of the rules and regulations for the plumbing and drainage of the City after a hearing had before such board and upon prior notice of not less than ten (10) days stating the ground of complaint and served on the person. Now therefore be it

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a local law designating the Examining Board of Plumbers as the formal body to enforce the rules and regulations of the plumbing and drainage of the City of Lockport pursuant to section 47 of Chapter A192-1, and be it further

Resolved, that a public hearing be held at the Common Council meeting of March 3, 2010, starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman Kibler and adopted. Ayes 6.

020310.9

By Alderman Pasceri:

Whereas, sections 190-185 and 190-187 of the City Code established a Planning Board and Zoning Board of Appeals respectively, and

Whereas, each board member brings to the respective boards his or her knowledge, experience, education and opinion and such boards function more effectively when every member participates in the meetings. Now therefore be it

Resolved, that Corporation Counsel is hereby directed to prepare a local law amending section 190 of the code by adding a new 190-185 G as follows: "Each member shall attend, in each calendar year, at least seventy-five percent of all meetings", and be it further

Resolved, section 190-187 I be added as follows: "Each member shall attend, in each calendar year, at least seventy-five percent of all meetings", and be it further

Resolved, that a public hearing be held at the Common Council meeting of March 3, 2010, starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

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

Seconded by Alderman McKenzie and adopted. Ayes 6.

020310.9A

By Alderman Chapman:

Whereas, the Common Council adopted and approved on May 5, 2004, the Lockport Urban Renewal Agency and the Urban Renewal Plan for Central Business, and

Whereas, on November 17, 2004 the Common Council passed Resolution #111704.13B authorizing the Mayor to enter into a Contract for Sale of land for Private Redevelopment between the Lockport Urban Renewal Agency and Ulrich City Centre, LLC, a Lease for parking lot No. 2 (Walnut Street between Elm and Locust Street) dated December 27, 2004 with an option to acquire said lot for the assessed valuation, and

Whereas, by virtue of the above lease Ulrich acquired the real property by Quit Claim Deed dated July 7, 2005; and

Whereas, the above deed contains a covenant, condition and restriction with respect to the Urban Renewal Plan, the Developer Agreement and the Deed running from the City and the Lockport to Ulrich City Centre, LLC, and

Whereas, the improvements to the real property have been made in accordance with said redevelopment plan and the parties hereto are desirous of releasing the Property from the Covenants, Conditions and Restrictions continued in the Deed. Now therefore be it

Resolved, that the Mayor be and is hereby authorized to execute a Termination Agreement of the covenants, conditions and restrictions contained in a lease dated December 27, 2004 and the Deed dated July 7, 2005, and be it further

Resolved, that the Corporation Counsel be and is hereby authorized and directed to file said Termination Agreement with the Niagara County Clerk.

Seconded by Alderman Smith and adopted. Ayes 6.

020310.10

ADJOURNMENT

At 6:20 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 17, 2010.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk