

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 20, 2009
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, Alexander, McKenzie, and Schrader.
Absent: Alderman Lombardi.

RECESS

Recess for public input.

052009.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Pasceri, the minutes of the Regular Meeting of May 6, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes5. Carried.

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)

5/6/09 Richard P. Mullaney, City Clerk – report of bid results received on May 6, 2009 for Flight of Five Locks Rehabilitation Center Island, Stair and Railing Rehabilitation as follows:

Empire Marine Corporation Hilton, NY	\$ 49,563.50
BVR Construction Company, Inc. Rochester, NY	\$ 78,427.00
Hohl Industrial Services, Inc. Tonawanda, NY	\$ 84,427.00

Referred to the Committee of the Whole.

5/15/09 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday, May 25, 2009 in observance of Memorial Day. Garbage scheduled to be collected on Monday, May 25th will be picked-up on Tuesday, May 26th. Referred to the Media.

Notice of Defect:

5/6/09 293 Prospect Street, Lockport, NY – trees

5/11/09 50 Rochester Street, Lockport, NY - trees

Referred to the Highways & Parks Department.

Notice of Claim:

4/30/09 Third Party Summons – Ferguson Electric Const. Co., Inc. vs Man O'Trees, Inc.;
Man O'Trees, Inc. vs. City of Lockport.

5/13/09 State Farm Insurance/Benjamin J. Marohn, 50 Rochester Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

052009.2

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 May 22, 2009.

Seconded by Alderman Schrader and adopted. Ayes 5.

052009.3

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 5.

052009.4

By Alderman Schrader:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Charles Robert Devine, a retired City of Lockport Firefighter who recently passed away.

Seconded by Alderman Alexander and adopted. Ayes 5.

052009.5

By Alderman Kibler:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute an employment agreement with Linda Groves for Confidential Secretary services.

Seconded by Alderman Alexander and adopted. Ayes 5.

052009.6 Withdrawn (Update Municipal Building Security Systems)

052009.7

By Alderman McKenzie:

PARKING TICKET AMNESTY PROGRAM

WHEREAS, there are over 150 outstanding parking tickets in the City of Lockport, and

WHEREAS, due to the economy many offenders simply cannot afford to pay the ticket with penalties and interest, and

WHEREAS, the outstanding tickets represent a loss in revenue for the City of Lockport, and

WHEREAS, there are organizations in need such as the Salvation Army, Food Pantries, and various churches who are in need of canned goods, and

WHEREAS, the City of Lockport desires to offer offenders amnesty on all penalties and interest on tickets paid in the month of June 2009 upon the condition that the offender donate at least three items of non perishable canned foods to the City of Lockport for ultimate distribution to a local charity,

NOW THEREFORE BE IT

RESOLVED, that beginning June 1, 2009 until June 30, 2009, all penalties and interest presently due on outstanding parking tickets shall be waived upon payment in full of the ticket and upon the condition that the offender donate not less than three items of non-perishable canned goods.

Seconded by Alderman Pasceri and adopted. Ayes 5.

052009.8

By Alderman Kibler:

Resolved, that §183.23. Parking prohibited. of the Vehicles and Traffic Code of the City of Lockport be amended by deleting the whole in its entirety and replacing with the following:

§ 183-23 Parking prohibited.

No vehicle shall be left parked or standing on any public highway in the City of Lockport between the hours of 2:00 a.m. and 6:00 a.m.

A. Overnight On-Street Parking Permits

- (1) Effective September 1, 2003, no vehicle shall remain parked upon any street in the City between the hours of 2:00 a.m. and 6:00 a.m. unless the owner has applied to the Traffic Advisory Board, and received from the City Clerk upon recommendation of the Traffic Advisory Board, an authorized parking permit; provided, however, that this section shall not apply to physicians while making professional calls to or any ambulance or vehicle of a funeral director while such vehicle is engaged in professional calls.
- (2) The parking of vehicles between the hours of 2:00 a.m. and 6:00 a.m. upon such portion of a designated street or highway within the City boundary with a pavement width of less than 25 feet is hereby prohibited. The City Clerk shall

keep a record of such streets on file as determined by the Department of Engineering.

- (3) Authorized parking permits shall be issued by the City Clerk upon recommendation of the Traffic Advisory Board, upon verification that suitable off-street parking is not available and that it is impractical for the owner to provide off-street parking.

All permits shall be effective from January 1 through December 31 of each year. The annual fee for such permit shall be \$40. Payment shall be in cash, check or money order drawn on United States funds made payable to the "City Clerk." The fee is nonrefundable and will not be prorated. In the event a check is returned for insufficient funds, the permit shall automatically be revoked without further notice to the permit holder, and a penalty of \$15 shall be charged. A replacement fee of \$1 shall be charged for lost or stolen permits.

- (4) Permits must be displayed from the rearview mirror of your vehicle and may not be transferred from vehicle to vehicle. Failure to properly display said permit shall result in the issuance of a parking ticket.

B. Funeral directors may receive temporary permits allowing them to mark off reasonable spaces in front of or paralleling their funeral homes or residences where remains of deceased persons are awaiting burial, to be used by them and mourners of the deceased. All parking by others in such areas during such period is prohibited.

C. Omnibuses or buses; exceptions.

- (1) No vehicle capable of carrying more than one-ton or an omnibus or bus having a carrying capacity of seven or more passengers shall be parked on any public highway in the City of Lockport.
- (2) Exceptions. Subject to any other limitations, vehicles capable of carrying more than one ton or omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways that are located in business and industrial zones as classified by the City's Zoning Ordinance. Additionally, during the course of deliveries, vehicles capable of carrying more than one ton and omnibuses or buses having a carrying capacity of seven or more passengers may be parked on public highways of the City of Lockport.

Seconded by Alderman Alexander and adopted. Ayes 5.

052009.8A

By Alderman Pasceri:

Whereas, bids were received on May 6, 2009 for the Flight of Five Locks Rehabilitation, Center Island, Stair and Railing Rehabilitation, and

Whereas, the Engineer of Record, Bergmann Associates has made recommendation to award the project to the second from lowest bidder due to lack of required work experience of the lowest bidder, now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with BVR Construction Company, Inc., Rochester, NY for Flight of Five Locks Rehabilitation, Center Island, Stair and Railing Rehabilitation at a cost of \$78,427.00 plus a contingency of 10% to be charged to account #004-0520-0051.

Seconded by Alderman Schrader and adopted. Ayes 5.

052009.8B

By Alderman Kibler:

Resolved, that pursuant to their request, the Niagara County Volunteer Firefighters Softball League is hereby granted permission to use the Outwater Park softball diamond during the 2009 season 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 Pasceri and adopted. Ayes 5.

052009.8C

By Alderman Kibler:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer \$450 from account #01-1900 1990 Contingency to account #01-7110.452 Parks Maintenance, Repair: Buildings/Grounds for repairs at the Skate Park at Outwater Park.

Seconded by Alderman McKenzie and adopted. Ayes 5.

Conclusion of agenda.

052009.9

ADJOURNMENT

At 6:20 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, June 3, 2009.

Seconded by Alderman McKenzie and adopted. Ayes 5.

RICHARD P. MULLANEY
City Clerk