

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 6, 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, Alexander, McKenzie, Schrader, and Lombardi.
Absent: Alderman Pasceri.

RECESS

Recess for public input.

050609.1

APPROVAL OF MINUTES

On motion of Alderman Lombardi, seconded by Alderman Kibler, the minutes of the Regular Meeting of April 15, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

- 4/14/09 Barbara A. Parker, 114 Niagara Street, Lockport, NY – appointed as Administrative Coordinator effective April 14, 2009. Said appointment is permanent and subject to City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.
- 4/14/09 Megan K. Brewer, 335 Continental Drive, Lockport, NY – appointed as Senior Typist effective April 14, 2009. Said appointment is permanent and subject to City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.
- 5/1/09 Mark Sanders, 138 Juniper Street, Lockport, NY – appointed as a member of the Lockport Housing Authority for a five year term which terminates on April 26, 2014. Referred to New York State Division of Housing and Community Renewal.
- 5/1/09 Robert E. Nichols II, 471 Aberdeen Road, Lewiston, NY – appointed as a Commissioner of Deeds with term expiring on December 31, 2010. 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)

4/16/09 Walter L. Kalina, AICP, Project Manager, Niagara Communities Comprehensive Plan – notification that the First Draft Niagara Communities Comprehensive Plan has been released and is available on Niagara County’s website and that Community Outreach Meetings have been scheduled. Referred to the Committee of the Whole.

4/17/09 Laurie A. Garlock, Vice President, CSEA Local 832, Lockport Unit 7651 – re: security at City Hall and maintenance of the building’s duct work. Referred to the Committee of the Whole.

4/17/09 Samuel M. Ferraro, Commissioner and Amy E. Fisk, AICP, Senior Planner, Niagara County Department of Economic Development, 6311 Inducon Corporate Drive, Sanborn, NY – announcement that a training session will be held on Tuesday, May 19, 2009 beginning at 5:30 p.m. at Niagara County Community College (Building E., Room 140) 3111 Saunders Settlement Road, Sanborn, NY for local boards that will provide the State required four hours of annual training for Planning and Zoning Board of Appeals members. Referred to the Committee of the Whole.

4/21/09 Steve Harrington, Derby Coordinator, Erie Canal Fishing Derby – request permission to erect “over the road banners” to promote their upcoming Erie Canal Fishing Derby to be held July 7th – July 19th, 2009. Referred to the Committee of the Whole.

4/22/09 Beth Guilmar, Brother’s Keeper Outreach, Luther Haven House, 175 Locust Street, Lockport, NY – request to conduct an old-style community carnival at Ida Fritz Park on Sunday, June 20th from 11 a.m. until 6 p.m. to bring awareness to their food pantry and offer community fellowship. Referred to the Committee of the Whole.

Notice of Defect:

2/20/09 632 East Avenue, Lockport, NY – trees
Referred to the Highways & Parks Department.

MOTIONS & RESOLUTIONS

050609.2

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 8, 2009.

Seconded by Alderman Lombardi and adopted. Ayes 5.

050609.3

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 Schrader and adopted. Ayes 5.

050609.4

By Alderman Lombardi:

Resolved, that pursuant to their request, the Erie Canal Fishing Derby is hereby granted permission to erect a banner at least 17' from the ground across Lake Avenue at Olcott Street beginning on June 13 to July 20, 2009 and a second banner on East Avenue at Davison Road beginning on June 8 to June 26, 2009 and again from July 13 – July 20, 2009 to promote the Erie Canal Fishing Derby which will be held on July 7 to July 19, 2008. Said permission is subject to the Erie Canal Fishing Derby filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Building Maintenance Department is hereby authorized and directed to erect the banners.

Seconded by Alderman McKenzie and adopted. Ayes 5.

050609.5

By Alderman Lombardi:

Resolved, that pursuant to their request, Brother's Keeper Outreach is hereby granted permission to use Ida Fritz Park on Sunday, June 20, 2009 from 9:00 a.m. to 9:00 p.m. to conduct a carnival subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and adherence to established rules and regulations for City parks.

Seconded by Alderman Kibler and adopted. Ayes 5.

050609.6

By Alderman Lombardi:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to execute the following contracts relative to upgrading the Municipal Building security system:

Linstar Inc., Buffalo, NY for an access control system at a cost of \$41,979.51 plus a 5% contingency,

Schindler Elevator Corporation, Williamsville, NY for elevator interface to access control system at a cost of \$2,187.00 plus a 5% contingency, and

Twin City Glass, North Tonawanda, NY for panic hardware at a cost of \$1,710.00 plus a 5% contingency, and be it further

Resolved, that the cost of said contracts be charged to account #004 0520 0079, and be it further

Resolved, that the City Treasurer be and the same is hereby directed to transfer \$18,000 from account #01 1900 1990 Contingency to account #004 0520 0079, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to enter into an agreement with the Office of Court Administration for Municipal Building security, and be it further

Resolved, that the Mayor is authorized to execute any and all documents for said renovation.

Seconded by Alderman Schrader. A roll call vote was taken which resulted as follows:

Alderman Alexander	VOTING	Y
Alderman Kibler	VOTING	N
Alderman Lombardi	VOTING	Y
Alderman McKenzie	VOTING	N
Alderman Schrader	VOTING	Y

Pursuant to §C-54. Quorum; majority vote of the City Charter, the motion, having failed to achieve a concurring vote of a majority of all the members of the Common Council fails.

050609.7

By Alderman Alexander:

Resolved, that the July 22, 1987 resolution granting a revocable permit to Brian Nankey, 401 Walnut Street, Lockport, NY to construct a driveway in the City's right-of-way on Cave Street at 401 Walnut Street be and is hereby rescinded, and be it further

Resolved, that the City Clerk is hereby authorized to forward notification to the property owner that the permission granted to use the City right-of-way has been revoked and that such use must be discontinued within 30 days of the date notified.

Seconded by Alderman Lombardi and adopted. Ayes 5.

050609.8

By Alderman Lombardi:

WHEREAS, on December 28, 1979 Eastern Niagara Hospital, Inc. f/k/a Lockport Memorial Hospital entered into a note and mortgage with the City of Lockport for the sum of One Million, Seven Hundred Thousand Dollars (\$1,700,000.00) which was modified May 15, 2005; and

WHEREAS, Eastern Niagara Hospital, Inc. f/k/a Lockport Memorial Hospital satisfied the outstanding balance of said mortgage with HEAL funds from the State of New York, and

WHEREAS, Eastern Niagara Hospital, Inc. f/k/a/Lockport Memorial Hospital has requested a Discharge of Mortgage; now therefore be it

RESOLVED that the Mayor be and hereby authorized to execute a certain Discharge of Mortgage dated December 27, 1979 modified May 15, 2005 for an original indebtedness of One Million Seven Hundred Thousand Dollars (\$1,700,00.00).

Seconded by Alderman Alexander and adopted. Ayes 5.

050609.9

By Alderman Lombardi:

Resolved, that the Superintendent of Streets, Parks and Refuse is hereby authorized

and directed to prepare requests for proposals for a residential curbside recycle program, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Kibler and adopted. Ayes 5.

050609.10

By Alderman Lombardi:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to enter into a three-year agreement with Zambelli International Fireworks MFG Co., Inc., for Independence Day fireworks displays in the amount of \$7,500.00 per year for years 2009, 2010 and 2011.

Seconded by Alderman Schrader and adopted. Ayes 5.

050609.11

By Alderman Lombardi:

APPOINTMENT OF ACTING ASSESSOR

WHEREAS, on February 5, 2009 the City Assessor for the City of Lockport tendered his resignation, and

WHEREAS, the New York State Real Property Tax Law requires that an Acting Assessor be appointed for a term of not more than 6 months.

NOW, THEREFORE, BE IT

RESOLVED, that Joseph A. Macaluso, be and is hereby appointed Acting Assessor effective April 23, 2009 for a period of six months, and be it further

RESOLVED, that the Acting Assessor receive a salary of \$25.65 an hour for not less than 15 hours per week in accordance with an employment agreement that shall include medical insurance and mileage reimbursement but no pension benefits.

Seconded by Alderman McKenzie and adopted. Ayes 5.

050609.12

By Alderman Lombardi:

RESOLUTION AUTHORIZING AGREEMENT FOR ADVANCE PAYMENT

WHEREAS, pursuant to the Highway Law and Eminent Domain Procedure Law the State of New York (hereinafter "State") has appropriated property along the South Transit Arterial known as Project FAC 634, PIN 5037.13.223, PROC 12663, and

WHEREAS, the City of Lockport (hereinafter "City") was at the time of the appropriation the owner of the above property valued at Eight Thousand Five Hundred and no/100 Dollars (\$8,500) by the Commissioner of Transportation, and

WHEREAS, the City and State desire to enter into an agreement authorizing the appropriation of the aforesaid land by the State and payment to the City of the above amount now therefore,

be it

RESOLVED, that the Mayor be and is hereby authorized to execute an Agreement for Advance Payment with the State for project FAC 634, PIN 5037.13.223, PROC 12663 for the sum of Eight Thousand Five Hundred and no/100 Dollars (\$8,500).

Seconded by Alderman Alexander and adopted. Ayes 5.

050609.13

By Aldermen Kibler:

Resolved, that the Lockport City Code §183. Vehicles and Traffic, Article III. Parking, Standing and Stopping, §183.23. Parking prohibited. B. and C.1 be amended as follows:

B. The parking of vehicles at any time upon such portion of a designated street or highway within the City boundary with a pavement width of less than ~~twenty one (21)~~ **twenty five (25)** feet is hereby prohibited. The City Clerk shall keep a record of such streets on file as determined by the Department of Engineering.

C. Parking between 2:00 AM and 6:00 AM.

1) Effective September 1, 2003, no vehicle shall remain parked upon any street in the ~~City's Central Business District~~ **City** between the hours of 2:00AM and 6:00AM 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.

Seconded by Alderman Lombardi and adopted. Ayes 5.

050609.14

By Alderman Schrader:

RENEWAL OF TOWN SEWER CONTRACT

WHEREAS, the City of Lockport, pursuant to Agreement dated December 17, 1969, and multiple amendments thereto, accepted sewage from the Town of Lockport sewage collector system, located in certain areas of the Town, and

WHEREAS, the City and Town entered into a new agreement dated August 6, 2003, running from January 1, 2002 through December 31, 2006, and

WHEREAS, the parties wish to renew said contract dated August 6, 2003 for an additional period of two years, and

WHEREAS, the Water and Sewer Committee having given due consideration to the same and recommending a two year extension NOW THEREFORE, BE IT

RESOLVED, that for a period of January 1, 2007 through December 31, 2010 the amount of consideration the Town shall pay to the City is \$596,855.00 per year, and be it further,

RESOLVED, that each and every provision of the August 6, 2003 Contract be renewed and remain in effect until December 31, 2010, and be it further
RESOLVED, that the Mayor be and is hereby granted permission to sign any and all necessary documentation to carry out the same.

Seconded by Alderman Lombardi and adopted. Ayes 5.

050609.14A

By Alderman McKenzie:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Melvin J. Chausse, a retired City of Lockport Police Captain who recently passed away.

Seconded by Alderman Kibler and adopted. Ayes 5.

050609.14B

By Alderman Lombardi:

AUTHORIZATION FOR LETTER OF PROTEST

WHEREAS, the City of Lockport retained Wendel Duchscherer as Engineers to challenge certain areas of FEMA's proposed wetlands map, and

WHEREAS, the present contract with Wendel did not include certain streets which the City now desires to protest being included in the protected wetlands map,

NOW, THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to execute an addendum with Wendel Duchscherer to submit a letter of protest to the appropriate governmental agencies involved and such other documentation as may be deemed necessary to protest the inclusion of additional streets as part of the proposed protected wetlands map.

Seconded by Alderman Schrader and adopted. Ayes 5.

Conclusion of agenda.

050609.15

ADJOURNMENT

At 6:48 P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 20, 2009.

Seconded by Alderman Kibler and adopted. Ayes 5.

RICHARD P. MULLANEY
City Clerk

