

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 5, 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, Schrader, and Lombardi.

RECESS

Recess for public input.

080509.1

APPROVAL OF MINUTES

On motion of Alderman Lombardi, seconded by Alderman Kibler, the minutes of the Regular Meeting of July 15, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit made by Nigel Martin, Lock City Metals, for approval for a recycling business to be located at 570 West Avenue, situated in an I-3 Zone have been received.

The Mayor asked the City Clerk if any petitions or communications relative to the request for the Special Use Permit request have been received.

7/9/09 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – recommendation that the request for a special use permit made by Nigel Martin, Lock City metals, to operate a recycling business to be located at 570 West Avenue, situated in an I-3 Zone be approved.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

7/24/09 Shirley Browning, 133 Beattie Avenue, Lockport, NY – appointed as Registrar of Vital Statistics to fill the un-expired term of Denise Gugiluzza, who resigned due to her retirement. This term is effective on August 1, 2009 and will expire on December 31, 2009. Received and filed.

7/29/09 Shirley Browning, 133 Beattie Avenue, Lockport, NY – appointed as Deputy City Clerk for the City of Lockport effective August 1, 2009. Said appointment is permanent and subject to the city of Lockport Municipal Civil Service Rules and Regulations.

8/4/09 Michael J. Worthington, 129 Saxton Street, Lockport, NY – appointed to the Zoning Board of Appeals for the unexpired term of Maria Seekins due to her resignation. Said term expires November 15, 2009.

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)

7/24/09 Pearly Jones, Missionary, Sanctuary Temple, Church of God In Christ, 7 Vine Street, Lockport, NY – request permission to use parking lot #5 (Farmer's Market) on August 22, 2009 to conduct a rummage sale. Referred to Committee of the Whole.

07/28/09 Orleans County Department of Planning and Development, Genesee County Department of Planning – schedule and registration form for Basics of NY State Environmental Quality Review on September 9, 2009 and September 16, 2009. Referred to the Committee of the Whole and Chief Building Inspector.

Notice of Defect:

7/17/09 98 Washington Street, Lockport, NY- tree
7/24/09 15 Maple Street, Lockport, NY – tree
7/24/09 109 Caledonia Street, Lockport, NY – tree
7/27/09 137 Garden Street, Lockport, NY – tree
7/28/09 Park Avenue, Lockport, NY - pothole
Referred to the Highways & Parks Department.

Notice of Claim:

07/28/09 Corianne Kopczynski, 148 Miller Street, North Tonawanda, NY
Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/20/09 Walgreens Co. –vs- Board of Assessment Review and/or Assessor of the City of Lockport, and the City of Lockport, County of Niagara, New York
7/22/09 Delphi Automotive Systems LLC –vs- City of Lockport
7/30/09 M&M Space, Inc. –vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport, County of Niagara, and State of New York.
Referred to the City Assessor

Petition: (Small Claims Assessment Review)

7/30/09 Robert A. Boyle/Mary M. Boyle, 714 East Avenue, Lockport, NY
Referred to the City Assessor

MOTIONS & RESOLUTIONS

080509.2

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 August 7, 2009.

Seconded by Alderman Pasceri and adopted. Ayes 6.

080509.3

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 Alexander and adopted. Ayes 6.

080509.4

By Alderman Lombardi:

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>
John Yotter	35	Police Lieutenant Detective
Robert A. Robinson	25	Water Meter Service Worker
David J. Weeks	20	Senior Water Treatment Plant Operator
Saverio A. Pellicano	15	Firefighter
Christina M. Brown	15	Principal Account Clerk
Dorothy Eberhart	10	Secretary to the Police Chief

Seconded by Alderman McKenzie and adopted. Ayes 6.

080509.5

By Alderman Lombardi:

Resolved, that the request for a special use permit made by Nigel Martin for a recycling

business, at 570 West Avenue, situated in an I-3 Zone, be and the same is hereby approved, subject to the following provisions:

- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman McKenzie and adopted. Ayes 6.

080509.6

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted the residents of Independence Drive to barricade Independence Drive from McIntosh Drive to Continental Drive on August 16, 2009, for a block party, and be it further

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to deliver barricades to said area prior to said event.

Seconded by Alderman Schrader and adopted. 6.

080509.7

By Alderman Schrader:

Whereas, the Common Council awarded by resolution #100808.14A a bid to Frey Electric, Inc. for Electrical Construction of two masonry buildings to house generators for emergency backup power of the Waste Water Treatment Plant and the Water Filtration Plant, and

Whereas, the original contract was amended by resolution 010709.6, and

Whereas, the City Engineer has requested a second change order to the original contract at a cost of \$16,058.00, which falls within the authorized contingency amount, now, therefore, be it

Resolved, that the Mayor be and the same is hereby authorized to execute an amendment to the contract with Frey Electric, Inc. as per the request of the City Engineer.

Seconded by Alderman Kibler and adopted. Ayes 6.

080509.8

By Alderman Pasceri:

Whereas, the Common Council awarded by resolution #031809.5, a bid to DR Chamberlain to renovate Police Department Offices to facilitate a female locker room, and

Whereas, the City Engineer has requested a change order to the original contract at a cost of \$3,186.00, which falls within the previously authorized contingency amount, now, therefore, be it

Resolved, that the Mayor be and the same is hereby authorized to execute an amendment to the original contract with DR Chamberlain as per the request of the City

Engineer.

Seconded by Alderman McKenzie and adopted. Ayes 6.

080509.9

By Alderman Alexander:

Resolved, that pursuant to their request, Lion of Judah Transformation Ministries be and the same is granted permission to use City parking lot #5 (Farmer's Market) on Saturday, August 9, 2009 starting at 11 a.m. to conduct a Back to School Giveaway.

Seconded by Alderman Pasceri and adopted. Ayes 6.

080509.10

By Alderman Pasceri:

Resolved, that pursuant to their request, the Single Women Ministry of Sanctuary Temple is hereby granted permission to use half of City parking lot #5 on Saturday, August 22, 2009 from 9 am to 4 pm to conduct a rummage sale and sell hot dogs subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and obtaining a solicitor's permit from the City Clerk, and be it further

Resolved, that the fee for the solicitor's permit is hereby waived.

Seconded by Alderman Schrader and adopted. Ayes 6.

080509.11

By Alderman Schrader:

Resolved, that pursuant to their request, Amalgamated Local 686 UAW is hereby granted permission to barricade Vine Street from Walnut Street to Remick Parkway on September 12, 2009 from 9 a.m. to 5 p.m. for their 12th Annual Buy American Day and 11th Annual UAW Car Cruise, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades to said area prior to the event.

Seconded by Alderman McKenzie and adopted. Ayes 6.

080509.12

By Alderman Lombardi:

Resolved, that pursuant to her/his/their request, Lockport Little Loop is hereby granted permission to erect a tent at Outwater Park on August 22, 2009 subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to deliver picnic tables to the area prior to said event.

Seconded by Alderman Alexander and adopted. Ayes 6.

080509.13

By Alderman Alexander:

Resolved, that resolution #111908.8D granting permission to hold the 2009 Taste of Lockport be amended by granting the Taste of Lockport Committee permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground starting August 3rd through the 16th to promote the Taste of Lockport event to be held Sunday, August 16, 2009. Said permission is subject to the Taste of Lockport Committee 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 banner.

Seconded by Alderman Lombardi and adopted. Ayes 6.

080509.14

By Alderman Pasceri:

Resolved, that pursuant to their request, permission is hereby granted the Lakeview Parkway Association to barricade Lakeview Parkway on Saturday, August 15, 2009 for a block party, and be it further

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to deliver barricades, picnic tables, and trash barrels to the area prior to said event.

Seconded by Alderman Kibler and adopted. Ayes 6.

080509.15

By Alderman McKenzie:

Resolved, that the Youth Director be and the same is hereby authorized and directed to prepare the 2009 project application for state aid in the amount of \$47,888.00 for the Youth and Recreation Department, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to execute and submit said grant application for state aid for 2009 for Youth and Recreation.

Seconded by Alderman Pasceri and adopted. Ayes 6.

080509.16

By Alderman Schrader:

Resolved, that pursuant to their request, permission is hereby granted to Groff's Tavern to barricade Union Street from Washburn Street to Ann Street on September 6, 2009 for Chet's LaPalooza, and be it further

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to deliver barricades to said area prior to said event.

Seconded by Alderman Alexander and adopted. Ayes 6.

080509.16A

By Alderman Lombardi:

WHEREAS, the City of Lockport reserved the right to reclaim a certain piece of real property on Park Lane Circle for future potential park property, and

WHEREAS, it is no longer necessary to reserve said right, now therefore be it

RESOLVED, that that pursuant to the request of R. Joseph Foltz, Attorney at Law, on behalf of his clients, Aimee and Michael Cain as purchasers and Mr. And Mrs. Richard A. and Rebecca Meyers as sellers, the Mayor be and the same is hereby authorized to execute a release of the reverter clause retained by the City of Lockport for property identified as tax map # 109.19-2-46 commonly known as 131 Park lane Circle, and be it further

RESOLVED, that the Corporation Counsel be and the same is hereby authorized and directed to take any and all measures necessary to effect said removal with all costs associated with said measures to be borne by the purchasers. Seconded by Alderman Kibler

and adopted. Ayes 6.

Conclusion of agenda.

080509.17

ADJOURNMENT

At 6:21P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, August 19, 2009.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk

