

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 16, 2011
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.

021611.1

APPROVAL OF MINUTES

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of February 2, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

2/7/11 Megan K. Brewer, 355 Continental Drive, Lockport, NY – appointed as Inspection/Data Coordinator/Zoning Officer effective February 4, 2011. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

2/8/11 Elieen C. Koszelak, 197 Lindsay Place, North Tonawanda, NY – appointed as Commissioner of Deeds. Said appointment expires December 31, 2011. Received and filed.

2/16/11 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michael W. Tucker, Mayor of said City, do hereby appoint the following City of Lockport Police Detectives as Commissioner of Deeds for a three year term expiring on December 31, 2013:

Lawrence M. Eggert
Scott D. Seekins
Travis Mapes
Michael Niethe

Richard L. Podgers
Warren Hale
Kevin Schrader

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)

2/8/11 Tim Dombrowski, Lockport Evangelical Ministers Association – request to conduct a “Meet at City Hall” prayer gathering in front of City Hall on May 5, 2011, from noon to 1:00 p.m. in conjunction with National Day of Prayer. Referred to the Committee of the Whole.

2/9/11 Doug Haak, Chairman, American Legion, Inc, 42-44 Niagara Street, Lockport, NY – request permission to conduct a Memorial Day Parade and purchase wreaths for Memorial Day events on Monday, May 30, 2011. Referred to the Committee of the Whole

MOTIONS & RESOLUTIONS

021611.2

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 18, 2011.

Seconded by Alderman Pasceri and adopted. Ayes 6.

021611.3

By Alderman Kibler:

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

Seconded by Alderman Genewick and adopted. Ayes 6.

By Alderman Kibler:

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

Seconded by Alderman McKenzie and adopted. Ayes 6.

021611.4

By Alderman Pasceri:

Resolved, that the Farmers’ Market is hereby established for the 2011 season and the following rules and regulations are hereby adopted:

CITY OF LOCKPORT FARMERS MARKET RULES AND REGULATIONS

1. Location/Dates/Hours

The 2011 Farmers Market season will be from April 1, 2011 through November 30, 2011 in the South Lot on Walnut Street, west of Pine Street (City parking lot #5), from 9:00 a.m. to 9:00 p.m. daily.

2. Fees

Farmers shall obtain a Farmer's Market permit at a cost of \$35.00 for the season. Upon approval of application and crop plan by the Market Manager, the City Clerk shall issue a permit and collect fees.

3. Number of Spaces Occupied by Individual

The sale of spaces shall be limited to two per individual/family with the provision that individuals/families be prohibited from occupying more than two spaces. Sub-letting or loaning of a market space is prohibited.

4. Produce/Merchandise Offered for Sale

Permits shall be issued for the sale of edible items, horticultural products, and homemade baked goods. Alcoholic beverages or products containing alcohol are strictly forbidden.

Selling of produce and/or merchandise will only be conducted during market hours.

5. Eligibility of Farmers

- A. Farmers must be bona fide New York State farmers who individually grow and harvest fresh fruits and vegetables and market them directly to consumers.
- B. Farmers participating in the market must grow 50% or more of the fruits and vegetables they offer for sale on any market day.
- C. Farmers must be willing to participate in the Farmers Market Nutrition Program.
- D. Participating farmers must be bona fide producers of fresh fruit and vegetables and must submit a crop plan (on required form) listing items to be grown for sale at the market, acreage or row feet of production, and months of availability.
- E. Farmers must be able to supply a sufficient volume and variety of high quality, locally grown fresh fruits and vegetables to meet the needs of WIC participants in the community.

6. Compliance with Laws/Display of Permits/Parking Lot Clean-up

Vendors/farmers are responsible for complying with state and local laws and regulations regarding the sale of fresh and processed food and agricultural products, including sanitary packaging, labeling, weights and measures, and sales tax regulations. Vendors/farmers also must display, at all times, their NYS Tax ID number for taxable items and Health Department Permits for foods requiring same and the City of Lockport Market Permit.

Each vendor/farmer is responsible each day for the clean up of their space.

There shall be no overnight storage of vehicles or products.

7. Display of Products

Products will be displayed in a way that will only encompass the participant's space and will not endanger the public or obstruct the area where customers will walk. Farmers may, at their own expense, erect a removable shelter.

8. Conduct of Participants/Revocation of Permit

All vendors/farmers are expected to conduct themselves in an orderly manner. Any conflicts, including harassment, name-calling, profane language, or fighting will result in revocation of the Farmer's Market Permit.

9. Advertising Prohibited

No spaces may be used for the promotion of political candidates or for the sole purpose of distribution of literature or to solicit signatures or addresses for home appointments of any kind. No farmer shall erect any signage.

10. Market Manager

The designated market manager is the City Clerk.

11. Permit Application/Crop Plan

Each vendor/farmer agrees to abide by these Rules and Regulations and complete the application and crop plan on required forms available at the Clerk's Office.

12. Breach of Regulations

Any breach of these regulations may result in dismissal from the market.

The City Clerk, subject to Corporation Counsel approval, is authorized to execute an agreement with the New York State Department of Agriculture & Markets to administer the Farmers' Market Nutrition Program.

The City Clerk is authorized and directed to develop any necessary guidelines he feels appropriate.

and, be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to install signage denoting the Farmers' Market.

Seconded by Alderman McKenzie and adopted. Ayes 6.

021611.5 Withdrawn (Adopt Local Waterfront Revitalization Program)

021611.6

By Alderman Pasceri:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to City of Lockport Waterfront Consistency Review Law, and be it further

Resolved, that a public hearing be held at the Common Council meeting of March 2, 2011, 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.

021611.7

By Alderman Smith:

WHEREAS, two local businesses desire to display a projecting sign in front of their establishments in accordance with the sign ordinance, and

WHEREAS, the law precludes the placement of any object within the City's right of way without Common Council authorization, and

WHEREAS, for many local businesses along Walnut Street the City's right of way extends up to the front of their building with little or no room to properly display said signs, and

WHEREAS, the Common Council desires to grant permission for the following businesses to the Department of Building Inspection in accordance with the City's sign ordinance.

NOW THEREFORE BE IT

RESOLVED, that the following businesses shall be permitted to erect a projecting sign into the City's right of way upon submission of proof that the City of Lockport has been named an additional insured on the respective businesses certificate of insurance:

1. Niagara Hospice – dimensions 37” by 50”;
2. Hunt Real Estate – dimensions 44” by 46”

And be it further

RESOLVED, that the Chief Building Inspector be and is hereby authorized to issue permits in accordance with the City of Lockport's Sign ordinance.

Seconded by Alderman McKenzie and adopted. Ayes 6.

021611.8

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 5, 2011 starting at noon to 1:00 p.m. in conjunction with the "National Day of Prayer".

Seconded by Alderman Genewick and adopted. Ayes 6.

021611.9

By Alderman Genewick:

Resolved, that pursuant to their request, the American Legion, B. Leo Dolan Post No. 410 is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Monday, May 30, 2011 subject to approval of the parade route by the Police Chief. Said parade will form at noon at Veteran's Park on East Avenue where a brief Memorial Service will be conducted. At approximately 1:00 p.m. the parade units will proceed west on East Avenue/Main Street using the right side of Main Street and terminate at the County Courthouse, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades and no parking signs to keep the right side of Main Street clear where dividers occur, and be it further

Resolved, that the City Clerk is hereby authorized and directed to issue a parade permit for said event, and be it further

Resolved, that the City Clerk is hereby authorized to purchase 12 monument wreaths to be used for Memorial Day ceremonies. Cost of same to be charged to account #01 8510.479.

Seconded by Alderman Pasceri and adopted. Ayes 6.

021611.10

ADJOURNMENT

At 6:08 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 2, 2011.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk