

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 18, 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 Pasceri, Alexander, McKenzie, Schrader, and Lombardi.
Absent: Alderman Kibler

RECESS

Corporation Counsel Ottaviano addressed the Common Council concerning the State Environmental Quality Review – Negative Declaration – Notice of Determination of Non-Significance relating to the City of Lockport’s Modification to its existing sign Ordinance, adopted by the Common Council at its regularly scheduled meeting of October 21, 2009. A copy of the determinations is attached.

Recess for public input.

111809.1

APPROVAL OF MINUTES

On motion of Alderman Lombardi, seconded by Alderman Pasceri, the minutes of the Regular Meeting of November 4, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 5. 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)

11/12/09 U.S. Department of Homeland Security, FEMA Region II, 26 Federal Plaza, New York, NY – Response to the City’s Letter of Protest for the Preliminary Flood Insurance Study and Digital Flood Insurance Rate Map, disputing the delineation of the Special Flood Hazard Area (SFHA) of the Erie Canal. “Upon review of the supplemental data received and examination of your areas of concern, we concur with your conclusions and have revised the SFHA in this area accordingly.” Received and filed.

11/18/09 William J. Evert, Director, Department of Community Development – public disclosure of possible conflict of interest relative to Mr. & Mrs. Caleb Gaudy request to utilize the Community Development Homeownership Program to purchase of their first house in the City. Received and filed.

11/18/2009 From Corporation Counsel John Ottaviano to Robert Brooks, Senior Community Developer, NYS Office for Community Renewal.

Opinion that participation in the City of Lockport's Community Development Homeownership Program by Mr. & Mrs. Caleb Gaudy will not violate any State or local laws. Mrs. Caleb is the niece of Community Development Director, William Evert. Mr. Evert communicated this fact in writing and same was entered into public record at the regularly scheduled Lockport Common Council, November 18, 2009. Mr. Evert stated he will recuse himself from any involvement in the decision making process with those duties being assumed by Kevin McDonough, Rehabilitation Coordinator for the Department. Received and filed.

Notice of Defect:

11/10/09 52 Bacon Street, Lockport, NY - tree
Referred to the Highways & Parks Department.

Notice of Claim:

11/9/09 Lewis Cunningham, 2765 Drumm Road, Middleport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

111809.2

By Alderman Lombardi:

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 November 20, 2009.

Seconded by Alderman Alexander and adopted. Ayes 5.

111809.3

By Alderman Schrader:

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.

111809.4

By Alderman Schrader:

Resolved, that the Director of Utilities is hereby authorized and directed to prepare bid specifications for water meters, and be it further

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

Seconded by Alderman Lombardi and adopted. Ayes 5.

111809.5

By Alderman Schrader:

Resolved, that the Director of Utilities is authorized and directed to sell the JWC Muffin Monster to JWC at a price not less than \$25,000.

Seconded by Alderman Pasceri and adopted. Ayes 5.

111809.6

By Alderman Lombardi:

Resolved, that Deputy Corporation Counsel Blackley be and the same is hereby authorized and directed to prepare a new Working Agreement and incorporate therein the terms and conditions provided for in the Memorandum of Agreement, and upon approval thereof by the AFSCME Local 855 and Department Head Association, and signed by President of each, the Mayor is authorized and requested to sign same, after which the terms and conditions thereof be effected January 1, 2008, for a period of 5 years ending December 31, 2012.

Seconded by Alderman Schrader and adopted. Ayes 5.

By Alderman Lombardi:

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

Seconded by Alderman McKenzie and adopted. Ayes 5.

111809.7

By Alderman Alexander:

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 two-way streets or highways within the City boundary with a pavement width of less than 25 feet is hereby prohibited. The parking of vehicles between the hours of 2:00 a.m. and 6:00 a.m. upon such portion of a designated one-way streets or highways within the City boundary with a pavement width of less than 21 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.
 - (4) ***All permits shall be effective from January 1 through December 31 of each year. The annual fee for such permit shall be \$75.00 for 2010 and \$120.00 annually thereafter. Payment shall be in cash, check or money order drawn on United States funds made payable to the "City Clerk". The fee is non-refundable and may be prorated on a monthly basis. 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 \$15.00 shall be charged. A replacement fee of \$1.00 shall be charged for lost or stolen permits.***
 - (5) ***Permits must be displayed in the driver's side rear window of the 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.***
 - (6) ***No more than two permits shall be issued per building.***
- 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 McKenzie and adopted. Ayes 5.

111809.7A

By Alderman Schrader:

Resolved, the following **Water Department Fee Schedule** be and the same is hereby adopted:

Repair Fees:

Meter charge plus \$30.00/hr straight time
Meter charge plus \$40.00/hr for overtime
Shop charge and special testing - \$30/hr

Hydrant Usage Fees:

Hydrant Permit - \$30.00
Inspection Fee - \$30.00
Water Consumption \$3.19 per 1000 gallons
Hydrant wrench deposit - \$30.00

Temporary or Construction Water Permit - \$30.00

Meter Maintenance Fees:

Restore Water Service (§185-3C) - \$30.00
Seasonal Removal/Reinstallation (§185-7T) - \$30.00
Permanent Removal - \$100.00
Vacant Property Meter Removal & Reinstallation (§185-8L) - \$100.00

Seconded by Alderman Lombardi and adopted. Ayes 5.

111809.7B

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, November 21, 2009 to conduct a turkey Giveaway.

Seconded by Alderman McKenzie and adopted. Ayes 5.

111809.7C

By Alderman Lombardi:

Resolved, that any and all fees associated with the Housing Visions Unlimited proposal to be presented to the Planning and Zoning Board (12/21/09) and the Zoning Board of Appeals (12/22/09) are hereby waived.

Seconded by Alderman Pasceri and adopted. Ayes 5.

111809.7D

By Alderman Alexander:

Resolved, that pursuant to their request, the Emmanuel United Methodist Church, 75 East Avenue, Lockport, NY is hereby given permission to erect a portable sign in the City's Right of Way at Ida Fritz Park for the purpose of advertising their Cookie Walk. Said permission is for the period November 23, 2009 through December 4, 2009, and is subject to the Emmanuel United Methodist Church filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured as it relates to the sign.

Seconded by Alderman Schrader and adopted. Ayes 5.

Conclusion of agenda.

111809.8

ADJOURNMENT

At 6:28 P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, December 2, 2009.

Seconded by Alderman Pasceri and adopted. Ayes 5.

RICHARD P. MULLANEY
City Clerk