

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 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 Kibler, Pasceri, Alexander, McKenzie, Schrader, and Lombardi.

RECESS

Recess for public input.

031809.1

APPROVAL OF MINUTES

On motion of Alderman Lombardi, seconded by Alderman Kibler, the minutes of the Regular Meeting of March 4, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 6. 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)

3/5/09 Norm Allen, Director of Engineering – recommendation that the bid proposal for Mechanical Cleaning of HVAC Systems and Air Quality Assurance received on January 20, 2009 be awarded to John W. Danforth Co., the lowest responsible bidder. Referred to the Committee of the Whole.

3/6/09 Stephen J. Adorian, 4th God-Speed 5K Race Coordinator, All Saints Church, Lockport, NY – request permission to conduct a 5K Road Race and Youth 1 Mile Fun run on Friday, June 12, 2009. Also requesting assistance of the Lockport City Police and Auxiliary Police for course traffic control. Referred to the Committee of the Whole.

3/10/09 Audrey Tracy, American Legion, B. Leo Dolan Post and Unit 410, Lockport, NY – request permission to hold their annual “Poppy Days” in the City of Lockport on Thursday, May 21, 2009. Referred to the Committee of the Whole.

3/17/09 Hilary Kunkel, North Park Middle School, 160 Passaic Avenue, Lockport, NY – request to erect a bounce house obstacle course at Outwater Park during their field day on June 17, 2009. Referred to the Committee of the Whole.

3/17/09 Robert R. Napieralski, CPG, Vice-President, TVGA Consultants, 1000 Maple Road, Elma, NY – offer of assistance as it relates to funding opportunities through the American Recovery and Reinvestment Act (“stimulus bill”). Referred to the Committee of the Whole.

Notice of Defect:

3/6/09 343 South Street, Lockport, NY – tree
3/9/09 212 Elmwood Avenue, Lockport, NY – sewer in basement
3/13/09 687 Walnut Street, Lockport, NY – trees
3/13/09 310 Locust Street, Lockport, NY – tree roots, sidewalk
3/13/09 650 Walnut Street, Lockport, NY - tree
Referred to the Highways & Parks Department.

Notice of Claim:

2/27/09 Stephen A. Goerss, 771 High Street, Lockport, NY
3/3/09 Richard and Rebecca Meyers, 133 Park Lane Circle, Lockport, NY
3/9/09 Mary Kay Shipley, 212 Elmwood Avenue, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

031809.2

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 March 20, 2009.

Seconded by Alderman Pasceri and adopted. Ayes 6.

031809.3

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.

031809.4

By Alderman Lombardi:

Resolved, that pursuant to the recommendation of the Director of Engineering, the bid proposal of John W. Danforth Co., Tonawanda, NY, received on January 30, 2009 for Mechanical Cleaning of HVAC Systems & Indoor Air Quality Assurance be accepted in the amount of \$62,500 plus a 10% contingency. Cost of same to be charged to account #01 1620.450, and be it further

Resolved, that the 2009 General Fund Budget be amended by adding line item # 01 1620.450 Repairs to Building and Grounds in the amount of \$68,750, and be it further

Resolved, that in accordance with the Board of Estimate and Apportionment's recommendation, the 2009 General Fund Budget Revenue Estimate line item # 01 2770 Miscellaneous be increased by \$68,750, and be it further

Resolved, that the City Treasurer be and the same is hereby authorized and directed to recognize and utilize \$68,750 of retiree drug subsidy funds heretofore received, as a 2009 General Fund Revenue.

Seconded by Alderman Schrader and adopted. Ayes 6.

031809.5

By Alderman Lombardi:

Whereas, on November 19, 2008 the Common Council authorized the Director of Engineering to renovate Police Department Offices to facilitate a fully equipped female locker room, expand evidence storage capacity and make use of unused office space at a cost not to exceed \$15,000.00 charged to account #004-0520-0086, and

Whereas, after determining that the cost to effect said renovations would necessitate sealed bids, the Director of Engineering solicited sealed bids for new restrooms in the Police Department, and

Whereas, sealed bids were received by the City Clerk and opened on February 20, 2009 and reported to the Common Council at the meeting of March 4, 2009 now, therefore, be it

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to enter into a contract with D.R. Chamberlain Corporation, the lowest responsible bidder, in the amount of \$25,745.00, and be it further

Resolved, that due to the increase of project scope, the previously approved amount of \$15,000.00 be increased to \$25,745.00 plus a 20% contingency for a total of \$30,894.00 to be charged to account # 01 3120.479 instead of the account referenced in the November 19, 2008 resolution.

Seconded by Alderman McKenzie and adopted. Ayes 6.

031809.6

By Alderman Lombardi:

Resolved, that the table of organization in the 2009 General Fund Budget be amended by creating the position of Temporary Senior Account Clerk in the Auditor's Department for a period not to exceed three months. Cost of same to be charged to account #01 1320.100.

Seconded by Alderman Kibler and adopted. Ayes 6.

031809.7

By Alderman Lombardi:

Resolved, that the table of organization in the 2009 General Fund Budget be amended by inserting one (1) Principal Account Clerk position in the Auditor's Department. Cost of same to be charged to account #01 1320.100.

Seconded by Alderman McKenzie and adopted. Ayes 6.

031809.8

By Alderman Schrader:

Whereas, the City of Lockport has drafted new Zoning regulations that include a new zoning district; Neighborhood Commercial – General Residence District, and has proposed zoning revisions along South Transit Street, and

Whereas, pursuant to 6 NYCRR Park 617, pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review – SEQR), the City Council would like to establish itself as Lead Agency, and

Whereas, the City Council finds it in the best interest of the City of Lockport to hold a public hearing to consider said proposed amendments of the Zoning Law and Map.

Now, therefore, be it resolved, that the City Council authorizes the mailing of the SEQR Lead Agency request and the proposed Zoning Amendments to the appropriate Involved and Interested agencies and,

Be it further resolved that the City of Lockport will hold a public hearing on the proposed zoning amendments on the 1st day of April, 2009 at 6:00 p.m., at which time and place all interested parties and citizens will be heard, and

Be it finally resolved, that the City Council also authorizes the appropriate notices and referrals in accordance with 239-m of General Municipal Law.

Seconded by Alderman Pasceri and adopted. Ayes 6.

031809.9

By Alderman Pasceri:

Resolved, that pursuant to their request, permission is hereby granted to All Saints Church to barricade Adam Street between Market Street and Garden Street and Market Street from Vine Street to Chapel Street for the purpose of conducting a 5K Race and a Youth 1 Mile Fun Run on Friday, June 12, 2009 beginning at 6:00 p.m. subject to approval of the race route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that All Saints Church is granted permission to erect a banner at least 17' from the ground across Lake Avenue at Olcott Street from May 18 through June 13, 2009 to promote their road race, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades and street closed signs to said area prior to the event, and that the Building Maintenance Department is hereby authorized and directed to erect the banner.

Seconded by Alderman Alexander and adopted. Ayes 6.

031809.10

By Alderman Lombardi:

Resolved, that pursuant to their request, the B. Leo Dolan Unit #410, American Legion Auxiliary, Department of New York, is hereby granted permission to conduct their annual "Poppy Days" in the City of Lockport on May 21, 2009 and be it further

Resolved, that the City Clerk is authorized and directed to issue a permit for same.

Seconded by Alderman Schrader and adopted. Ayes 6.

031809.11

By Alderman McKenzie:

Resolved, that pursuant to the request of Police Chief Larry Eggert, Lt. Brian Wentland is hereby granted permission to attend the FBI National Academy at Quantico, Virginia.

Seconded by Alderman Lombardi and adopted. Ayes 6.

031809.12

By Alderman McKenzie:

Resolved, that pursuant to the request of Mark Kahle, property owner of 69 Niagara Street, permission is hereby granted to erect pillars in the City's right-of-way at 69 Niagara Street subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the pillars must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith, payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Kibler and adopted. Ayes 6.

031809.12A

By Alderman McKenzie:

Resolved, that the table of organization in the 2009 General Fund Budget be amended by creating the position of Temporary Police Officer in the Police Department for a period not to exceed three months. Cost of same to be charged to account #01 3120.100.

Seconded by Alderman Kibler and adopted. Ayes 6.

031809.12B

By Alderman McKenzie:

Resolved, that pursuant to their request, North Park Middle School is hereby granted permission use the south pavilion and to erect an inflatable obstacle course at Outwater Park on June 17, 2009 during their field trip subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the fee for the pavilion is hereby waived.

Seconded by Alderman Lombardi 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 Schrader and adopted. Ayes 6.

031809.12C

By Alderman Lombardi:

Resolved, that the Farmers' Market is hereby established for the 2009 season and the following rules and regulations are hereby adopted:

**CITY OF LOCKPORT FARMERS MARKET
RULES AND REGULATIONS**

1. Location/Dates/Hours

The 2009 Farmers Market season will be from April 1, 2009 through November 30, 2009 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 Alexander and adopted. Ayes 6.

031809.12D

By Alderman Lombardi:

Whereas, the City of Lockport is desirous of making application for funds under the Restore NY Communities Program, and

Whereas, it is necessary to provide for and obtain the views of citizens relative to the City's application for funds, now, therefore, be it

Resolved, that the Director of Community Development be and he is hereby directed to publish a Notice of Public Hearing, regarding the Restore NY Communities Application, to be held at 6:00 p.m. on Wednesday, April 8, 2009.

Seconded by Alderman McKenzie and adopted. Ayes 6.

Conclusion of agenda.

031809.13

ADJOURNMENT

At 6:20 P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, April 1, 2009.

Seconded by Alderman McKenzie and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk