

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 4, 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.

030409.1

APPROVAL OF MINUTES

On motion of Alderman Lombardi, seconded by Alderman Kibler, the minutes of the Regular Meeting of February 18, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

2/25/09 Richard Shipley, 119 Autumvale Drive, Lockport, NY - appointed as Commissioner of Deeds with a 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)

2/20/09 Richard P. Mullaney, City Clerk – report of bid proposals received on February 20, 2009 for New Restroom, City of Lockport Police Department as follows:

D.R. Chamberlain Corp. Lockport, NY	\$25,745.00
R.B. MAC Construction Co., Inc.	\$28,800.00

Lockport, NY R.R.R. Construction & Excavation Belmont, NY	\$36,988.00
The Peyton Barlow Co., Inc. Buffalo, NY	\$38,266.00
DM Constructions Connections Inc. Lockport, NY	\$38,300.00
Wilsandra Construction Co., Inc. Buffalo, NY	\$40,500.00
Sicoli Construction Services, Inc. Niagara Falls, NY	\$47,650.00

Referred to the Committee of the Whole.

Notice of Defect:

2/13/09 351 South Street, Lockport, NY - tree
Referred to the Highways & Parks Department.

Notice of Claim:

2/13/09 Peter J. Frank, 351 South Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

030409.2

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 6, 2009.

Seconded by Alderman Schrader and adopted. Ayes 6.

030409.3

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 McKenzie and adopted. Ayes 6.

030409.4

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>
Bruce K. Scheffler	35	Assistant Fire Chief

Mary Ann Schaffert	15	Police Dept. Records Data Coordinator
Rodney J. Peters	10	Police Officer
Nicholas A. Rubert	10	Municipal Worker
Kevin L. Schrader	10	Police Detective
Randy S. Szymanski	5	Municipal Worker

Seconded by Alderman Alexander and adopted. Ayes 6.

030409.5 Withdrawn (renovate Police Department offices)

030409.6

By Alderman Lombardi:

Whereas, the City of Lockport desires to perform minor building renovations and/or repairs of City structures, and

Whereas, the City of Lockport wishes to place all contractors under written contract meeting all General Municipal Law requirements, now, therefore, be it

Resolved, that the Mayor upon written recommendation from the Director of Engineering, written approval of the Corporation Counsel and in compliance with the adopted procurement policies of the City of Lockport is hereby authorized to execute agreements with values under \$20,000.00 with the cost of each renovation/project being charged to the appropriate account as approved by the City Treasurer.

Seconded by Alderman Kibler and adopted. Ayes 6.

030409.7

By Alderman Schrader:

**RESOLUTION
AUTHORIZATION
FLIGHT OF FIVE NOMINATION CONSULTANT**

WHEREAS, the City of Lockport requested proposals for a National Historic Landmark nomination for the Flight of Five in Lockport, and

WHEREAS, the Flight of Five Committee selected Jessie Ravage, Historic Preservation Consultant to complete a National Historic Landmark (NHL) nomination for the Flight of Five Locks in the City of Lockport including but not limited to a review of existing National Register of Historic Places (NR) and Historic American Engineering Record documentation; completion of additional research as necessary for preparing of nomination document in accordance with the standards of the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) and in consultation with appropriate staff members of the National Register,

NOW, THEREFORE, BE IT

RESOLVED, That the Mayor be and he is hereby authorized to enter into a contract with Jessie Ravage for \$ 8,250.00 with an additional allowance of \$ 500.00 for direct costs related to the project, including mileage, photography, and supplies.

Seconded by Alderman Lombardi and adopted. Ayes 6.

030409.7A

By Alderman Schrader:

Whereas, on March 5, 2008 by Common Council resolution #030508.10B, the Fire Chief was authorized and directed to prepare plans and specifications for a new Fire Pumper, and

Whereas, one proposal was received on September 19, 2008 from Churchville Fire Equipment, and

Whereas, the Fire Board and Specification Committee recommended bid be awarded to Churchville Fire Equipment, and

Whereas, no Council action has been taken with respect to awarding the bid rendering the bid proposal null and void as of December 31, 2008, now, therefore, be it

Resolved, that the Fire Chief is hereby authorized and directed to prepare bid specifications for one (1) 1500 GPM CAFS Pumper Rescue Fire Apparatus, 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 Kibler and adopted. Ayes 6.

030409.7B

By Alderman Schrader:

Whereas, on October 23, 2008 the Common Council authorized the Director of Utilities to prepare plans and specs for two water maintenance vehicles and whereas the city advertised for bids for One New/Unused 4X2 2008 or newer Regular Cab, Cab and Chassis with Enclosed Utility Body and One New/Unused 4X4 Regular cab, Cab and Chassis with dump body, snowplow, and salt spreader, and

Whereas, on January 7, 2009 the City received two bid proposals, one from West Herr Ford in the amount of \$36,999.00 for the Utility Body Truck and \$50,746 for the Snowplow with dump body and salt spreader and one from Van Bortel Ford for the Utility Body Truck in the amount of \$37,528.95, and

Whereas, the Director of Utilities and the Water and Sewer Committee having reviewed the proposed bids recommends that the bid of Van Bortel Ford in the amount of \$37,528.95, for the utility body truck, being the lowest responsible bid meeting specs, be awarded, and

Whereas a comparison of New York State bid price versus the bid proposal of West Herr for the snowplow with dump body and salt spreader finds the New York State bid price to be less, recommends that the director of Utilities be authorized to purchase the snowplow with dump body and salt spreader via NYS bid at a cost of \$49,051.21. Cost of same to be charged to 004 0520-0068.

Seconded by Alderman Alexander and adopted. Ayes 6.

030409.7C

By Alderman McKenzie:

Whereas, the City of Lockport Police Department desires to replace its in-car video systems and station server capable of recording both video and audio at incidents, and

Whereas, by Common Council resolution #030508.10D were authorized to prepare bid specifications for digital upgrade of their video equipment for police cars; and,

Whereas, three quotes were received from mobile video equipment vendors and reviewed for application to the needs of LPD along with the integration of existing in-place technology, and

Whereas, it was found that the DATA911 video systems integrated naturally with the DATA911 computers in the police cars, now, therefore, be it

Resolved, that pursuant to General Municipal Law §103, Subdivision 5, the City elects to standardize its police video equipment for police cars to that of DATA911 for the purpose of economy and efficiency; and be it further

Resolved, that the Police Chief be and the same is hereby authorized and directed to prepare plans and specifications for In-Car Video Systems, (2) DATA911 M6 LPD "Standardized" in-car computers and (1) RAID Video server with security software to manage in-car videos, and be it further

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

Seconded by Alderman Pasceri 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 Pasceri and adopted. Ayes 6.

030409.7D

By Alderman Lombardi:

RESOLUTION AUTHORIZING ENVIRONMENTAL EASEMENT

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public's interest to establish within the Department a statutory environmental remediation program that includes the use of environmental easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and of ensuring the potential restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for public use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site

remedial program or eliminate potential exposure pathways to hazardous waste or petroleum;
and

WHEREAS, the City of Lockport is the owner of real property located at various addresses on Canal Street formerly known as Richmond Avenue, Niagara Street and Church Street in the City of Lockport, Niagara County, New York, known and designated on the tax map of the County Clerk of Niagara as tax map parcels: Tax Map Number: 109.54 Block 2 Lots 14, 15, 16, 17, 18, 19, 21, 24 and 30 being the same as that property conveyed to the City of Lockport by deeds on June 29, 2006 and recorded in the Land Records of the Niagara County Clerk in Liber 3364 at page 308 of Deeds, comprised of approximately 1.45 acres, and Land Title Survey Map prepared by McIntosh & McIntosh, P.C. dated February 5, 2009; and

NOW THEREFORE, be it resolved that the Mayor be and is hereby authorized to execute an Environmental Easement pursuant to the State Assistance Contract Number C 301765 granting a permanent Environmental Easement pursuant to Article 71, Title 36 of the Environmental Conservation Law for the real property located at the various addresses on Richmond Avenue now known as Canal Street, Niagara Street and Church Street in the City of Lockport, Niagara County, New York, known and designated on the tax map of the County Clerk of Niagara as tax map parcels: Tax Map Number: 109.54 Block 2 Lots 14, 15, 16, 17, 18, 19, 21, 24 and 30 being the same as that property conveyed to the City of Lockport by deeds on June 29, 2006 and recorded in the Land Records of the Niagara County Clerk in Liber 3364 at page 308 of Deeds, comprised of approximately 1.45 acres, as depicted in the Land Title Survey Map prepared by McIntosh & McIntosh, P.C. dated February 5, 2009.

Seconded by Alderman Schrader and adopted. Ayes 6.

030409.7E

By Alderman Lombardi:

Resolved, that the Common Council hereby finds, in accordance with §159 of the City Charter, that the best interest of the public will be served by the abandonment of a portion of the property known as Ransom Court, a dedicated street in the City of Lockport, a true copy of the legal description and map of such premises attached to the original of this resolution and also on file in the office of the City Clerk, and be it further

Resolved, that the Mayor of the City of Lockport is authorized and directed, subject to approval of the Corporation Counsel, to execute and deliver a quit claim deed to William J. Stamp for the sum of \$1.00 and recording costs subject to a utility (telephone, electric, gas, and cable) easement of record and any and all other documents necessary and reasonable to accomplish this abandonment and transfer, and be it further

Resolved, that such transfer and abandonment be in the best interests of the City of Lockport and accordingly hereby dispenses with public bidding in connection with this abandonment.

Seconded by Alderman McKenzie and adopted. Ayes 6.

030409.7F

By Alderman Lombardi:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2009 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00. Cost of same to be charged to account #001 8497.434.

Seconded by Alderman Kibler and adopted. Ayes 6.

Conclusion of agenda.

030409.8

ADJOURNMENT

At 6:12 P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 18, 2009.

Seconded by Alderman Pasceri and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk

