

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 3, 2010
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.

PUBLIC HEARING

The Mayor announced a public hearing relative to proposed amendments to the following City of Lockport Ordinances:

- Chapter A192 Section 47 – Plumbing Rules and Regulations – Designate the Examining Board of Plumbers as authorized body to enforce the Plumbing Rules and Regulations.
- Article XXI §190-185 – Planning Board – Add attendance requirement
- Article XXII §190-187 – Zoning Board of Appeals – Add attendance requirement

The Mayor asked the City Clerk if any petitions or communications relative to said local law have been received.

Recess for public input.

The Mayor closed the public hearing.

030310.1

APPROVAL OF MINUTES

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of February 17, 2010 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

2/19/10 Roy Gugliuzza, 39 North Adam Street, Lockport, NY – appointed as Heavy Equipment Operator effective February 19, 2010. Said appointment is permanent and subject the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

3/1/10 John Lombardi III, 329 Chestnut Street, Lockport, NY – appointed as a member of the Zoning Board of Appeals to fill the un-expired term of Richard Blackley. Said term expires November 15, 2010. Received and filed.

3/3/10 Rhonda L. Platte, 711 Walnut Street, Lockport, NY – appointed as Real Property Appraiser Associate. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations. 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)

2/17/10 Nancy Babis, American Legion, B. Leo Dolan Post #410, Lockport, NY – request permission to hold their annual “Poppy Days” in the City of Lockport during the week of May 16, 2010. Referred to the Committee of the Whole.

2/22/10 Town of Lockport Zoning Board of Appeals – Notice of Public Hearings on February 23, 2010 re: Application for variance for sign at 5668 South Transit Road, Lockport, NY, and Application for variance to divide into two residential lots at 5723 and 5719 Upper Mountain Road, Lockport, NY. Received and filed.

2/25/10 Carol Costello, St. Mary’s Parish, 5 Saxton Street, Lockport, NY – Request permission to conduct an Easter Vigil Service on the Big Bridge on April 3, 2010. Referred to the Committee of the Whole.

Notice of Claim:

2/16/10 Gary B. Wallace, 112 Grant Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

030310.2

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 5, 2010.

Seconded by Alderman Pasceri and adopted. Ayes 6.

030310.3

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.

030310.4

By Alderman Pasceri:

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>
Mariangela Smith	30	Administrative Assistant
Steven D. Ritchie	25	Police Officer
Kevin J. McDonough	20	Rehabilitation Coordinator
Dale W. Lawson Jr	20	Heavy Equipment Operator
Charles J. Morello Jr	15	Firefighter
Joseph M. Provenzano	15	Firefighter
Todd A. Chenez	10	Police Officer
Yvonne M. Prica	10	Senior Account Clerk
Scot C. Snaith	10	Police Officer

Seconded by Alderman Genewick and adopted. Ayes 6.

030310.5

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized to execute an agreement with Northpointe Counsel for an Employee Assistance Program for Local 855 AFSCME unit members.

Seconded by Alderman McKenzie and adopted. Ayes 6.

030310.6

By Alderman Pasceri:

Resolved, that pursuant to their request, the Wheatfield Blades be and the same are hereby granted permission to use City parking lot #1 on Chestnut Street on August 7, 2010, after 5 PM for set-up, and August 8, 2010, for a Street Hockey Tournament 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 Wheatfield Blades are hereby granted permission to sell food and beverage items on August 8, 2010, during the event, subject to obtaining a solicitor's permit from the City Clerk, and be it further

Resolved, that the fee for the solicitor's permit be waived, and be it further

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to close City parking lot #1 on August 7th and 8th 2010, and deliver barricades, street closed signs, no parking signs and trash receptacles to the area prior to the set-up of the event.

Seconded by Alderman Kibler and adopted. Ayes 6.

030310.7

By Alderman Pasceri:

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 during the week of May 16, 2010, and be it further

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

Seconded by Alderman Genewick and adopted. Ayes 6.

030310.8

By Alderman Pasceri:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Mother's Day Breast Cancer Canal Walk on Sunday, May 9, 2010 and to barricade Market Street from North Adam Street to Wide Waters Marina between the hours of 12:30 p.m. – 2:30 p.m. and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the walk route by the Police Chief and the American Cancer Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades, traffic cones, street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman McKenzie and adopted. Ayes 6.

030310.9

By Alderman Pasceri:

Resolved, that the following Local Law be and the same is hereby adopted:

City of Lockport

Local Law No. 1 of the year 2010

A local law relative to amending the Lockport City Code Section 47 of Chapter A192-1 of the Plumbing Rules and Regulations

Be it enacted by the Common Council of the City of Lockport as follows:

§ 47. Cancellation of registration: notice.

Such registration may be canceled by the Examining Board of Plumbers for a violation of the rules and regulations for the plumbing and drainage of such city duly adopted and enforced therein, after a hearing had before the Examining Board of Plumbers if so designated by local law and upon a prior notice of not less than 10 days stating the ground of complaint and served on the person charged with the violation, but such revocation shall not be operative unless concurred in by the local Board of Examiners. It shall not be lawful for any person to engage in or carry on the trade, business or calling of an employing or master plumber in any of the cities of this state unless his name and address shall have been registered in the city in which he carries on or conducts such business.

Seconded by Alderman Kibler. A roll call vote was taken which resulted as follows:

Alderman Chapman	VOTING	<u>Y</u>
Alderman Genewick	VOTING	<u>Y</u>
Alderman Kibler	VOTING	<u>Y</u>
Alderman McKenzie	VOTING	<u>Y</u>
Alderman Pasceri	VOTING	<u>Y</u>
Alderman Smith	VOTING	<u>Y</u>

The local law was thereupon declared duly adopted.

030310.10

By Alderman Pasceri:

Resolved, that the following Local Law be and the same is hereby adopted:

City of Lockport

Local Law No. 2 of the year 2010

A local law relative to amending the Lockport City Code Article XXI 190-185 Planning Board

Be it enacted by the Common Council of the City of Lockport as follows:

§ 190-185 Membership; terms of office; vacancies; organization; meetings.

- A. There shall be appointed by the Mayor, seven members of a Planning Board, who shall serve with compensation set by the Common Council.
- B. Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of 1/3 of the members of the Board shall be for a term of one year, 1/3 for a term of two years and 1/3 for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years so that the term of office of 1/3 of such members of such Board, as nearly as possible shall expire each year.
- C. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.
- D. The Planning Board shall choose its own Chairman.
- E. The Board shall hold meetings as provided in its rules or at the call of its Chairman and shall keep full and complete minutes of the meetings and all hearings and proceedings of the Board.

- F. The Chief Building Inspector, or such member of his staff as he shall delegate, shall act as consultant to the Planning Board and Secretary to the Planning Board.
- G. Each member shall attend, in each calendar year, at least seventy-five percent of all meetings.

Seconded by Alderman Kibler. A roll call vote was taken which resulted as follows:

Alderman Chapman	VOTING	<u> Y </u>
Alderman Genewick	VOTING	<u> Y </u>
Alderman Kibler	VOTING	<u> Y </u>
Alderman McKenzie	VOTING	<u> Y </u>
Alderman Pasceri	VOTING	<u> Y </u>
Alderman Smith	VOTING	<u> Y </u>

The local law was thereupon declared duly adopted.

030310.11

By Alderman Pasceri:

Resolved, that the following Local Law be and the same is hereby adopted:

City of Lockport

Local Law No. 3 of the year 2010

A local law relative to amending the Lockport City Code Article XXII 190-187 Zoning Board

Be it enacted by the Common Council of the City of Lockport as follows:

§ 190-187 Establishment; membership; organization.

- A. A Zoning Board of Appeals is hereby established in accordance with the provisions of the General City Law and other statutes of the State of New York applicable thereto.
- B. The Zoning Board of Appeals shall consist of seven members appointed by the Mayor, each to serve for three years. The terms of those members of the Board in office when this chapter takes effect shall continue to the normal expiration dates of such terms respectively. [Amended 12-7-1988]
- C. The Zoning Board of Appeals shall choose its own Chairman, and, in his absence, an Acting Chairman. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board shall determine.

- D. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- E. All meetings of the Board shall be open to the public; but after all parties and owners of affected property who have appeared have been heard, the Board may conduct its deliberations in executive session. The Board shall keep minutes of its proceedings and decisions showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The minutes of the Board shall also indicate the evidence submitted by all parties and owners of affected property who have appeared, as the record on which the Board's decisions are based.
- F. The concurring vote of four members of the Board shall be necessary to decide in favor of the applicant any matter upon which said Board is required to pass under the provisions of this chapter.
- G. The official office of the Zoning Board of Appeals shall be associated with the Building Inspection Department, and all official minutes shall be filed therein.
- H. The Chairman of the Planning and Zoning Board shall serve on the Zoning Board of Appeals in an ex officio capacity to establish the necessary liaison between the respective boards.
- I. Each member shall attend, in each calendar year, at least seventy-five percent of all meetings.

Seconded by Alderman Genewick. A roll call vote was taken which resulted as follows:

Alderman Chapman	VOTING	<u> Y </u>
Alderman Genewick	VOTING	<u> Y </u>
Alderman Kibler	VOTING	<u> Y </u>
Alderman McKenzie	VOTING	<u> Y </u>
Alderman Pasceri	VOTING	<u> Y </u>
Alderman Smith	VOTING	<u> Y </u>

The local law was thereupon declared duly adopted.

030310.12

By Alderwoman Pasceri:

Whereas, the City of Lockport has been invited by the New York State Division of Housing and Community Renewal to submit an application for the New York State HOME Program, and

Whereas, the City of Lockport is desirous of continuing its revitalization efforts for the benefit of low and moderate income residents, to improve and upgrade distressed neighborhoods, provide safe, decent and sanitary housing, and

Whereas, a program has been prepared which meets those community needs which have been identified, now, therefore, be it

Resolved, that the Mayor be and he is hereby authorized to execute and submit a \$300,000 application to the New York State Division of Housing and Community Renewal for the New York State HOME Program.

Seconded by Alderman McKenzie and adopted. Ayes 6.

030310.13

By Alderwoman Pasceri:

Whereas, the City of Lockport has been invited by the New York State Division of Housing and Community Renewal to submit an application for the New York State HOME Program, and

Whereas, the City of Lockport is desirous of continuing its revitalization efforts for the benefit of low and moderate income residents, to improve and upgrade distressed neighborhoods, provide safe, decent and sanitary housing, and

Whereas, a program has been prepared which meets those community needs which have been identified, now, therefore, be it

Resolved, that the Mayor be and he is hereby authorized to execute and submit a \$200,000 application to the New York State Division of Housing and Community Renewal for the New York State HOME Program.

Seconded by Alderman McKenzie and adopted. Ayes 6.

030310.13A

By Alderman Kibler:

Resolved, that pursuant to the recommendation of the Lockport Board of Fire Commissioners, and in conjunction with the recommendation of the Police Chief, the Fire Chief and the Police Chief be and the same are hereby authorized and directed to take any and all steps necessary to effect the transfer of the fire dispatch to the Lockport Police Department Communications Center and be it further

Resolved, that said Chiefs report progress of said transfer to the Mayor and Common Council weekly.

Seconded by Alderman McKenzie and adopted. Ayes 6.

030310.13B

By Alderman Pasceri:

Resolved, that pursuant to their request, St. Mary's Church is hereby granted permission to barricade Saxton and Buffalo Streets on April 3, 2010, between 6:30 p.m. and 8:30 p.m. so that they may use that area of the Big Bridge for their Easter Vigil Service. Said permission is subject to St. Mary's filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, 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 Genewick and adopted. Ayes 6.

030310.14

ADJOURNMENT

At 6:30 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 17, 2010.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk