

**CITY OF LOCKPORT
CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting
Official Record

April 7, 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.

040710.1 APPROVAL OF MINUTES

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

FROM THE MAYOR

Appointments:

4/1/10 Jason Dool, 493 West Avenue, Lockport, NY – appointed as Chief Building Inspector effective March 30, 2010. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

4/1/10 Dale Lawson, Jr., 373 Pine Street, Lockport, NY – appointed as Senior Water Maintenance Worker effective March 23, 2010. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

4/6/10 Andrew Rosenberg, 268 Genesee Street, Lockport, NY – appointed as a member of the Police Board. Said term expires December 31, 2013. 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)

3/9/10 Elaine Harrigan, Marketing Director, Kenan Center, 433 Locust Street, Lockport, NY – Request permission to erect a banner on East Avenue at the Town and Country Club to promote the 40th Annual 100 American Craftsmen event to be held June 4th to June 6th, 2010. Referred to the Committee of the Whole.

3/24/10 Town of Lockport – Notice of Public Hearings on April 7, 2010 Re: Proposed Local Law entitled, “A Local Law amending the Zoning Code of the Town of Lockport.” Referred to the Committee of the Whole.

3/24/10 NYS Department of Environmental Conservation, Division of Water, Bureau of Flood Protection and Dam Safety, 625 Broadway, Albany, NY – Re: National Flood Insurance Program Flood Insurance Rate Maps for Niagara County. Received and Filed.

3/26/10 Richard Scinta – Resignation as a member of the Zoning Board of Appeals. Referred to the Committee of the Whole.

3/31/10 John Currie, Lock-City Moose Lodge, 204 Monroe Street, Lockport, NY – requesting permission for use of horseshoe pits at Outwater Park on July 17, 2010, and possibly July 18, 2010. Referred to the Committee of the Whole.

4/5/10 Patrick M. Burke, Director of Physical Education and Athletics, Lockport High School, 250 Lincoln Avenue, Lockport, NY – request the use of baseball field at Outwater Park for the Lockport High School varsity base games for the 2010 season. Referred to the Committee of the Whole.

4/6/10 Charlene Bower, Lockport in Bloom Committee – request permission to conduct their City Garden Tour 2010 event on July 10 and 11, 2010; hang signs on the four Historic Lockport entrance signs, erect signs in various parks and hang a banner over East Avenue near the Town and Country Club to promote the event. Referred to the Committee of the Whole.

4/7/10 Niagara County IDA, 6311 Inducon Corporate Drive, Sanborn, NY – Public Notice of meetings – NCIDA Audit Committee will meet on Wednesday, April 7, 2010 at 9:00 a.m. and Wednesday, April 21 at 8:30 a.m.; regular meeting of the NCIDA Board of Directors will be held on Wednesday, April 21, 2010 at 9:00 a.m. Referred to the Committee of the Whole.

Notice of Defect:

3/22/10 369 Pine Street, Lockport, NY – tree

Referred to the Highways & Parks Department.

MOTIONS & RESOLUTIONS

040710.2

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 April 9, 2010.

Seconded by Alderman Pasceri and adopted. Ayes 6.

040710.3

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.

040710.4

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>
Stephen R. Anderson	30	Heavy Equipment Operator
Paul W. Lemley	25	Senior Engineering Technician
Michael J. Costello	20	Water Maintenance Worker
James G. DiLaura	20	Heavy Equip Operator

Seconded by Alderman Genewick and adopted. Ayes 6.

040710.5

By Alderman Pasceri:

Resolved, that the City Clerk is hereby authorized and directed to forward a communication to the Lockport City School District requesting permission to conduct the fireworks display at North Park Middle School, and be it further

Resolved, that the fireworks display shall be conducted on Sunday, July 4, 2010 with rain date being Monday, July 5, 2010.

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.6

By Alderman Pasceri:

Resolved, that pursuant to their request, the Navy-Marine Club, Inc. is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 30, 2010 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 McKenzie and adopted. Ayes 6.

040710.7

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 11, 2010 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 the Highways & Parks Department is hereby authorized and directed to deliver barricades and street closed signs to said area prior to the event.

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.

040710.8

By Alderman Pasceri:

Resolved, that the Farmers' Market is hereby established for the 2010 season and the following rules and regulations are hereby adopted:

CITY OF LOCKPORT FARMERS MARKET RULES AND REGULATIONS

1. Location/Dates/Hours

The 2010 Farmers Market season will be from April 1, 2010 through November 30, 2010 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.

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.

040710.9

By Alderman Genewick:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to erect a banner starting on May 17 through June 7, 2010 across East Avenue at Davison Road at least 17 feet from the ground to promote the 40th Annual 100 American Craftsmen event to be held June 4 through June 6, 2010. Said permission is subject to the Kenan Center filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Pasceri and adopted. Ayes 6.

040710.10

By Alderman Smith:

Resolved, that Lockport Old Home Week be permitted to place a 3 panel promotional sign that is not to exceed 4 feet in height and 6 feet in width in the island at the intersection of West Genesee Street and Transit Road from April 10, 2010 until July 30, 2010. Said permission is subject to approval by the Building Inspection Department.

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.11

By Alderman McKenzie:

Resolved, that pursuant to their request, the Lock-City Moose Lodge #617 is hereby granted permission to use the horseshoe pits at Outwater Park on July 17th and July 18th, 2010 subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Genewick and adopted. Ayes 6.

040710.12

By Alderman Pasceri:

Whereas, the City of Lockport has been invited by the Office of Community Renewal to submit an application for a Single Purpose Plan under the New York State administered Community Development Block Grant (CDBG) Small Cities Program; and

Whereas, the City of Lockport is desirous of applying for a homeownership assistance program to assist low and moderate income first-time homebuyers; and

Whereas, two public hearings have been conducted to obtain citizen input regarding the utilization of the Small Cities funds; and

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

Resolved, that the Mayor be and he is hereby authorized to execute and submit an application to the Office of Community Renewal for the CDBG Small Cities Program.

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.13

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Wendel Duchscherer Architects & Engineers for Professional Services to finalize the City of Lockport Local Waterfront Revitalization Program at a cost of \$1,200.00 to be charged to account #01 6989 479.

Seconded by Alderman McKenzie and adopted. Ayes 6.

040710.14

By Alderman Pasceri:

Resolved, that pursuant to their request, the Lockport YMCA is hereby granted permission to block off the west bound lane on East Avenue from Elm Street to Charles Street from 11:00 a.m. to 1:00 p.m. on Saturday, April 10, 2010 to conduct an outdoor 50-yard race for children ages 3-12 as part of their Healthy Kids Day celebration subject to the YMCA 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 directed to deliver barricades, traffic cones and "Temporary No Parking" signs to the area prior to the event.

Seconded by Alderman Genewick and adopted. Ayes 6.

040710.15

By Alderman Kibler:

Resolved, that pursuant to their request, the Lockport Midget Baseball League is hereby granted permission to use the hardball diamonds at Outwater and Kibler Parks during the 2010 season subject to approval of the schedule by the Highways & Parks Department and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

040710.15A

By Alderman McKenzie:

Resolved, that the City Engineer be and the same is hereby authorized and directed to take the steps necessary to renovate the City of Lockport Police Department Evidence Room, and be it further

Resolved that the City Treasurer be and the same is hereby authorized and directed to transfer \$3,500 from account # 01-1900-1990 to 01-1620-450, to be used on the project and be it further

Resolved, that the Chief of Police be and the same is hereby directed to utilize City of Lockport Police Department Asset Forfeiture Fund monies for the balance of renovation costs.

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.15B

By Alderman Pasceri:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby authorized to submit a New York Main Street Grant application (authorized through the New York State Office of Community Renewal) on behalf of set business and property owners in the City of Lockport, as identified by Lockport Main Street, Inc. in the grant application, for the purpose of rehabilitation and renovation, and be it further

Resolved, that the City of Lockport and the Common Council supports this grant application and should funding be awarded, will offer advisory consultation as necessary.

Seconded by Alderman McKenzie and adopted. Ayes 6.

040710.15C

By Alderman Genewick:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on May 8, 2010 beginning at 10:00 a.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 the Highways & Parks Department is hereby authorized and directed to deliver barricades and street closed signs to the area prior to the event.

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.15D

By Alderman Kibler:

Resolved, that pursuant to their request, the Lockport City School District is hereby granted permission to use the baseball field at Outwater Park for the 2010 Lockport High School varsity baseball games and practice subject to approval of the schedule by the Highways & Parks Department and the School District filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman McKenzie and adopted. Ayes 6.

040710.15E

By Alderman Genewick:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their annual Lockport In Bloom "City Garden Tour 2010" event the weekend of Saturday, July 10 and Sunday, July 11, 2010 from 10:00 a.m. to 4:00 p.m. each day, and be it further

Resolved, that permission is also granted to hang signs advertising the event on the four Historic Lockport entrance signs beginning June 25th to July 12th and to erect 18" X 24" Lockport In Bloom garden signs in Ida Fritz Park, Locust Street Park, Children's Memorial Park and Veterans Memorial Park, and be it further

Resolved, that permission is hereby granted to erect a vinyl banner across East Avenue at Davison Road at least 17 feet from the ground from June 25th to July 12th, 2010 to promote Lockport in Bloom weekend, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.15F

By Alderman Genewick:

Resolved, that pursuant to their request, the Lockport Little League is hereby granted permission to conduct their Opening Day Parade on May 1, 2010 beginning at 10:15 a.m., subject to approval of the parade route by the Police Chief, and be it further

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

Seconded by Alderman Kibler and adopted. Ayes 6.

040710.16

ADJOURNMENT

At 6:20 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, April 21, 2010.

Seconded by Alderman McKenzie and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk