

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 6, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

050615.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of April 15, 2015 and the Special Meeting of April 29, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

4/14/15 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne E. McCaffrey, Mayor of the City of Lockport, do hereby make the following re-appointments to the License Revocation Board:

Brian Bull, 179 Irving Street, Lockport, NY
James M. Palladino, 101 Webb Street, Lockport, NY
Daniel Sheehan, 189 Willow Street, Lockport, NY

This Board is under Chapter 66-22, Building Construction Administration – Building Contractors. Said term expires March 21, 2017.
Received and filed.

4/14/15 Maria Updegraph, 150 Spalding Street, Lockport, NY re-appointed as a member of the Housing Authority. Said term expires April 26, 2020.
Received and filed.

4/24/15 James Nunnari - appointed as Assistant Chief Operator for the City of Lockport Waste Water Treatment Plant effective February 26, 2015. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

4/30/15 Brian Smith – appointed as Director of Planning and Development for the City of Lockport Community Development effective April 30, 2015. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

5/6/15 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne E. McCaffrey, Mayor of the City of Lockport, do hereby make the following appointments to the Youth Board:

For a term expiring December 31, 2015:
Kathryn Fogle, 35 Bacon Street, Lockport, NY
Patrick Schrader, 32 Gaffney Road, Lockport, NY

For a term expiring May 1, 2018:
Melissa Niver, 44 LeVan Avenue, Lockport, NY
Lewie Cunningham Jr., 14 Bewley Parkway, Lockport, NY
Flora Hawkins, 199 West Avenue, Lockport, NY
Douglas Haak, Jr., One Locks Plaza, Lockport, NY
William Agronin, 11 Berkley Drive, Lockport, NY
Dennis Stachera, 20 Regent Street, Lockport, NY

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)

4/15/15 Jennifer L. Serrano, Jenny Marketing Group LLC, 3477 Beebe Road, Newfane, NY – request permission to conduct the 15th annual Taste of Lockport on Sunday, July 5, 2015. Referred to the Committee of the Whole

4/29/15 Mary F. Murphy, Murphy Insurance Agency, 111 Pine Street, Lockport, NY – request permission to conduct the annual DeSales Race for Fitness 5K run and 1 mile fun run on Saturday, May 9, 2015. Referred to the Committee of the Whole

Notice of Defect:

4/7/15 131 Church Street & 156 Vine Street, Lockport, NY – trees
4/9/15 142 Waterman Street, Lockport, NY – tree
4/16/15 123 Pennsylvania Avenue, Lockport, NY – sinkhole
4/16/15 251 High Street, Lockport, NY - trees
4/16/15 134 Waterman Street, Lockport, NY – tree
4/20/15 315 Chestnut Street, Lockport, NY – tree
4/23/15 58 VanBuren Street, Lockport, NY – tree
4/24/15 327 N. Transit Street, Lockport, NY – trees
4/24/15 40 Cleveland Place, Lockport, NY – trees
Referred to the Director of Streets and Parks.

Notice of Claim:

4/8/15 Debra L. Myers, 14 Allen Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

050615.2

By Alderman Genewick:

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 May 8, 2015 as follows:

General Fund	Account #001	\$ 96,899.83
Water Fund	Account #002	\$ 40,944.06
Sewer Fund	Account #003	\$ 29,823.19
Capital Projects	Account #004	\$ 962.50
Refuse Fund	Account #012	\$ 88,247.39
Payroll	Pay Date 4/16/15	\$ 448,472.44
	Pay Date 4/30/15	\$ 425,400.49

Seconded by Alderman Kibler and adopted. Ayes 6.

050615.3

By Alderman Genewick:

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>
Jeffrey Bower	30	Public Works Equipment Mechanic
Victoria A. Haenle	30	W. W. Industrial Pretreatment Coordinator
Mark J. DuPont	25	Sr. Water Treatment Plant Operator
Dominic J. Esposito	25	Municipal Worker
Lucas P. Herman	25	Firefighter
Erick M. Hinton	10	Meter Reader

Seconded by Alderman Lombardi and adopted. Ayes 6.

050615.4

By Alderman Lombardi:

Resolved, that the Lockport Business Association is hereby granted permission to use Ida Fritz Park and Main Street to conduct "A Taste of Lockport" on Sunday, July 5, 2015 from 11:00 a.m. to 7:00 p.m., and be it further

Resolved, that permission is granted to barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue. Permission is also granted to barricade Main Street from North Transit Street to Washburn Street from 7:30 a.m. to 9:00 p.m., and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permissions are subject to the Taste of Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and trash receptacles to the area prior to the event.

Seconded by Alderman Schrader and adopted. Ayes 6.

050615.5

By Alderman Genewick:

Resolved, that the Director of Finance be and the same is hereby authorized and directed to transfer \$2,635.09 from Contingency Account #001-1900-1990 to account #001-8510-4379 for the purchase of Memorial Day Flags.

Seconded by Alderman Fogle and adopted. Ayes 6.

050615.6

By Alderman Schrader:

Resolved, that the Director of Finance be and the same is hereby authorized and directed to amend the 2015 Budget for Marina operations as follows:

Increase Expense Accounts:

#001-7185-0100	Personnel	\$7,000.00
#001-7185-4561	Gasoline	\$5,000.00

Increase Revenue Accounts:

#001-7185-2088	Marina Fuel	\$7,000.00
#001-7185-2089	Marina Docking Fees	\$5,000.00

Seconded by Alderman Lombardi and adopted. Ayes 6.

By Alderman Fogle:

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

Seconded by Alderman Schrader and adopted. Ayes 6.

050615.7

By Alderman Schrader:

Resolved, that the Farmers' Market is hereby established for the 2015 season and the following rules and regulations are hereby adopted:

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

1. **Location/Dates/Hours** The 2015 Farmers Market season will be from May 15, 2015 through November 30, 2015 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 Director of Streets and Parks is hereby authorized and directed to arrange for installing signage denoting the Farmers' Market.

Seconded by Alderman Genewick and adopted. Ayes 6.

050615.8

By Alderman Fogle:

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 Saturday, July 4, 2015, with rain date being Sunday, July 5, 2015.

Seconded by Alderman Lombardi and adopted. Ayes 6.

050615.9

By Alderman Fogle:

Resolved, that the Sesquicentennial Committee is hereby granted permission to conduct an Independence Day Parade on Friday, July 3, 2015, commencing at 6:00PM at Lockport High School, north on Locust Street to Ulrich City Centre, subject to the approval of the Parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Schrader and adopted. Ayes 6.

050615.10

By Alderman Lombardi:

Resolved, that pursuant to their request, Diamonds in the Ruff is hereby granted permission to conduct a 5K road race on Saturday, June 28, 2015 beginning at 10:00 AM, subject to approval of the race route by the Police Chief and 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 Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and cones as required prior to the event.

Seconded by Alderman Fogle and adopted. Ayes 6.

050615.11

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 Saturday, May 9, 2015 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 Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and street closed signs to the area prior to the event.

Seconded by Alderman Mullane and adopted. Ayes 6.

050615.12

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted All Saints Parish to barricade Church Alley between Church and Lock Streets on Thursday, June 11, 2015, for a fundraising event, and be it further

Resolved, that the Director of Streets and Parks be and the same is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman Schrader and adopted. Ayes 6.

050615.13

By Alderman Mullane:

WHEREAS, the Assessment Office is an important element to the generation of revenue for the City of Lockport by ensuring property assessments and exemptions are fair, current and accurate, and

WHEREAS, the City would like to know whether the Assessment Department is operating effectively and efficiently and it would therefore like a review by an outside agency.

NOW THEREFORE BE IT

RESOLVED, that the City of Lockport hereby requests an immediate audit of the Assessment Department by the Office of the New York State Comptroller, the Office of the Attorney General and the Office of Real Property Services.

Seconded by Alderman Schrader. Ayes 2. Noes 4. Motion Failed.

Alderman Genewick, Fogle, Lombardi and Kibler voted no.

050615.13A

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted to A Hand Up Inc. to paint a mural on the concrete wall on Clinton Street

Seconded by Alderman Fogle and adopted. Ayes 6.

By Alderman Lombardi:

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

Seconded by Alderman Mullane and adopted. Ayes 6.

050615.13B

By Alderman Schrader:

WHEREAS, the City of Lockport (“City”) is a New York Municipal Corporation with offices at One Locks Plaza, Lockport, New York, 14094 and the Greater Lockport Development Corporation (“GLDC”), is a Local Development Corporation with offices also at One Locks Plaza, Lockport, New York, 14094, and

WHEREAS, the City and the GLDC initially acquired the 3 Niagara Street, 16 Church Street, 49 Richmond Avenue, 51 Richmond Avenue, 53, Richmond Avenue, 57 Richmond Avenue, 69 Richmond Avenue, 79 Richmond Avenue and 81 Richmond Avenue from private owners by negotiated sale on November 6, 2001, May 24, 1999, January 11, 2002, and August 2, 2001. The street was then renamed from “Richmond Avenue” to “Canal Street.” Canal Street is located in the center of the City, one city block east from City Hall and one City block north of Main Street, and

WHEREAS, prior to the City's acquisition of the block, the buildings were in varied states of disrepair and required extensive environmental remediation, demolition, renovation and restoration to buildings 51, 57, 78 and 81 Canal Street, and

WHEREAS, on August 28, 1997, the City received a grant from the U.S. Department of Housing and Urban Development (“HUD”), Canal Corridor Initiative, Section 108 Loan Guarantee Program, number B-97-DH-36-0043, for \$1,000,000. The HUD grant was used to conduct architectural and environmental studies, complete asbestos surveys and start the site work for phase I of the project – the repair of the roofs on buildings 51, 57, 79 and 81 Canal Street. The City and the GLDC also received a U.S. Department of Housing and Urban Development Community Development Block Grant for Small Cities in 1999 in the amount of \$144,455, to complete the above roof repair and \$50,300 for street and site improvements for Phase II. On January 25, 2002 the City received a grant for the New York State Department of Environmental Conservation (“NYSDEC”), 1996 Clean Water/Clean Air Bond Act, Environmental Restoration Project, Title 5, Project B00154-9, for \$270,000. On November 7, 2002 the City received an additional \$187,500 and 131,185 in funding by grant amendments. The above NYSDEC funds were used to clean up environmental contamination on the block, remove asbestos and demolish some of the buildings. The GLDC spent \$77,725 to clean up environmental contaminants and \$75,685 to remove asbestos and demolished some buildings and rehabilitated buildings 51, 57, 78 and 81, and

WHEREAS, in addition to the above improvements by the GLDC, the City and the GLDC made certain street and site improvements during Phase I and II of the project with funding from Senator Maziarz’s Member Item of \$234,000, \$515,416 from the New York State Department of State Environmental Protection Fund and Quality Community Grant, \$200,000 from the Capital Highway Improvement Program (“CHIPS”), \$109,929 from the City Bed Tax

revenue, and \$50,000 from the Department of Housing and Community Renewal for \$50,000, and

WHEREAS, the City of Lockport is the titled owner to the subject premises by deed dated April 26, 2001, and recorded in the Niagara County Clerk's Office on April 30, 2001 in Liber 3113 of Deeds at page 182, and

WHEREAS, the City of Lockport leased the subject premises to the Greater Lockport Development Corporation dated June 29, 2006 and recorded in the Niagara County Clerk's office on July 7, 2006 in Liber 3364 of Deeds at page 315 for a period of forty-two (42) years for purposes of redevelopment, leasing and eventual sale, and

WHEREAS, on June 29, 2006 the GLDC retained Benton Kendig (Richlock, LLC) as the Preferred Developer for the block and entered into a (i) Lease Agreement, (ii) Development Agreement, (iii) Site Management Agreement, and (iv) Loan Agreement with Richlock, LLC to rehabilitate buildings 51, 57, 78 and 81 Canal Street. Once the rehabilitation was completed, the City and the GLDC terminated Richlock's obligations in May 2008 and purchased all of Richlock's right, title and interest in (i) the Lease Agreement, (ii) the Development Agreement, (iii) the Site Management Agreement, (iv) the Loan Agreement, (v) any and all permits, licenses and approvals used or usable in connection with the Premises, and (vi) all plans and specifications, lists of contractors, warranties, lists of all materials used such as doors and windows, all vendors and suppliers and a description of contracts pertaining thereto, drawings, surveys, environmental studies, books and records, engineering reports and other written documentation prepared, used or usable in connection with the construction and maintenance of the Premises, and

WHEREAS, at the conclusion of the remediation and restoration project, the R.W. Bronstein Corp. appraised 57 Canal Street at \$355,000, and

WHEREAS, since re-acquiring the Developer's interests in the block, except for the lease of the third floor of the building it has sat vacant for years, and

WHEREAS, the area is in need of economic development, jobs and pedestrian traffic, and

WHEREAS, in an effort to generate interest in the block, the GLDC retained a realty company several years ago that placed signage in front of the buildings, advertised on a national commercial real estate website known as LoopNet, made property information available on it's website, produced a color marketing piece that has been distributed to target audiences and the commercial brokerage industry throughout Upstate new York, and

WHEREAS, through the successful marketing efforts by the GLDC the GLDC and City received an contract for purchase and sale of improved land from Iskalo Development Corp. for the sum of \$375,000.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to convey 57 Canal Street, Lockport, New York to Iskalo Development Corp. for the sum of \$375,000 payable to the GLDC, and be it further

RESOLVED, that this resolution shall be subject to the adoption of a resolution by the GLDC releasing its rights to the subject parcel and building.

Seconded by Alderman Genewick and adopted. Ayes 6.

050615.14 ADJOURNMENT

At 6:38 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 20, 2015.

Seconded by Alderman Lombardi and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk