

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

February 1, 2012  
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, McCaffrey, Fogle, Schrader, and Genewick.

Absent: Alderman Lombardi

**RECESS**

Recess for public input.

**020112.1**

**APPROVAL OF MINUTES**

On motion of Alderman Kibler, seconded by Alderman Genewick, the minutes of the Regular Meeting of January 18, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on a proposed local law amending Chapter A192 Plumbing Rules and Regulations.

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.

**FROM THE MAYOR**

**Appointments:**

1/26/12 Mark Provenzano, 37 Regent Street, Lockport, NY – appointed as a member of the Fire Board. Said term expires December 31, 2015.  
Received and filed.

1/26/12 David Arlington, 9 Berkley Drive, Lockport, NY – appointed as a member of the Fire board to fill the unexpired term of John Lombardi III. Said term expires December 31, 2014. 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)

### Notice of Defect:

1/19/12 326 Locust Street, Lockport, NY – tree  
1/20/12 289 Green Street, Lockport, NY – tree  
1/27/12 105 John Street, Lockport, NY – tree  
1/27/12 81 Washington Street, Lockport, NY – tree

Referred to the Director of Engineering.

## MOTIONS & RESOLUTIONS

### 020112.2

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 February 3, 2012.

Seconded by Alderman Fogle and adopted. Ayes 5.

### 020112.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McCaffrey and adopted. Ayes 5

### 020112.4

By Alderman Kibler:

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>
Robert E. Spencer	15	Laborer
Joshua Stadlmeir	5	Laborer
Christopher J. Walker	5	Motor Equipment Operator

Seconded by Alderman Fogle and adopted. Ayes 5.

### 020112.5

By Alderman Kibler:

Resolved, that the Director of Engineering be and the same is hereby authorized to arrange for the installation of a streetlight and pole to be placed at 53 West High Street at a cost of \$8.15 per month.

Seconded by Alderman Schrader and adopted. Ayes 5.

**020112.6**

By Alderman Schrader:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 14 through September 3, 2012 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items including alcoholic beverages, crafts, and related items
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

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 permission is subject to the Lockport Monday Night Cruise Optimist Club 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 Engineering is hereby authorized and directed to arrange for delivery of barricades, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Genewick and adopted. Ayes 5.

**020112.7**

By Alderman Kibler:

Resolved, that pursuant to their request, Cornell University Cooperative Extension is hereby granted permission to erect a banner across East Avenue at Davison Road from July 16<sup>th</sup> until August 5<sup>th</sup> 2012 at least 17 feet from the ground to promote the 2012 Niagara County Fair. Said permission is subject to the Cornell University Cooperative Extension 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 McCaffrey and adopted. Ayes 5.

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 5.

**020112.8**

By Alderman Kibler:

City of Lockport

Local Law No. 1 of the year 2012

A local law amending Chapter A192 Plumbing Rules and Regulations

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

**PLUMBING RULES & REGULATIONS**

Chapter A192

**PLUMBING RULES AND REGULATIONS**

[HISTORY: Adopted 2-17-1893; amended 3-13-1938, 1-10-1945; 3-10-1961; 3-28-1972; 4-21-2010]

GENERAL REFERENCES

Electrical standards- see chapter 89

Property maintenance- see chapter 136

§ A192.1. **Article 4 of the General City Law**

NEW YORK STATE STATUTES

GOVERNING PLUMBERS AND PLUMBING

(Article 4 of the General City Law of The State of New York)

**§ 40. Definitions.**

When used in the Article, the words “employing or master plumber” shall mean a person having a regular place of business and who, by himself or journeymen plumbers in his employ, performs plumbing work.

**§ 40-a. Master Plumber**

When used in this Article, the words “Chief Plumbing Inspector” shall mean a person who has taken & passed the Master Plumbers test given by the City of Lockport and who holds the Practical Master Plumber license for the City of Lockport as appointed by the Plumbing Board. There shall be only one inspector who holds a Practical Master Plumber’s license in the City of Lockport appointed as “Chief Plumbing Inspector” by the Plumbing Board, employed in the Building Inspection Department.

**§ 40-b Examining Boards of Plumbers in cities**

The existing boards for the examination of plumbers in cities of this state are continued and each shall be known as the “Examining Board of Plumbers.” Such Board in each city shall continue to consist of five persons to be appointed by the mayor, of whom two shall be employing or master plumbers of not less than 10 years’ experience in the business of plumbing, and one shall be journeyman plumber of like experience, and the other members of such Board shall be the Chief Inspector of Plumbing and Drainage of such city or officer performing

the duties of such Inspector, and the Chief Engineer having charge of sewers in such city, but in the event of there being no such officers in such city, then any two other officers having charge or supervision of the plumbing, drainage or sewerage whom the Mayor shall designate or appoint, or two members of the Board of Health of such city having like duties or acting in like capacities.

**§41. Term of office; vacancies**

The term of office of each member of such Board shall be three years from the first day in January following his appointment. Vacancies occurring by expiration of a term shall be filled by the Mayor for a full term. Vacancies by death, removal, inability to act, resignation or removal from the city of any member shall be filled by him for the unexpired term. The Chief Inspector of Plumbing and Drainage and the Engineer in charge of sewers or the officers holding equivalent positions or acting in like capacities, designated or appointed by the Mayor as herein provided, shall cease to hold their offices by reason or on account of which they were so designated or appointed, their successors shall act on the Examining Board in their stead.

**§ 42. Compensation of members of Board**

The master and journeyman plumbers serving as members of such Board shall received such compensation for their services as shall be determined by the Board of Estimate and Appointment or other similar body authorized by law to fix and determine the compensation of city officers and employees.

**§ 43. Qualifications**

All members of such Board shall be citizens and actual residents of the county in which they are appointed.

**§ 44. Powers and duties**

The Plumbing Board shall have power and it shall be their duty:

1. To meet at stated intervals in their respective cities; they shall also meet whenever the Chief Plumbing Inspector, Plumbing Board members or the Mayor of such city thereof shall, in writing, request them so to do.
2. To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing plumbers in the city in which such Board shall be appointed, with the power of examining persons applying for certificates of competency as such employing or master plumber or as inspectors; to determine their fitness and qualifications for conducting the business of master plumbers or to act as the inspector; and to issued certificates of competency to all such persons who shall have passed a satisfactory examination before such Board and shall be by it determined to be qualified for conducting the business as employing or master plumber or competent to act as the inspector.
3. To formulate, in conjunction with the local Plumbing Board of the city or an officer, board or body performing the duties of the Chief Plumbing Inspector, a code of rules regulating the work of plumbing and drainage in such work, and from time to time to add to, amend or alter the same, or in their discretion to adopt the standard plumbing code recommended by the State Department of Health.
4. To charge and collect from each person applying for examination the sum of \$100 for each examination made by such Board, and all monies so collected shall be paid over by the Board monthly to the Chamberlain or Treasurer of such city in which such Board shall be appointed.
5. **To revoke or suspend any such license if it finds that the holder is in violation of the Plumbing Rules and Regulations.**

#### **§ 45. Examinations; conducting business without certificate prohibited**

A person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in a city of this state as employing or master plumber shall be required to submit to an examination before such Examining Board of Plumbers as to his experience and qualifications for such trade, business or calling, and it shall not be lawful in any city of this state for a person to conduct such trade, business or calling unless he shall have first obtained a certificate of competency from such Board of the city in which he conducts or proposes to conduct such business.

#### **§ 45-a. Corporations may conduct business**

A domestic corporation desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in a city of this state as employing or master plumber may do so, provided one or more officers of such corporation separately or aggregately actually hold and own at least 51% of the issued and outstanding capital stock of said corporation, and provided that each of such officers holding such percentage of the stock is the holder of a certificate of competency of such Board of the city in which it conducts or proposes to conduct such business as provided in § 45. In case one or more officers of a corporation engaged in such business shall die, being the holder of a certificate of competency, the corporation may continue the business during the time necessarily required for the administration of the estate of such deceased officer, not exceeding two years from the granting of letters, provided one or more officers of the corporation is the holder of a certificate of competency and together with the legal representatives of such deceased officer or officers actually owns and holds at least 51% of the issued and outstanding capital stock of the said corporation. Each and every member of said corporation holding a certificate of competency shall comply with all the rules and regulations applicable to master or employing plumbers in the locally in which the corporation is engaged in business. Such corporation shall register as provided in § 46 of this chapter.

#### **§ 45-b. Further requirements relating to the business of plumbing**

1. No person otherwise qualified shall engage in the trade, business or calling of a plumber or of plumbing in a city of this state as employing or master plumber until he has first procured from the Chief Plumbing Inspector or the Plumbing Board if so designated by local law in such city, or, in the City of New York, from the Plumbing Board, a sign appropriately lettered or marked "licensed plumber," such sign shall be conspicuously posted in the window of the place where such business is conducted. Any person retiring, abandoning or not actually engaged in such trade, business or calling hereinbefore mentioned shall surrender to the Chief Plumbing Inspector or the Plumbing Board if so designated by local law of the city, or in the City of New York, to the Plumbing Board, such sign and shall not again engage in such trade, business or calling until he has again procured a sign as herein provided.
2. Within 30 days after this section takes effect, the Chief Plumbing Inspector or the Plumbing Board if so designated by local law in every city of this state, and in the City of New York, the Plumbing Board, shall prepare a sign, at least 11 inches wide and not less than 17 inches in length, appropriately lettered "licensed plumber," the lines of each letter to be four inches long and 1 ¼ of an inch wide; such sign, on some part thereof, contain an identification number, which together with the name and location of the place of business of the person to whom issued, shall be recorded in the office of such Chief Plumbing Inspector if so designated by local law, or such Plumbing Board in the City of New York. Every person now actually engaged or about to engage in the trade, business or calling of a plumber or of plumbing as employing or master plumber, who has otherwise complied with the provisions of law relating to the conduct of such business, upon the payment of \$150 to the Chief Plumbing Inspector or the Plumbing Board if so designated by local law of such city, or, in the City of New York, to the Plumbing Board, shall have issued to him a sign or plate hereinbefore described. In the City of Lockport, a renewal fee of \$150 shall be charged for each such sign, which shall be issued without reexamination, such fee to be paid by the holder of such sign to the Plumbing Board

annually during the month of January. The provisions of this section shall apply to all cities of the state, including the City of New York.

**§ 46. Registration: when required**

Every employing or master plumber carrying on his trade, business or calling in any city of this state register his name and address and required to sign the Plumbing Registration Book at the office of the Chief Plumbing Inspector or the Plumbing Board if so designated by local law of the city in which he shall conduct such business, under such rules as the respective Chief Plumbing Inspector or the local Plumbing Board in conjunction with the Chief Plumbing Inspector of the cities shall prescribe, and thereupon he shall be entitled to receive a certificate of such registration; provided, however, that such employing or master plumber shall at the time of applying for such registration hold a certificate of competency from a Plumbing Board. **Every master plumber registered with the City of Lockport must sign the Plumbing Registration Book at the office of the Chief Plumbing Inspector by no later than January 31<sup>st</sup> or he shall forfeit their right to conduct business in the City of Lockport until the following year.**

**§ 47. Cancellation of registration: notice**

**Such registration may be canceled or suspended by the Plumbing Board for such term as it may deem proper or if so designated by local law for a violation of the rules and regulations for the plumbing and drainage of such city as duly adopted and enforced, after a hearing had before such Chief Plumbing Inspector or the Plumbing Board if so designated by local law and upon a prior notice of not less than 10 days stating the ground of complain and served on the person charged with the violation, but such revocation shall not be operative unless concurred in by the Plumbing Board. 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.**

**§ 48. Inspector: qualifications: notice**

The Local Plumbing Board or Chief Plumbing Inspector, as the case may be, shall detail, designate or appoint an Inspector or Inspectors of Plumbing, subject, however, to the provisions or limitations of law regulating the appointment of such Inspectors by such Chief Plumbing Inspector. All Inspectors of Plumbing who are detailed designated or appointed shall be practical plumbers and shall not be engaged directly or indirectly in the business of plumbing during the period of their appointment. They shall be citizens and actual residents of the city in which they are appointed, and before entering upon the discharge of their duties as such Inspector, they shall each be required to obtain a certificate of competency from said Plumbing Board. They shall be entitled to receive compensation, to be fixed by the officer, board, commission or department having power to fix salaries generally, or, if there be no officer, board, commission of department thereof having such power, by the Board of Alderman or Common Council. All plan submissions must be approved by the "Chief Plumbing Inspector" prior to any inspection performed. All plumbing activities are overseen directly by the "Chief Plumbing Inspector."

**§ 49. Duties of Inspectors: reports**

The Chief Plumbing Inspector appointed under the provisions of the preceding sections of this Article, in addition to the duties prescribed by law or ordinance and those which may be enjoined or required by the appointing power of the city in which they shall be appointed, shall inspect the construction and alteration of all plumbing work performed in such city and report in writing the results of such inspection to such appointing power of their respective cities. They shall also report in like manner any person engaged in or carrying on the business of employing plumber without having the certificate hereinbefore provided.

**§ 50. Expiration and renewals of certificates and licenses**

All certificates of registration issued under the provisions of the preceding sections of this Article and all **licenses authorizing connections with street sewers or water mains shall expire on the 31<sup>st</sup> day of December of the**

**year in which they were issued and must be renewed by the 31<sup>st</sup> of January preceding such expiration. Such renewals shall be for one year from the first day in January in each year.**

**§ 51. Notice of violation of rules**

Whenever any Inspector or other person reports a violation of any such rules and regulations for plumbing and drainage, or a deviation from any officially approved plan or specification for plumbing and drainage filed with any board or department, the appointing power shall first serve a notice of the violation thereof upon the master plumber doing the work, if a registered plumber.

**§ 52. Notice: how served; proceedings when violation not removed**

Such notice may be served personally or by mail, and if by mail, it may be addressed to such master plumber at the address registered by him, but the failure of a master plumber to register will relieve the official or board who or which appoints the Plumbing Inspector from the requirement of giving notice of violation. Unless the violation is removed within three days after the day of serving or mailing such notice, exclusive of the day of serving or mailing, the official or board who or which appoints the Plumbing Inspector may proceed according to law.

**§ 53. Plumbing and drainage to be executed according to rules**

The plumbing and drainage of all buildings, both public and private, in each of the cities of this state, shall be performed by persons authorized under the rules and regulations adopted by the local Plumbing Board in conjunction with the Chief Plumbing Inspector for plumbing and drainage, and all plumbing and drainage work shall be executed in compliance with such rules and regulations. And all repairs and alterations in the plumbing and drainage of all buildings heretofore constructed shall also be performed and executed in accordance with such rules and regulations; but this section shall not be construed to repeal any existing provision of law requiring plans for the plumbing and drainage of new buildings to be filed with the Chief Plumbing Inspector and be previously approved in writing by the Chief Plumbing Inspector and executed in accordance therewith, except that in case of any conflict with such plans, rules and regulations of the Plumbing Board, the latter shall govern. **Exception:** Single-family owner occupied residence, not within the city's right-of-way.

**§ 54. Office rooms: expenses a city charge**

Each of such Plumbing Board shall have power to procure suitable quarters for the transaction of business, to provide the necessary books and stationery and to employ a clerk to keep such books and record the transactions of such Board. The Board of Estimate and Apportionment of the Common Council of a city, as the case may be, shall annually insert in their tax levy a sufficient sum to meet all the expenditures incurred under the provisions of the Article. The expenses incurred by the Plumbing Board in the execution and performance of the duties imposed by this Article shall be a charge on the respective cities and shall be audited, levied, collected and paid in the same manner as other city charges are audited, levied, collected and paid.

**§ 55. Violations: how punished**

Any person violating any of the provisions of this Article or any rules or regulations of the Chief Plumbing Inspector or of the Plumbing Board in any city regulating the plumbing and drainage of buildings in such city shall be guilty of a misdemeanor and, on conviction, if a master plumber, shall, in addition, serve a suspension of his master plumber's license for such period as deemed proper by the Plumbing Board or Chief Plumbing Inspector or forfeit any certificate of competency or registration which he may hold under the provisions thereof.

**§ 56. Issue of licenses to connect with sewers and water mains restricted.**

The Commissioner of Public Works of any city or the officer or officers acting in a like capacity in any of the cities of this state and having charge of the sewers and water mains therein shall not issue a license to anyone to

connect with the sewers or with the water mains of such cities unless such person has obtained and shall produce a certificate of competency from the Plumbing Board of such city.

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

Alderman Fogle	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman Lombardi	VOTING	Absent
Alderman McCaffrey	VOTING	Y
Alderman Schrader	VOTING	Y

The local law was thereupon declared duly adopted.

#### **020112.9**

By Alderman Kibler:

Whereas, the WEC Main Street Program has been established to assist cities and villages in developing a public/private effort to revitalize traditional central business district areas, and

Whereas, the City of Lockport has been successfully represented in said program since 2008 by Lockport Main Street, Inc, and

Whereas Lockport Main Street, Inc. has shown a three year track record of success bringing events activities, and business support to the Lockport Central Business District, and

Whereas, Lockport Main Street, Inc. has provided the City of Lockport with detailed financial and programmatic reporting demonstrating the responsible use of City financial commitments, now, therefore be it

Resolved, by the City Council of the City of Lockport:

That the City of Lockport agrees to continued financial support of Lockport Main Street, Inc. The City hereby pledges \$52,500 payable in equal annual payments of \$17,500 for the years 2012 through 2014.

Recognizes that a commitment to commercial district revitalization is an ongoing process requiring long-term attention, community support and involvement, and a full public/private partnership.

Seconded by Alderman Fogle and adopted. Ayes 5.

#### **020112.10**

By Alderman Schrader:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to enter into an agreement with the Town of Amherst for the Town of Amherst to deliver undigested wastewater sludge cake generated by the Amherst Wastewater Treatment Facility, to the Lockport compost Facility for composting, stabilization, and ultimate disposal on an as-needed basis.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

**020112.10A**

By Alderman Kibler:

Resolved, that Deputy Corporation Counsel Blackley be and the same is hereby authorized and directed to prepare a memorandum of agreement with the Hickory Club P.B.A., and be it further

Resolved that upon approval thereof by the Hickory Club, P.B.A., and signed by the President, the Mayor is authorized and requested to sign same.

Seconded by Alderman Fogle and adopted. Ayes 5.

**020112.11**

**ADJOURNMENT**

At 6:20 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 15, 2012.

Seconded by Alderman Genewick and adopted. Ayes 5.

RICHELLE J. PASCERI  
City Clerk