

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 6, 2013  
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, Lombardi, McCaffrey, Fogle, Schrader, and Genewick.

**RECESS**

Recess for public input.

**020613.1**

**APPROVAL OF MINUTES**

On motion of Alderman McCaffrey, seconded by Alderman Lombardi, the minutes of the Regular Meeting of January 16, 2013 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

1/18/13      Police Captain Douglas Haak appointed to the Emergency Response Committee.  
Received and filed.

1/18/13      Amy Wiltse, Confidential Assistant to the Police Chief/Clerk/Matron appointed to  
the Emergency Response Committee.  
Received and filed.

1/24/13      Molly A. Degan, 7158 Akron Road, Lockport, NY – appointed as Administrative  
Assistant for Water Administration Department effective January 22, 2013. Said appointment is  
permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations.  
Received and filed.

1/25/13      Luca Quagliano, Lockport Fire Department Training Officer appointed as a  
member of the Emergency Response Committee.  
Received and filed.

2/4/13      Wade M. Andes, 19 Russell Street, Lockport, NY – appointed as Public Works  
Supervisor (Building Maintenance) effective January 22, 2013. 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)

1/25/13 Richelle J. Pasceri, City Clerk – notification of bids received and opened on January 24, 2013 for Kiln Dried Wood Chips:

K. S. LaForge Excavating Inc. Wellsville, NY	Kiln dried wood chips: \$14.00 / cubic yard Fuel Surcharge: Base fuel price (Diesel) 4.00/gal 1% surcharge for each 10c increment over 4.00/gal
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Willow Creek Farm Clarence Center, NY	Kiln Dried wood chips: \$12.00 / cubic yard Fuel Surcharge: \$0
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Referred to the Director of Engineering

1/28/13 Neal Turvey, Assistant Coach, Niagara Jr. Thunder Wolves, 6603 South Transit Road, Lockport, NY – requests permission to use the baseball diamonds at Outwater Park for their “Battle at the Falls” baseball tournament.  
Referred to the Committee of the Whole

1/31/13 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President's birthdays:

Monday, February 11<sup>th</sup>  
Monday, February 18<sup>th</sup>

There will be no change in the garbage pickup schedule.  
Referred to the Media

### **Summons:**

1/22/13 Daryl Ubiles, 250 Prospect Street, Lockport, NY, Plaintiff –vs- City of Lockport, One Locks Plaza, Lockport, NY, Defendant  
Referred to the Corporation Counsel

### **Notice of Defect:**

1/16/13 51 Cleveland Place, Lockport, NY – tree  
1/18/13 77 Beverly Avenue, Lockport, NY – tree  
1/22/13 142 Park Lane Circle, Lockport, NY – tree  
1/28/13 24 Sunnyside Street, Lockport, NY – tree  
Referred to the Director of Engineering.

**Notice of Claim:**

1/14/13 Dawn Sock, 81 Hillcrest Drive, Lockport, NY  
1/18/13 Eric Olczak, 13 Columbia Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**020613.2**

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 8, 2013.

Seconded by Alderman Kibler and adopted. Ayes 6.

**020613.3**

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 Lombardi and adopted. Ayes 6.

**020613.4**

By Alderman McCaffrey:

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>Yrs. of Service</u>	<u>Title</u>
Brian W. Wentland	15	Police Captain
Shirley M. Browning	10	Deputy City Clerk/Registrar of Vital Statistics
Donna J. Winters	10	Tax Enforcement Clerk
Travis A. Mapes	10	Police Detective
David J. Miller	5	Building Inspector
Matthew M. Devine	5	Firefighter
Michael P. Galanis	5	Firefighter
Timothy M. Loucks	5	Firefighter

Seconded by Alderman Fogle and adopted. Ayes 6.

**020613.5**

By Alderman McCaffrey:

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 17<sup>th</sup> until August 5<sup>th</sup> 2013 at least 17 feet from the ground to promote the 2013 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 Schrader and adopted. Ayes 6.

**020613.6**

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Alfred J. "Chief" Cappola, a former City of Lockport Alderman who recently passed away.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

**020613.7**

By Alderman Schrader:

Resolved, that pursuant to their request, Molinaro's Ristorante is hereby granted permission to close Pine Street from South Street to Walnut Street and to use half of City parking lot #5 on Sunday, August 11, 2013 from 9:00 a.m. to 9:00 p.m. to conduct an Italian Festival, and be it further

Resolved, that permission is hereby granted to vend including alcoholic beverages subject to obtaining a solicitor's permit from the City Clerk, and be it further

Resolved, that the fee for the solicitor's permit is hereby waived, 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 Molinaro'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 Director of Engineering is hereby authorized and directed to arrange for delivery of "street closed" signs, barricades, traffic cones, ten picnic tables, and eight 96 gallon waste receptacles to the area prior to the event, cost of refuse disposal to be billed to Molinaro's Ristorante.

Seconded by Alderman Lombardi and adopted. Ayes 6.

**020613.8**

By Alderman Genewick:

Resolved, that the Request for Proposal of Lumsden McCormick LLP, 369 Franklin Street, Buffalo, NY, received on December 21, 2012, for Budget Consulting Services be accepted, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized and directed to enter into agreement with Lumsden McCormick LLP for Budget Consulting Services.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

**RESOLUTION**

**AUTHORIZING SALE AND ASSIGNMENT OF SPRINT SPECTRUM CELL TOWER LEASE**

**020613.9**

By Alderman McCaffrey:

**WHEREAS**, on February 8, 2000 the City of Lockport entered into a License Agreement with Sprint Spectrum L. P. to install a base station, antennas and other equipment related to personal communication service on the Outwater Park Water Tower, and

**WHEREAS**, the term of the above license was for a period of 25 years at a fee of \$15,408.00 per year with a 15% escalator every 5 years, and

**WHEREAS**, the City solicited proposals from Landmark Dividend, Wireless Capital Partners, Lease Advisors and Communications Capital Group for the proposed sale of the Sprint license agreement for terms of 20, 50 and 99 years, and

**WHEREAS**, the highest and best proposal received was from Landmark Dividend for the sum of \$226,423.93 for 50 years.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Mayor be and is hereby authorized to sign an option agreement for due diligence and a Lease Assignment and Purchase with Landmark Dividend for the sum of \$226,423.93 subject to Corporation Counsel approval.

Seconded by Alderman Fogle and adopted. Ayes 6.

**020613.10**

By Alderman Kibler:

Resolved, that the Director of Engineering is hereby authorized and directed to sell at public auction, to the highest bidders, used vehicles and surplus equipment/supplies at the Highways & Parks Department, and be it further

Resolved, that the City Clerk is authorized and directed to advertise for same.

Seconded by Alderman Schrader and adopted. Ayes 6.

**020613.11**

By Alderman Fogle:

Resolved, that pursuant to their request, Niagara Jr. Thunder Wolves is hereby granted permission to use the baseball field at Outwater Park for their baseball tournament subject to approval of the schedule by the Highways & Parks Department and Niagara Jr. Thunder Wolves 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.

**020613.12**

By Alderman McCaffrey:

Whereas the City of Lockport's Municipal Building's telephone switch server has suffered repeated failures recently, and

Whereas loss of said server will result in total loss of telephone communications into and out of the Municipal Building except emergency 911 calls, and

Whereas the Director of Engineering / Public Works has researched the availability of Consultants and their qualifications who will assist in the design and procurement of a new telephone system, and

Whereas the Director of Engineering / Public Works recommends Soteria – IT as a qualified Consultant who is able to meet the urgent time schedule, now it therefore be

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Soteria – IT, 3959 N. Buffalo Street, Orchard Park, NY 14127 for Telecommunication Consulting at a cost not to exceed \$10,000.00 to be charged to account # 004.0004.0520.4133.

Seconded by Alderman Kibler and adopted. Ayes 6.

**020613.13**

By Alderman Genewick:

Whereas, the City desires to provide a youth program for residents of the City, and  
Whereas, the program is self-funding, and  
Whereas, due to an oversight, the program was not included in the 2013 budget and the budget needs to be amended, now therefore be it  
Resolved, that the 2013 General Fund be amended as follows:

Increase:

001.0001.2189	Youth Programs	\$35,000
001.7310.0484	Youth Recreation Programs	\$35,000

Seconded by Alderman Fogle and adopted. Ayes 6.

**020613.14**

By Alderman McCaffrey:

WHEREAS, the City of Lockport held its annual in rem tax foreclosure auction on October 23, 2012; and  
WHEREAS, by public auction, the City of Lockport accepted bids on several parcels which were foreclosed upon by a Court ordered Judgment; and  
WHEREAS, pursuant to Real Property Tax Law Section 1166, approval of the governing body of the tax district is required when the highest bid is not accepted; and  
WHEREAS, the City of Lockport Treasurer has rejected four highest bids for various reasons including failure to comply with the Terms of Sale; and  
WHEREAS, the City of Lockport Treasurer has transferred the following properties to secondary bidders as follows:

<u>Address:</u>	to	<u>Name:</u>
37 Center Street		Robert Holmes
271 Mill Street		Derek Martin
252 Caledonia Street		Ethel Moore
185 North Transit Street		Willie Harden;

Now therefore be it

RESOLVED, that the City of Lockport does hereby approve and confirm by ratification the sale of the following properties to secondary bidders as follows:

<u>Address:</u>	to	<u>Name:</u>
37 Center Street		Robert Holmes
271 Mill Street		Derek Martin
252 Caledonia Street		Ethel Moore
185 North Transit Street		Willie Harden.

Seconded by Alderman Genewick and adopted. Ayes 6.

**020613.15**

By Alderman Genewick:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer \$2,000.00 from the John Henry Trust Account to account #001-5510-434-0885 to be used as matching funds from the William G. Mayne, Jr. Business/Community Enhancement Program grant for half of the cost of driveway improvements at John Henry Park.

Seconded by Alderman Schrader and adopted. Ayes 6.

**020613.15A**

By Alderman Lombardi:

WHEREAS, NYSE&G has requested an easement over and upon 611 West Jackson Street, Lockport, New York to install an electric padmounted transformer.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to execute an Easement Agreement with NYSE&G for the installation of a padmounted transformer and related equipment at 611 West Jackson Street, Lockport, New York subject to Corporation Counsel approval.

Seconded by Alderman Genewick and adopted. Ayes 6.

**020613.15B**

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council Meeting of February 20, 2013 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Lockport Recycling Center LLC, for approval for a Phase One of a recycling center to be located at 178 Oakhurst Street, situated in a I-3 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Schrader and adopted. Ayes 6.

**020613.15C**

By Alderman Genewick:

**WHEREAS**, the Common Council adopted a Bed Tax Plan on December 15, 1993 to establish a funding procedure for bed tax proceeds, and

**WHEREAS**, on May 6, 1998 the Common Council adopted a Bed Tax Local Law that required 75% of the net revenue from the tax to be used for the promotion of economic development in the City of Lockport and 25% of the net revenue from the tax to be used for tourism in the City of Lockport, and

**WHEREAS**, the Bed Tax Plan established a committee comprised of the Mayor, City Treasurer, a Representative of the Common Council, a representative of the GLDC, a representative of the Downtown Lockport Development Corporation, a representative of the Tourism Committee, a representative of the Eastern Niagara Chamber of Commerce, a representative of the general public and a representative of the hotel/motel industry, and

**WHEREAS**, in 2001 the State Legislature amended section 1202-o of the Tax Law of the State of New York requiring 75% of the net revenue collected from the tax to be used for a not-for-profit corporation under contract with the county for the promotion of tourism in the

county and the remaining 25% to be used for the promotion of community and economic development in the City of Lockport, and

**WHEREAS**, as a result of above State Legislation/amendment and obligations to Lockport Main Street, Inc. the net revenue from Bed Tax that is managed by the Bed Tax Committee is approximately \$7,500 a year, and

**WHEREAS**, the sum of \$50,000 has accumulated in the Bed Tax Plan account, and

**WHEREAS**, the Bed Tax Plan states that the Bed Tax Plan can be amended at any time by the Common Council of the City of Lockport, and

**WHEREAS**, many of the original committee members no longer exist such as the Downtown Lockport Development Corporation, the Tourism Committee and the Eastern Niagara Chamber of Commerce, and

**WHEREAS**, given the limited funding available the Common Council desires to reestablish the Bed Tax Committee to the following members:

1. The Mayor
2. The City Treasurer;
3. A Common Council Member;
4. A representative of the Greater Lockport Development Corporation;
5. A representative of the Tourism Task Force;
6. A representative of the Niagara County Legislature, and
7. A representative of the Community, and

**WHEREAS**, the Flight of Five Winery and Local Food Market have made application to the Bed Tax Committee for economic development funds for the building located at 2 Pine Street, Lockport, New York.

#### **NOW THEREFORE BE IT**

**RESOLVED**, that the Bed Tax Committee shall consist of:

1. The Mayor
2. The City Treasurer;
3. A Common Council Member;
4. A representative of the Greater Lockport Development Corporation;
5. A representative of the Tourism Task Force;
6. A representative of the Niagara County Legislature, and
7. A representative of the Community.

And be it further,

**RESOLVED**, that the Mayor be and is hereby authorized by virtue of the authority conferred upon him by the Charter of the City of Lockport, New York to appoint members to the Bed Tax Committee each year, and be it further

**RESOLVED**, that subject to the review and approval of the Bed Tax Committee the Common Council hereby approves a grant to the Flight of Five Winery Local Food Market not to exceed \$50,000.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

**020613.16**

**ADJOURNMENT**

At 6:25 P.M. Alderman McCaffrey moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 20, 2013.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk