

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 11, 2014
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.

021114.1

APPROVAL OF MINUTES

On motion of Alderman McCaffrey, seconded by Alderman Lombardi, the minutes of the Regular Meeting of January 15, 2014 and the Special Meetings of January 22, 2014 and January 29, 2014 are hereby approved as printed in the Journal of Proceedings.
Ayes 6. Carried.

FROM THE MAYOR

Appointments:

1/17/14 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michael W. Tucker, Mayor of said City, do hereby re-appoint the following City of Lockport Police Officers as Commissioner of Deeds for a three year term expiring on December 31, 2016:

Lawrence M. Eggert
Travis Mapes
Michael Niethe

Warren Hale
Kevin Schrader
Brian Wentland

Received and filed.

1/17/14 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michael W. Tucker, Mayor of said City, do hereby appoint City of Lockport Police Officer Steven Abbott as Commissioner of Deeds for a three year term expiring on December 31, 2016.

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)

12/14/13 Austin Kelm, Facility Manager, New Era Park Depew, via email – request permission to use the baseball diamonds at Outwater Park for the 2014 New Era Cap Classic summer tournament.

Referred to the Committee of the Whole

1/7/14 Neal Turvey, Assistant Coach, Niagara Jr. Thunder Wolves, 6603 S Transit Road, Lockport, NY – request permission to use the baseball diamonds at Outwater Park for the 2014 “Battle at the Falls” baseball tournament.

Referred to the Committee of the Whole

1/28/14 Rev. Wayne Dent, Lockport Evangelical Ministers Association – request permission to conduct the “Meet at City Hall” prayer gathering on Thursday, May 1, 2014.

Referred to the Committee of the Whole

1/21/14 Ken Genewick, Great Lakes Racing LLC – request permission to use the pavilion and rest room facilities at Wide Waters Marina for the 5th annual Summer Beast of Burden Ultra Marathon on Saturday, August 9, 2014.

Referred to the Committee of the Whole.

2/3/14 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 10th

Monday, February 17th

There will be no change in the garbage pickup schedule.

Referred to the Media

Notice of Defect:

1/17/14 176 Akron Street, Lockport, NY – City vehicle drove over water shut-off

1/23/14 99 Saxton Street, Lockport, NY – City vehicle drove over water shut-off

1/23/14 235 Vine Street, Lockport, NY – tree

Referred to the Director of Engineering.

Notice of Claim:

12/30/13 Cincinnati Insurance Co., Hamburg, NY for Glenwood Cemetery Association.

1/9/14 Raymond Lloyd, 202 Cottage Street, Lockport, NY

1/14/14 Patrick Heal, 279 Locust Street, Lockport, NY

1/14/14 Desiree Gams, 5988 Kline Road, Niagara Falls, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

021114.2

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 6, 2014.

Seconded by Alderman Kibler and adopted. Ayes 6.

021114.3

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.

021114.4

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>Years of Service</u>	<u>Title</u>
Mary Ann Schaffert	20	LPD Records Data Coordinator
Rodney J. Peters	15	Police Lieutenant
Nicholas A. Rubert	15	Municipal Worker
Kevin L. Schrader	15	Police Detective
Randy S. Szymanski	10	Municipal Worker

Seconded by Alderman Fogle and adopted. Ayes 6.

021114.5

By Alderman Fogle:

Resolved, that pursuant to their request, New Era Park Depew is hereby granted permission to use the baseball field at Outwater Park for the 2014 New Era Cap Classic summer tournament subject to approval of the schedule by the Highways & Parks Department and New Era Park filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Schrader and adopted. Ayes 6.

021114.6 WITHDRAWN (Grant permission to Niagara Jr. Thunder Wolves for the "Battle at the Falls" baseball tournament)

021114.7

By Alderman Schrader:

Resolved, that the Chief Wastewater Process Operator is hereby authorized and directed to prepare bid specifications for Kiln Dried Wood Chips, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Kibler and adopted. Ayes 6.

021114.8

By Alderman Schrader:

Resolved, that the Director of Engineering is hereby authorized and directed to prepare bid specifications to update the Sewer Ordinance to include new Federal Regulations, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Lombardi and adopted. Ayes 6.

021114.9 WITHDRAWN (Authorize Utility Tax Audit)

021114.10

By Alderman Fogle:

Resolved, that pursuant to their request, the Chron's & Colitis Foundation is hereby granted permission to conduct a 2.5 mile walk on Saturday, September 27, 2014 at Outwater Park, and to barricade a portion of Outwater Drive beginning at 8:00 a.m., subject to approval of the walk route by the Police Chief, and the Chron's & Colitis Foundation 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 make arrangements to deliver refuse containers, barricades, and street closed signs prior to the event.

Seconded by Alderman Schrader and adopted. Ayes 6.

021114.11

By Alderman Lombardi:

Resolved, that pursuant to their request, Great Lakes Racing, LLC is hereby granted permission to use the rest room facilities and pavilion at Nelson C. Goehle Wide Waters Marina on Saturday, August 9, 2014, for the 5th annual Summer Beast of Burden Ultra Marathon. Said permission is subject Great Lakes Racing, LLC 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 the preparation of the restroom facilities for said event and to arrange for delivery of barricades to close off the parking lot.

Seconded by Alderman Kibler and adopted. Ayes 5, Alderman Genewick Abstained.

021114.12

By Alderman Fogle:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Lockport Rampage Football for use of the Outwater Park Football field for their 2014 season.

Seconded by Alderman Kibler and adopted. Ayes 6.

021114.13

By Alderman Lombardi:

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 11, 2014 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 Director of Engineering is hereby authorized and directed to make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman Lombardi and adopted. Ayes 6.

021114.14

By Alderman Lombardi:

Resolved, that pursuant to their request, the Lockport Evangelical Minister's Association is hereby granted permission to conduct their annual "Meet at City Hall" prayer gathering in front of the Lockport Municipal Building on Thursday, May 1, 2014 starting at noon to 1:00 p.m. in conjunction with the "National Day of Prayer".

Seconded by Alderman Fogle and adopted. Ayes 6.

021114.15 WITHDRAWN (Amend 2014 budget to reinstate budgetary line re: DV)

021114.16

By Alderman McCaffrey:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to sign a Memorandum of Agreement with CSEA related to IT services.

Seconded by Alderman Genewick and adopted. Ayes 6.

021114.16A

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 12 through September 1, 2014 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 6.

021114.16B

By Alderman McCaffrey:

WHEREAS, it is the opinion of the Corporation Counsel that there is an appearance of a conflict of interest between the administration and an employee with respect to a personnel matter, and

WHEREAS, the Corporation Counsel has recommended to the Mayor and Council that it is in the City's best interest to employ outside counsel to handle the personnel matter.

NOW THEREFORE, BE IT

RESOLVED, that Corporation Counsel be and is hereby authorized to retain Brian Doyle, Esq. at an hourly rate of \$200.00 an hour to:

1. Conduct an investigation;
2. Advise the Mayor and Council whether any violations or improper conduct occurred;
3. Prosecute any disciplinary proceeding, if necessary; and
4. Recommend discipline, if necessary.

Seconded by Alderman Kibler and adopted. Ayes 5, Noes 1 – Alderman Schrader.

021114.16C

By Alderman McCaffrey:

WHEREAS, the City of Lockport has received Management Letters for its external auditor, and

WHEREAS, the Comptroller's report identified several issues that needs to be addressed in the Accounting Department, Auditor's Department and Treasurer's Office.

NOW THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into a Consulting Agreement with the Bonadio Group to provide recommendations and advice that will allow the City to ensure all reconciliations are up to date and that the books are closed in a timely manner. And be it further

RESOLVED, that the cost of the same shall not exceed \$7,000 and shall be paid from account #001-1420-0434.

Seconded by Alderman Genewick and adopted. Ayes 6.

021114.16D

By Alderman Genewick:

Resolved, that pursuant to their request, #MSSUCKS is hereby granted permission to conduct a 5K run "Cinco-K" and barricade Vine Street from Walnut Street to Remick Parkway starting at approximately 8:30 AM on May 4, 2014, subject to #MSSUCKS filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for delivery of barricades to said area prior to the event.

Seconded by Alderman Lombardi and adopted. Ayes 6.

021114.16E

By Alderman Schrader:

Resolved, that the following fees for the City of Lockport Water Department shall be increased as follows:

Hydrant Usage Permit Fees:

¾" TAP	\$ 58.88
1" TAP	\$ 82.72
1 ½" TAP	\$276.94
2" TAP	\$456.73

Hydrant Permits \$50.00

Inspection Fee \$50.00

Hydrant Wrench Deposit \$50.00

Temporary of Construction Water Permit \$50.00

Seconded by Alderman Fogle and adopted. Ayes 6.

021114.16F

By Alderman Schrader:

Whereas, the City of Lockport raw water intake is in North Tonawanda, and

Whereas, the raw water line intake travels from the North Tonawanda through the municipalities of Pendleton, Wheatfield, Lockport (Town) and North Tonawanda for a total of 13 miles to get to the City of Lockport Summit Street filtration plant, and

Whereas, the City of Lockport pays Niagara County property tax based upon the assessment which results in a water bill increases for each homeowner in the City of Lockport, and

Whereas, a 100% tax exemption for the City of Lockport from the Niagara County taxes on the above described 13 mile raw water line would result in a tax levy impact of less than one cent per thousand of assessed property values, and

Whereas, the County passed resolution IL-046-08 on June 17, 2008 granting a tax exemption for a period of five years upon the condition that the savings be deposited into a fund designed for and used to repair or replace damaged Lockport City owned water lines thereby providing lower water bill costs to the City of Lockport residents who are residents of the County of Niagara as well, now, therefore, be it

Resolved, that the Mayor be and is hereby authorized to execute an agreement with the County of Niagara to renew the same exemption, and be it further

Resolved, that the Treasurer be and is hereby directed to set up an account to deposit said savings for repairs and improvement, and be it further

Resolved, that Department of Utilities be and is hereby directed to prepare and submit a plan each year to the Mayor and Common Council for expenditure in accordance with the above.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

021114.17

ADJOURNMENT

At 6:26 P.M. Alderman McCaffrey moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 19, 2014.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk