

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

Lockport Municipal Building

Regular Meeting  
Official Record

March 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.

**030613.1**

**APPROVAL OF MINUTES**

On motion of Alderman McCaffrey, seconded by Alderman Lombardi, the minutes of the Regular Meeting of February 20, 2013 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

2/22/13 Lydia Jones, 31 Reed Street, Lockport, NY – appointed as a member of the Housing Authority to fill the unexpired term of Darlene Morrison. Said term expires April 26, 2015.

Received and filed.

3/4/13 Mark Sobieraski, 8410 Washington Avenue, Gasport, NY – appointed as Sign Maintenance Worker effective March 1, 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)

2/21/13 Elaine Harrigan, Marketing Director, Kenan Center, 433 Locust Street, Lockport, NY – request permission to hang a banner over East Avenue to promote the 100 American Craftsmen event. Referred to the Committee of the Whole

2/21/13 Sid Parrish, Chairman, Navy-Marine Club, 37 Park Avenue, Lockport, NY – request permission to conduct a Memorial Day Parade on Sunday, May 26, 2013. Referred to the Committee of the Whole

### **Notice of Defect:**

2/26/13 44 S New York Street, Lockport, NY – tree

3/4/13 559 Willow Street, Lockport, NY – tree

3/5/13 317 Clinton Street, Lockport, NY – tree

Referred to the Director of Engineering

### **Notice of Claim:**

3/1/13 Charles M. Steffenilla & Kathryn Millard, 216 Elmwood Avenue, Lockport, NY

Referred to the Corporation Counsel

### **Summons and Verified Complaint:**

2/27/13 Lee R. Larson and Susan L. Larson vs. Timothy R. Gately and City of Lockport

Referred to the Corporation Counsel

## MOTIONS & RESOLUTIONS

### **030613.2**

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 March 8, 2013.

Seconded by Alderman Lombardi and adopted. Ayes 6.

### **030613.3**

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 6.

**030613.4**

By Alderman Lombardi:

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>
Craig A. Butler	20	Firefighter
Thomas E. Lupo	20	Fire Captain
Mark A. White	15	Firefighter
Kendra A. DiTullio	10	Police Officer
Kevin R. High	10	Firefighter
Henry P. Nevins	10	Police Officer
Drew W. Orton	10	Firefighter
Thomas P. Norris	10	Heavy Equipment Operator
Joel P. Diel	10	WWTP Lab Technician
Christopher Peacock	10	Chief Compost Plant Operator
Kristopher W. Pratt	5	Laborer
Marshall K. Belling	5	Police Officer
Heather M. Rohde	5	Police Officer
Paul C. Meerboth Jr.	5	Police Officer

Seconded by Alderman Fogle and adopted. Ayes 6.

**030613.5**

By Alderman Schrader:

Whereas, the City of Lockport desires to extend the Reed Street water main to the water main on High Street so as to improve the quality of water on Reed Street and at Roy B. Kelley School by creating a looped water line, and

Whereas, the Lockport City School District desires to increase their fire protection abilities by adding fire hydrants on said water main extension, and

Whereas, the Lockport City School District agrees to supply all stone for pipe bedding of said water main extension, now therefore be it

Resolved, that the Director of Engineering is hereby authorized and directed to purchase materials with an approximate cost of \$20,000 and install said water main extension with City staff, cost to be charged to account #004-0004-0520-4134, and be it further

Resolved, that the Corporation Counsel be authorized and directed to prepare a memorandum of agreement between the City of Lockport and the Lockport City School District for authorization to enter upon and work on School Property, and be it further

Resolved, that the Mayor be in the same is hereby authorized and directed to execute said agreement.

Seconded by Alderman Genewick and adopted. Ayes 6.

**030613.6**

By Alderman Lombardi:

Resolved, that pursuant to the request of Lake Effect Ice Cream, 79 Canal Street, Lockport, NY, permission is hereby granted to erect and maintain awnings in the City’s right-of-way at 79 Canal Street subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the awnings must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Schrader and adopted. Ayes 6.

**030613.7**

By Alderman McCaffrey:

Resolved, that Deputy Corporation Counsel Blackley be and the same is hereby authorized and directed to prepare memorandums of agreement with Douglas Sibolski and Pete Degnan, and be it further

Resolved that upon approval thereof by the CSEA, and signed by the President, the Mayor is authorized and requested to sign same.

Seconded by Alderman Schrader and adopted. Ayes 6.

**030613.8**

By Alderman McCaffrey:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Girasole-Penale Appraisal, LLC for Assessor Services at a cost of \$53,100.00 for a 15 month contract to be charged to account #s 001-1355-434 and 001-1355-100.

Seconded by Alderman Kibler and adopted. Ayes 6.

**030613.9**

By Alderman Schrader:

Resolved, that pursuant to their request, Sweet 16 Café is hereby granted permission to install a chalk board in front of the Municipal Building for “This is My Lockport.... And This is How I Will Make a Difference” Chalkboard Event beginning May 11<sup>th</sup> until May 18<sup>th</sup>, 2013. Said permission is subject to Sweet 16 Café filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Lombardi and adopted. Ayes 6.

**030613.10**

By Alderman Schrader:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Brian A. Griesser, a retired City of Lockport Fire Captain who recently passed away.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

**030613.11**

By Alderman Lombardi:

Resolved, that pursuant to their request, the Kenan Center is hereby granted permission to erect a banner starting on May 13, 2013 through June 3, 2013 across East Avenue at Davison Road at least 17 feet from the ground to promote the 43<sup>rd</sup> Annual 100 American Craftsmen event to be held May 31 through June 2, 2013. 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 Fogle and adopted. Ayes 6.

**030613.12**

By Alderman Kibler:

Resolved, that pursuant to their request, the Navy-Marine Club is hereby granted permission to conduct a Memorial Day Parade in the City of Lockport on Sunday, May 26, 2013 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 Director of Engineering is hereby authorized and directed to arrange for delivery of 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 #001-8510-434-8003.

Seconded by Alderman Genewick and adopted. Ayes 6.

**030613.13**

By Alderman Schrader:

Resolved, that a public hearing be held at the Common Council Meeting of March 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 Imagine Community Gardens, Inc. for approval to install a community garden to be located at 225 and 227 Washburn Street, situated in an R-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 Kibler and adopted. Ayes 6.

**030613.14**

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council Meeting of March 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 Grand Street Properties, Inc., for approval for a Spa/Alternative Healing Services business to be located at 193 Grand Street, situated in an I-2 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 Lombardi and adopted. Ayes 6.

**030613.15**

By Alderman Genewick:

Resolved, that pursuant to the request of the City Clerk, the City Treasurer be and the same is hereby authorized and directed to transfer funds for Civil Service Exams in the amount of \$1,700.00 from account #001-1900-1990 to account #001-1430-418.

Seconded by Alderman McCaffrey 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 Schrader and adopted. Ayes 6.

**030613.16**

By Alderman Schrader:

Resolved, that the Farmers' Market is hereby established for the 2013 season and the following rules and regulations are hereby adopted:

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

**1. Location/Dates/Hours**

The 2013 Farmers Market season will be from April 1, 2013 through November 30, 2013 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 Engineering is hereby authorized and directed to arrange for installing signage denoting the Farmers' Market.

Seconded by Alderman Kibler and adopted. Ayes 6.

**030613.17**

By Alderman Schrader:

**WHEREAS**, on January 7, 2013 the Lockport Planning and Zoning Board authorized the subdivision of the former Harrison property now known as 210 Walnut Street, Lockport, New York 14094 into two separate parcels of land as part of a renovation project, and

**WHEREAS**, the Greater Lockport Development Corp. is in the process mortgaging Building 4, 160 Walnut Street, Lockport, New York as part of the renovation project for leasehold space, and

**WHEREAS**, a portion of Seymour Alley consisting of approximately 20.59 feet in width by 265.20 feet in length that lies directly north and adjacent to Building 4, 160 Walnut Street, Lockport, New York is no longer needed for public use and it has not been used by the public for the past 25 years.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Common Council hereby finds, in accordance with § 159 of the City Charter, that the best interest of the public will be served by the abandonment of a portion of the property known as Seymour Alley from the East end of said alley West 265.20 feet consisting of 20.59 feet in width, as set forth in a legal description and map attached to this resolution and also on file in the office of the City Clerk, and be it further

**RESOLVED**, that the Mayor of the City of Lockport is authorized and directed, subject to approval of the Corporation Counsel, to execute and deliver a quit claim deed to 210 Walnut Street, LLC for the sum of \$1.00 and recording costs subject to a utility (telephone, electric, gas and cable) easement of record and any and all other documents necessary and reasonable to accomplish this abandonment and transfer, and be it further

**RESOLVED**, that such transfer and abandonment be in the best interests of the health, safety and welfare of the City of Lockport and, accordingly hereby dispenses with public bidding in connection with this abandonment.

Seconded by Alderman Genewick and adopted. Ayes 6.

**030613.17A**

By Alderman McCaffrey:

Resolved, that the Director of Engineering be and the same is hereby authorized to arrange for the installation of streetlights to be placed on pole #5A on Erie Street and pole # 505/T41 on State Road near the Prospect Street Bridge.

Seconded by Alderman Lombardi and adopted. Ayes 6.

**030613.17B**

By Alderman Kibler:

Resolved, that pursuant to his request, Police Chief Eggert and Officer Henry Nevins are hereby granted permission to travel to Albany, NY, to accept Accreditation from New York State. Cost of same to be charged to account #001-3120-479.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

**030613.17C**

By Alderman Kibler:

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

Seconded by Alderman Fogle and adopted. Ayes 6.

**030613.17D**

By Alderman Lombardi:

Resolved, that pursuant to the request of Tracy Jufer, property owner of 114 North Adam Street, Lockport, NY, permission is hereby granted to park between the curb and sidewalk (driveway apron) and encroach upon the sidewalk at said address, but must leave space for pedestrian passage subject to the following provisions:

That upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the permit is revoked,

Filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Schrader and adopted. Ayes 6.

**030613.17E**

By Alderman McCaffrey:

Whereas, the Lockport Salvation Army is undergoing a capitol improvement project that will provide new and enhance the services offered by the Salvation Army, and

Whereas, the Salvation Army is applying for a Niagara River Greenway Grant, now therefore be it

Resolved, that the City of Lockport Common Council is in support of this project that will better our community.

Seconded by Alderman Genewick and adopted. Ayes 6.

**030613.18**

**ADJOURNMENT**

At 6:23 P.M. Alderman McCaffrey moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 20, 2013.

Seconded by Alderman Schrader and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk