

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 17, 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.

**041713.1**

**APPROVAL OF MINUTES**

On motion of Alderman McCaffrey, seconded by Alderman Lombardi, the minutes of the Regular Meeting of April 3, 2013 and the Special Meeting of April 10, 2013 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

4/11/13 Patricia Dufour, 5937 Wynkoop Road, Lockport, NY – appointed as a Commissioner of Deeds. Said term expires December 31, 2014.  
Received and filed.

4/11/13 Robert M. Lawson, 373 Pine Street, Lockport, NY – appointed as Senior Water Maintenance Worker effective April 11, 2013. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

4/11/13 Thomas P. Norris, 5830 Cameron Drive, Lockport, NY – appointed as Senior Water Maintenance Worker effective April 11, 2013. Said appointment is permanent 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)

4/3/13 Austin Kelm, New Era Park, 3950 Broadway, Depew, NY – request permission to use the baseball diamonds at Outwater Park for a tournament September 13<sup>th</sup> – 15<sup>th</sup>. Referred to the Committee of the Whole

4/8/13 Richelle J. Pasceri, City Clerk – The following bid proposals for Lockport Parking Garage Demolition were received and opened on April 5, 2013:

ELECTRICAL CONTRACT:

Industrial Power & Lighting Corp. Buffalo, NY	\$ 71,000.00
O’Connell Electric Company, Inc. Victor, NY	\$ 72,147.00
CIR Electrical Construction Corp. Buffalo, NY	\$ 73,500.00
Ferguson Electric Construction Co., Inc. Buffalo, NY	\$ 77,400.00
M & M Electric Construction Co., Inc. Niagara Falls, NY	\$ 77,990.00

GENERAL CONTRACT:

Empire Dismantlement Corp. Grand Island, NY	\$1,177,000.00
Apollo Dismantling Services LLC Niagara Falls, NY	\$1,231,000.00
Lycoming Supply, Inc. Williamsport, PA	\$1,266,724.00
Mark Cerrone, Inc. Niagara Falls, NY	\$1,283,888.00
Mulvey Construction, Inc. Lockport, NY	\$1,299,379.00

Pinto Construction Services, Inc. Buffalo, NY	\$1,396,060.00
Ritter & Paratore Contracting, Inc. Utica, NY	\$1,493,397.00
Dore & Associates Contracting, Inc. Bay City, MI	\$1,755,800.00
Ontario Specialty Contracting, Inc. Buffalo, NY	\$2,099,705.00

\*The following GENERAL CONTRACT bid was received and opened by CRA Infrastructure & Engineering on April 5, 2013 after the 2:00PM deadline:

Scott Lawn Yard, Inc. Sanborn, NY	\$ 987,000.00
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Referred to the Committee of the Whole

4/11/13 Lisa M. Epolito, Race Co-Director, American Cancer Society, Relay for Life,- request permission to conduct a 5K Road Race on Saturday, June 15, 2013.  
Referred to the Committee of the Whole

4/15/13 Richelle J. Pasceri, City Clerk – The following bid proposals for Resurfacing Tennis Courts at Altro Park were received and opened on April 12, 2013:

American Paving & Excavating, Inc. Clarence Center, NY	\$ 97,764.64
Thomann Asphalt Paving Corp. Lancaster, NY	\$104,979.80
Louis Del Prince & Sons Inc. Cheektowaga, NY	\$106,609.60
N. F. P. & Sons, Inc. North Tonawanda, NY	\$107,545.30
Greenauer Blacktop, Inc. West Seneca, NY	\$111,286.00
Milherst Construction, Inc. Clarence Center, NY	\$115,305.50
Northeast Diversification Inc. Lancaster, NY	\$118,654.00
Titan Development Inc. Gasport, NY	\$137,470.00

Referred to the Committee of the Whole

**Notice of Defect:**

4/10/13 54 Park Avenue, Lockport, NY – tree  
4/12/13 178 Pine Street, Lockport, NY – tree  
4/16/13 49 Scovell Street, Lockport, NY – tree  
4/16/13 136 Lock Street, Lockport, NY – tree  
Referred to the Director of Engineering.

**Notice of Claim:**

4/11/13 Emma Jean Schmidt, 245 Pine Street, Lockport, NY  
4/11/13 Rachel Schmidt, 245 Pine Street, Lockport, NY  
4/16/13 Mary & Darlene Ryan, 177 Ontario Street, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**041713.2**

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 April 19, 2013.

Seconded by Alderman Kibler and adopted. Ayes 6.

**041713.3**

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.

**041713.4**

By Alderman Fogle:

Resolved, that pursuant to their request, New Era Park is hereby granted permission to use the baseball field at Outwater Park for a fall baseball 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 McCaffrey and adopted. Ayes 6.

**041713.5**

By Alderman Schrader:

Resolved, that the Lockport Business Association is hereby granted permission to use Ida Fritz Park and to barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue to conduct "A Taste of Lockport" on Sunday, August 18, 2013 from noon to 6:00 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 permission is granted to erect a banner across East Avenue at Davison Road at least 17 feet from the ground from August 5, 2013 until August 19, 2013, to promote the Taste of Lockport, 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 Engineering is hereby authorized and directed to arrange for delivery of barricades and trash receptacles to the area prior to the event, and to arrange for the banner to be erected.

Seconded by Alderman Fogle 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.

### **041713.6**

By Alderman McCaffrey:

WHEREAS, the "Flight of Five Project" is a project to restore locks 69 & 70, to their condition representative of 1842;

WHEREAS, the Flight of Five locks are located in the heart of downtown adjacent to Barge Canal Locks 34 and 35, City Hall, Main Street and Canal Street Gazebo Park;

WHEREAS, the Flight of Five is an iconic and enduring example of the enterprise and ingenuity of those New Yorkers who proposed, designed, and built the Erie Canal;

WHEREAS, the Erie Canal and its legacy are inextricably linked to the fabric and identity of New York State's communities and people;

WHEREAS, the considerable, recurring benefits associated with heritage tourism in New York State, and with the Erie Canal in particular, are further enhanced through preservation of the historic structures and places which help tell the story of the history of the Empire State;

WHEREAS, the NYSCC desires to restore locks 69 and 70 of the five historic locks in the City of Lockport to their condition representative of 1842;

WHEREAS, the purpose of this heritage presentation is to enhance the visitor experience by having Locks 69 & 70 of the historic Flight of Five in operating condition contiguous to Locks E-34 & E-35 of the Erie Canal;

WHEREAS, this will provide visitors with opportunities to appreciate and understand not only the Flight of Five Locks as a National Historic Landmark but also the Erie Canalway National Heritage Corridor;

WHEREAS, opportunities also exist to educate residents and visitors alike about the area history and its cultural and environmental values and to engage and to motivate residents and visitors to participate in the preservation of this unique heritage;

WHEREAS, the Flight of Five serves as a spillway around Locks E-34 & E-35, and is necessary to manage the water levels both above and below Locks E-34 & E-35;

WHEREAS, the Flight of Five Project must concurrently support the City of Lockport's intent to operate and maintain restored locks 69 & 70 and the NYSCC's operation of the New York State Canal System;

WHEREAS, the restoration of locks 69 and 70, Project R17.1 is part of the 2013 Canal Corporation Contracts Programs;

WHEREAS, the Board constituting the Canal Corporation, pursuant to Resolution No. 571 adopted at Meeting CC- 180 held on December 17, 2012, authorized the Chief Engineer to enter into such agreements with localities, utility companies, railroads and/or other others as may be necessary to facilitate the administration, award and completion of projects in the 2013 Contracts program;

WHEREAS, the City desires to maintain and operate the restored components of locks 69 and 70;

WHEREAS, the Canal Corporation and the City desire to formally set forth their respective duties and responsibilities in relation to the development and operation of Locks 69 and 70, and, therefore, an agreement governing the responsibilities of the respective Parties relative to operation and maintenance activities at Locks 69 & 70 is required;

NOW, THEREFORE BE IT

RESOLVED, that the Mayor, subject to the approval of Corporation Counsel, be and is hereby authorized to execute an Operation and Maintenance Agreement with the New York State Canal Corporation.

Seconded by Alderman Schrader and adopted. Ayes 6.

**041713.7**

By Alderman Fogle:

Resolved, that pursuant to their request, Christmas on the Canal is hereby granted permission to conduct a "Parade in the Dark" event on Saturday, November 30, 2013 commencing at 6:00 PM at Ida Fritz Park, east on Main Street to Charles Street, 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 Genewick and adopted. Ayes 6.

**041713.8**

By Alderman Lombardi:

Resolved, that pursuant to his request, Pete Robinson DBA Winter Wonderland Project is hereby granted permission to conduct the "Winter Wonderland Project" along Market Street between Exchange Street Bridge and Cold Springs Bridge on daily, from 4:00 pm until 10:00 pm beginning December 1, 2013 through December 31, 2013, and be it further

Resolved that said permission includes the following:

1. Allow on street parking along Market Street during event times.
2. Use of the restroom facilities at Wide Waters Marina,
3. Allow decorative lights to be hung on city owned property along the canal.

And be it further,

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades and refuse containers to said area prior to said event, and be it further

Resolved, that said permission is subject to the Winter Wonderland Project filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kibler and adopted. Ayes 6.

**041713.9**

By Alderman McCaffrey:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their 3<sup>rd</sup> Annual 5K Road Race on Saturday, June 15, 2013, 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 Engineering is hereby authorized and directed to arrange for delivery of barricades and cones as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Lombardi and adopted. Ayes 6.

**041713.9A**

By Alderman Genewick:

Whereas, the City has received a grant to combat Domestic Violence of \$28,200 for the period of January 1, 2013 to December 31, 2013, and

Whereas, these funds were not included in the 2013 budget, and

Whereas, the appropriations necessary to meet grant requirements were erroneously omitted from the 2013 budget, now therefore be it

Resolved, that the following budget amendment needs to be made:

INCREASE REVENUES:

001-0001-4389-0361	Domestic Violence	\$28,200
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INCREASE APPROPRIATIONS:

001-3120-0424-0361	Grant Expenses/ Domestic Violence	\$12,056
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001-3120-0101-0361	Overtime/Domestic Violence	\$16,144
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Seconded by Alderman McCaffrey and adopted. Ayes 6.

**041713.10**

**ADJOURNMENT**

At 6:30 P.M. Alderman McCaffrey moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 1, 2013.

Seconded by Alderman Schrader and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk