

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 20, 2011
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, Pasceri, Smith, McKenzie, Chapman, and Genewick.

RECESS

Recess for public input.

042011.1

APPROVAL OF MINUTES

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of April 6, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING
AMENDMENT TO §C-3 Wards and Boundaries

The Mayor announced a public hearing on a proposed amendment to §C-3 Wards and Boundaries.

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:

4/11/11 Thomas C. Rotondo, Jr., 312 West Avenue, Lockport, NY – re-appointed as a member of the Housing Authority. Said term expires April 26, 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)

4/11/11 Linda E. Conlin, Niagara County Fair Committee, Cornell University Cooperative Extension, 487 Lake Avenue, Lockport, NY – request permission to erect banner over East Avenue to promote the Niagara County Fair.
Referred to the Committee of the Whole.

4/14/11 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed on Friday, April 22, 2011 in observance of Good Friday. Garbage scheduled to be collected on Friday, April 22nd will be picked-up on **Thursday**, April 21st.
Referred to the Media.

4/14/11 Mary F. Murphy, DeSales Catholic School, 6914 Chestnut Ridge Road, Lockport, NY – request permission to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on May 7, 2011.
Referred to the Committee of the Whole.

4/18/11 John Babis, Baseball Chairman, B. Leo Dolan Post 410, American Legion, 42 Niagara Street, Lockport, NY – request permission to use the baseball diamonds at Outwater Park for their 2011 season.
Referred to the Committee of the Whole.

4/18/11 Nancy Babis, American Legion Auxiliary President, B. Leo Dolan Unit 410, 42 Niagara Street, Lockport, NY – request permission to conduct their annual “Poppy Days” during the month of May 2011.
Referred to the Committee of the Whole.

Notice of Claim:

4/18/11 Brandon Smith, 5794 Sweetwood Drive, Lockport, NY
4/15/11 Kenneth Hammond, 210 Locust Street, Apt 6, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

042011.2

By Alderman Kibler:

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 22, 2011.

Seconded by Alderman McKenzie and adopted. Ayes 6.

042011.3

By Alderman Kibler:

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

042011.4

By Alderman Genewick:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on May 7, 2011 beginning at 10:00 a.m. subject to approval of the race route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades and street closed signs to the area prior to the event.

Seconded by Alderman Kibler and adopted. Ayes 6.

042011.5

By Alderman Pasceri:

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 18th until August 7th 2011 at least 17 feet from the ground to promote the 2011 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 Genewick and adopted. Ayes 6.

042011.6

By Alderman McKenzie:

Resolved, that pursuant to the recommendation of the Lockport Planning Board, the special use permit issued on August 5, 2009, to Lock City Metals, 570 West Avenue, situated in an I-3 Zone, be amended to add auto recycling subject to the following provisions:

All DEC approvals must be obtained.

No cars shall be stacked.

There shall not be any more than 20 (twenty) cars stored on the property at one time.

There shall be no resale of used parts.

The debris and cars shall not be able to be seen from the roadway.

All fences and security measures shall be maintained.

The dismantling of all vehicles must be performed inside.

Seconded by Alderman Kibler and adopted. Ayes 6.

042011.7

By Alderman Smith:

Resolved, that pursuant to the request of Donna Eick, owner of The Flavorful Palette, permission is hereby granted to maintain a sign in the City's right-of-way at 247 Market Street, Lockport, NY 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 sign 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 Pasceri and adopted. Ayes 6.

042011.8

By Alderman Genewick:

Resolved, that income eligibility for City tax exemption for qualifying property owners over 65 years of age be increased from the present \$23,000 annually to \$25,420 for exemption from 50 percentum of assessed valuation for City tax purposes, as provided for in Section 467 of the Real Property Tax Law of the State of New York. Said increased eligibility to be applicable to the 2012 final assessment roll which will produce 2013 General City Tax.

Seconded by Alderman McKenzie and adopted. Ayes 6.

042011.9

By Alderman Pasceri:

Whereas, on Wednesday, April 6, 2011, the Common Council passed resolution April 6, 2011 directing the Corporation Counsel to prepare a local law redistricting the wards in accordance with the recent census data and Municipal Home Rule Law, and

Whereas, in accordance with the Municipal Home Rule Law the following local law which was placed on the desks of each Alderman on April 12, 2011, and a public hearing held on April 20, 2011, be and the same is hereby adopted:

City of Lockport

Local Law No. 3 of the year 2011

A local law amending C-3 Wards and Boundaries

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

By Alderman Kibler:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman McKenzie and adopted. Ayes 6.

Section 1.

The City of Lockport shall be apportioned under a plan of apportionment consisting of five (5) wards, described as follows:

WARD 1

WARD 1 shall include that portion of the City of Lockport bounded and described as follows:

Beginning at a point which is the intersection of the centerline of East Avenue, and the East Lockport City Line; thence proceeding Southwest along the centerline of East Avenue and continuing Southwest along the centerline of Main Street, also being State Route Thirty-One, to its intersection with the New York State Erie Canal; thence proceeding Southwest along the New York State Erie Canal to its intersection with the centerline of North Transit Road; thence proceeding North along the centerline of North Transit Road to its intersection with the centerline of Grand Street; thence proceeding East along the centerline of Grand Street to its intersection with the centerline of Church Street; thence proceeding North along the centerline of Church Street to its intersection with the centerline of Hill Street; thence proceeding West along the centerline of Hill Street to its intersection with the centerline of North Transit Street; thence proceeding North along the centerline of North Transit Street to its intersection with the centerline of Glenwood Avenue; thence proceeding East along the centerline of Glenwood Avenue to its intersection with the centerline of Gooding Street; thence proceeding Northwest along the centerline of Gooding Street to its intersection with the centerline of West Jackson Street; thence proceeding North and West along the centerline of West Jackson Street to its intersection with the centerline of North Transit Street; thence proceeding North on the centerline of North Transit Street to its intersection with the centerline of Old Niagara Road, also being the North Lockport City Line; thence proceeding East along the Lockport City Line to its intersection with the centerline of the East Avenue, also being State Route Thirty-One, the point or place of beginning.

WARD 2

WARD 2 shall include that portion of the City of Lockport bounded and described as follows:

Beginning at a point which is the intersection of the centerline of Genesee Street and Pine Street; thence proceeding South along the centerline of Pine Street to its intersection with the centerline of High Street; thence proceeding East along the centerline of High Street to its intersection with the centerline of Locust Street; thence proceeding Southeast and South along the centerline of Locust Street to its intersection with the centerline of Lincoln Avenue; thence proceeding East along the centerline of Lincoln Street and continuing along the centerline of Lincoln Street, also being the South Lockport City Line; thence North along the Lockport City Line to its intersection with the centerline of Royal Lane, also being the East Lockport City Line; thence continuing North along the centerline of Royal Lane, also being the Lockport City Line, to its intersection with the centerline of Akron Street; thence proceeding Northwest along the centerline of Akron Street to its intersection with the centerline of High Street; thence proceeding West along the centerline of High Street to its intersection with the centerline of Erie Street; thence proceeding North along the centerline of Erie Street to its intersection with the centerline of Lewis Street; thence proceeding West along the centerline of Lewis Street to the centerline of Washburn Street; thence proceeding North along the centerline of Washburn Street to the centerline of Genesee Street; thence proceeding West along the centerline of

Genesee Street to its intersection with the centerline of Pine Street, the point or place of beginning.

WARD 3

WARD 3 shall include that portion of the City of Lockport bounded and described as follows:

Beginning at a point which is the intersection of the Lockport City Line, also being the center line of Old Niagara Road, and the centerline of North Transit Street; proceeding South on the centerline of North Transit Street to its intersection with the centerline of West Jackson Street; thence proceeding East and South along the centerline of West Jackson Street to its intersection with the centerline of Gooding Street; continuing Southeast along the centerline of Gooding Street to its intersection with the centerline of Glenwood Avenue; thence proceeding West along the centerline of Glenwood Avenue to its intersection with the centerline of North Transit Street; thence proceeding South along the centerline of North Transit Street to its intersection with the centerline of Hill Street; thence proceeding East along the centerline of Hill Street to its intersection with the centerline of Church Street; thence proceeding South along the centerline of Church Street to its intersection with the centerline of Grand Street; thence proceeding West along the centerline of Grand Street to its intersection with the centerline of North Transit Street; thence proceeding South along the centerline of North Transit Street to its intersection with the New York Erie Canal; thence proceeding Southwest along the New York State Erie Canal to its intersection with the South Lockport City Line; thence proceeding West along the Lockport City Line to its intersection with the centerline of North Transit Street, being the point or place of beginning.

WARD 4

WARD 4 shall include that portion of the City of Lockport bounded and described as follows:

Beginning at a point which is the intersection of the centerline of East Avenue, also being State Route Thirty-One, and the centerline of Cave Street; thence proceeding Southeast along the centerline of Cave Street to its intersection with the centerline of Walnut Street; thence proceeding Southwest along the centerline of Walnut Street to its intersection with the centerline of Erie Street; thence proceeding South along the centerline of Erie Street to its intersection with the centerline of South Street; thence proceeding West and Southwest along the centerline of South Street to its intersection with the centerline of Washburn Street; thence proceeding South along the centerline of Washburn Street to its intersection with the centerline of Genesee Street; thence proceeding West along the centerline of Genesee Street to its intersection with the centerline of Pine Street; ; thence proceeding South along the centerline of Pine Street to its intersection with the centerline of High Street; thence proceeding East along the centerline of High Street to its intersection with the centerline of Locust Street; thence proceeding Southeast and South along the centerline of Locust Street to its intersection with the centerline of Lincoln Avenue; thence proceeding East along the centerline of Lincoln Avenue to its intersection with the centerline of Beattie Avenue; thence proceeding South along the centerline of Beattie Street, also being the Lockport City Line, to its intersection with the South Lockport City Line; thence proceeding West along the Lockport City Line to its intersection with the New York State Erie Canal; thence proceeding Northeast along the New York State Erie Canal to its intersection with Main Street, also being State Route Thirty-One; thence proceeding Northeast along the centerline of Main Street to the centerline of East Avenue; thence continuing Northeast along the centerline of East Avenue, also being State

Route Thirty-One, to its intersection with the centerline of Cave Street, the point or place of beginning.

WARD 5

WARD 5 shall include that portion of the City of Lockport bounded and described as follows:

Beginning at a point which is the intersection of the centerline of Akron Street and the East Lockport City Line; thence proceeding Northwest along the centerline of Akron Street to its intersection with the centerline of High Street; thence proceeding West along the centerline of High Street to its intersection with the centerline of Erie Street; thence proceeding North along the centerline of Erie Street to its intersection with the centerline of Lewis Street; thence proceeding West along the centerline of Lewis Street to the centerline of Washburn Street; thence proceeding North along the centerline of Washburn Street to the centerline of South Street; thence proceeding Northeast and East along the centerline of South Street to its intersection with the centerline of Erie Street; thence proceeding North along the centerline of Erie Street to its intersection with the centerline of Walnut Street; thence proceeding Northeast along the centerline of Walnut Street to its intersection with the centerline of Cave Street; thence proceeding Northwest along the centerline of Cave Street to its intersection with the centerline of East Avenue; thence proceeding Northeast along the centerline of East Avenue, also being State Route Thirty-One to its intersection with the East Lockport City Line; thence proceeding South along the Lockport City Line to its intersection with the centerline of Akron Street, the point or place of beginning.

Section 2. Wards, continued. The five City of Lockport Wards as previously bounded and described by **Local Law No. 1-2003** shall continue as such for the limited purpose of continuing in office the council members presently elected from said districts and shall cease to exist as such on January 1, 2012. For purposes of filling vacancies occurring other than by the expiration of term in the offices of member of the Lockport City Council elected at the general election of two thousand ten, the wards of this City, as described and set out in **Local Law No.1-2003**, shall continue to be the wards of the City of Lockport until December 31, 2011. For the purpose of the general election of 2011 and all other purposes, except as herein provided, the City of Lockport is divided into five wards, bounded and described in section 1 of this Local Law. Provided, further however that in the event a proposition for the approval of this local law is submitted at the next general election held not less than sixty days after the filing of such a petition, the legislative districts as described in **Local Law No. 1-2003** shall continue to be the councilmatic wards of this city for all purposes until the adoption of a valid Local Law redistricting the City Council pursuant to Municipal Home Rule Law section (10)(ii)(a.)(13).

Section 3. Separability of Wards. Each Ward created by this Local Law shall be deemed a separate Ward for purpose of apportionment of the entire city into Wards. If one or more Wards created by this local law are judicially found not to be in compliance with the decisions and mandates of a court of competent jurisdiction, only the ward or wards and those immediately adjacent or contiguous thereto shall be reapportioned. All other wards shall be deemed to be properly constructed.

Section 4. All other provisions of prior applicable local laws of the City of Lockport not in conflict with the provisions herein shall remain in full force and effect.

Section 5. This Local law shall take not take effect until at least forty-five days after its adoption or until approved by affirmative vote of a majority of the qualified electors of the City of Lockport voting on a proposition for its approval, in the event a petition signed and authenticated in number equal to at least five percent of qualified voters as provided pursuant to Municipal Home Rule Law section twenty-four is properly filed with the clerk protesting against such local law.

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

Alderman Chapman	VOTING	N
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	N

The local law was thereupon declared duly adopted.

042011.10

By Alderman Pasceri:

Whereas, the City of Lockport has been invited by the NYS Homes and Community Renewal Office of Community Renewal to submit application for a Single Purpose Plan under the New York State administered Community Development Block Grant (CDBG) Program; and

Whereas, the City of Lockport is desirous of applying for a homeownership assistance program to assist low and moderate income first-time homebuyers; and

Whereas, two public hearings have been conducted to obtain citizen input regarding the utilization of CDBG funds; and

Whereas, a program has been prepared that meets those community needs that have been identified, now therefore be it

Resolved, that the Mayor be, and he is hereby authorized to execute and submit an application to the Office of Community Renewal for the CDBG Program.

Seconded by Alderman McKenzie and adopted. Ayes 6.

042011.11

By Alderman McKenzie:

Resolved, that a public hearing be held at the Common Council Meeting of May 4, 2011 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 205 Green 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 Pasceri and adopted. Ayes 6.

042011.12

By Alderman Pasceri:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby authorized to submit a New York Main Street Grant application (authorized through the New York State Office of Community Renewal) on behalf of set business and property owners in the City of Lockport, as identified by Lockport Main Street, Inc. in the grant application, for the purpose of rehabilitation and renovation, and be it further

Resolved, that the City of Lockport and the Common Council supports this grant application and should funding be awarded, will offer advisory consultation as necessary.

Seconded by Alderman Kibler and adopted. Ayes 6.

042011.12A

By Alderman McKenzie:

Resolved, that permission is hereby granted to the Lockport Soccer Club to use the soccer field at Kibler Park during the 2011 season subject to approval of the schedule by the Highways & Parks Department and 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.

042011.12B

By Alderman McKenzie:

Resolved, that pursuant to her request, Dorothy Morton is hereby granted permission to conduct a Chicken BBQ at Outwater Park on Saturday, May 21, 2011, and be it further

Resolved, that permission is granted to have a dunk tank during said event, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

042011.12C

By Alderman Genewick:

Resolved, that pursuant to their request, the Lockport Little League is hereby granted permission to conduct their Opening Day Parade on April 30, 2011 beginning at 10:00 a.m., subject to approval of the parade route by the Police Chief, and be it further

Resolved, that the City Clerk is hereby authorized and directed to issue a parade permit for said event.

Seconded by Alderman McKenzie and adopted. Ayes 6.

042011.12D

By Alderman McKenzie:

Resolved, that permission is hereby granted to the American Legion to use the baseball diamonds at Outwater Park during the 2011 season subject to approval of the schedule by the Highways & Parks Department and 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.

042011.12E

By Alderman Pasceri:

Resolved, that pursuant to their request, the B. Leo Dolan Unit #410, American Legion Auxiliary, Department of New York, is hereby granted permission to conduct their annual "Poppy Days" in the City of Lockport during the month of May 2011, and be it further

Resolved, that the City Clerk is authorized and directed to issue a permit for same.

Seconded by Alderman Kibler and adopted. Ayes 6.

042011.13

ADJOURNMENT

At 6:21 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 4, 2011.

Seconded by Alderman McKenzie and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk