

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 7, 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.

090711.1

APPROVAL OF MINUTES

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of August 17, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

8/24/11 Carter Hawkes, Jr., 5615 Angela Drive, Lockport, NY – appointed at Public Works Supervisor effective August 8, 2011. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

8/24/11 Rolando Moreno, 71 East Remick Parkway, Lockport, NY – appointed as Assistant Director of Engineering effective per resolution August 3, 2011. Said appointment is provisional and subject to the City of Lockport Municipal 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)

8/18/11 Constantine (Dean) G. and Beth M. Mellas, 6590 Tonawanda Creek Road, Lockport, NY – donation in memorial for Robert W. Junke, for exclusive use by the Youth and Recreation Department.

Referred to the City Treasurer.

8/22/11 David W. Pynn, Niagara Lodge No. 375, 1 Cottage Street, Lockport, NY – request permission to conduct a Chicken BBQ in City Lot #9 on September 17, 2011.

Referred to the Committee of the Whole

8/26/11 Debra VanDusen, Emmanuel United Methodist Church, 75 East Avenue, Lockport NY – request permission to conduct their annual Fall Festival on October 1, 2011.

Referred to the Committee of the Whole

8/26/11 Kathleen J. Arigoni, Niagara County Center for Economic Development, 6311 Inducon Corporate Drive, Sanborn, NY – notification of annual training for local planning and zoning boards.

Referred to the Building Inspector.

8/30/11 Richard P. Mullaney, City Clerk – report of bid proposal for Municipal Facility Improvements were received and opened on August 26, 2011:

LaBella Associates PC Buffalo, NY	Wastewater Treatment Plant	\$ 41,777.00
	Water Filtration Plant	30,770.00
	Municipal Building	38,650.00
	Highway Garage Salt Barn	<u>16,650.00</u>
		\$127,847.00
O'Brien & Gere Rochester, NY	Wastewater Treatment Plant	\$ 71,750.00
	Water Filtration Plant	90,865.00
	Municipal Building	90,660.00
	Highway Garage Salt Barn	<u>20,970.00</u>
		\$274,245.00
Wendel Duchscherer Buffalo, NY	Wastewater Treatment Plant	\$ 76,050.00
	Water Filtration Plant	<u>68,575.00</u>
		\$144,625.00
Greenman - Pedersen, Inc. Buffalo, NY	Wastewater Treatment Plant	\$106,916.11
	Water Filtration Plant	107,167.72
	Municipal Building	134,673.80
	Highway Garage Salt Barn	<u>35,383.18</u>
		\$384,140.81

Conestoga-Rovers & Assoc. Buffalo, NY	Wastewater Treatment Plant	\$ 69,000.00
	Water Filtration Plant	58,000.00
	Municipal Building	61,000.00
	Highway Garage Salt Barn	<u>27,000.00</u>
		\$215,000.00
	Consolidated Project Total	\$171,000.00
TVGA Consultants Buffalo, NY	Wastewater Treatment Plant	\$ 58,930.00
	Water Filtration Plant	49,550.00
	Municipal Building	70,774.00
	Highway Garage Salt Barn	<u>24,500.00</u>
		\$203,754.00
Foit-Albert Assoc. Buffalo, NY	Wastewater Treatment Plant	\$ 73,436.00
	Water Filtration Plant	75,988.00
	Municipal Building	69,640.00
	Highway Garage Salt Barn	<u>27,554.00</u>
		\$246,618.00
	Project Allowances	<u>21,000.00</u>
		\$267,618.00
Didonato Engineering Buffalo, NY	Wastewater Treatment Plant	\$ 115,336.00
	Water Filtration Plant	87,890.00
	Municipal Building	54,440.00
	Highway Garage Salt Barn	<u>20,197.00</u>
		\$ 277,863.00

Referred to the Committee of the Whole

Notice of Defect:

8/15/11 55 Reed Street, Lockport, NY - tree
8/18/11 331 Lincoln Avenue, Lockport, NY – tree
8/24/11 81 Millar Place, Lockport, NY - tree
8/25/11 55 McIntosh Drive, Lockport, NY – tree

Referred to the Highways & Parks Department.

Notice of Claim:

8/16/11 Felicia Sanmarco, 188 Genesee Street, Lockport, NY
8/23/11 Patricia Palmer, 172 Niagara Street, Apt. 1, Lockport, NY
9/1/11 James and Maryann Kannalley, 153 Willow Street, Lockport, NY

Referred to the Corporation Counsel.

Third Party Summons:

8/30/11 Thomas R. Merkel – vs – Whirlpool Corporation, J.B. Hunt Transport, Inc., and Christopher Reed, AT&T Corporation, Time Warner Cable, Inc., Verizon Communications, Inc., and the City of Lockport, NY.

Referred to the Corporation Counsel.

Decision: (Small Claims Assessment Review)

- 9/6/11 Stephen & Arlene Wallace, 92 O'Brien Drive, Lockport, NY
- 9/6/11 Carl & Kimberly Wilson, 124 Massachusetts Avenue, Lockport, NY
- 9/6/11 Theodore & Sonia Werner, 41 Gaffney Road, Lockport, NY
- 9/6/11 Michael & Brenda Ulrich, 814 Willow Street, Lockport, NY
- 9/6/11 Jeanne E. Goff, 233 Waterman Street, Lockport, NY
- 9/6/11 Dominic Saraceno, 461 Willow Street, Lockport, NY

Referred to the City Assessor

MOTIONS & RESOLUTIONS

090711.2

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 September 9, 2011.

Seconded by Alderman Pasceri and adopted. Ayes 6.

090711.3

By Alderman Kibler:

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

Seconded by Alderman McKenzie and adopted. Ayes 6.

090711.4

By Alderman Pasceri:

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>
Kevin S. Lucinski	5	Police Officer

Seconded by Alderman Genewick and adopted. Ayes 6.

090711.5

By Alderman McKenzie:

Resolved, that pursuant to the request of The Shamus Restaurant, 98 West Avenue, Lockport, NY permission is hereby granted to erect an A-frame sign in the City's right-of-way at 98 West Avenue in accordance with the Sign Ordinance and 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,
that the sign can only be displayed during business hours,

Seconded by Alderman Kibler and adopted. Ayes 6.

090711.6

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to extend the contract between the City of Lockport and Joseph A. Macaluso for Assessment services.

Seconded by McKenzie and adopted. Ayes 4, Nays 2 – Ald. Smith & Ald. Chapman.

090711.7

By Alderman Smith:

Resolved, that pursuant to their request, Niagara Lodge No. 375 is hereby granted permission to conduct a Chicken BBQ in City Lot #9 on September 17, 2011, and be it further,

Resolved, that permission is granted to erect a sign to advertise same, subject to 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.

090711.8

By Alderman Pasceri:

Whereas, the City of Lockport desires to remove asbestos contamination from the Dussault Foundry Site at 2 & 10 Washburn Street, and

Whereas, the Niagara County Brownfields Cleanup Revolving Fund program will reimburse the City of Lockport for professional services and abatement costs up to \$200,000, and

Whereas, the Director of Engineering has prepared plans and specifications to remove the asbestos contamination through a Controlled Demolition with Asbestos in Place method acceptable by the New York State Department of Labor, and

Whereas, bids were received and opened on August 12th, 2011, and

Whereas, the Director of Engineering has reviewed said bids, interviewed the lowest bidder, checked references and recommends the award be given to the lowest bidder, now it therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a Contract with Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, NY 14301 for said work. Cost in the amount of \$150,000 be charged to 004-0004-0520-0092

Seconded by Alderman Kibler and adopted. Ayes 5, Nay 1 – Ald. Chapman.

090711.9 Withdrawn (amend City Code, Chapter 125 Noise, §125-4 Exemptions)

090711.10

By Alderman Smith:

Resolved, that pursuant to the request of Scripts Café, 12 East Avenue, Lockport, NY permission is hereby granted to erect an A-frame sign and place table and chairs in the City's right-of-way at 12 East Avenue in accordance with the Sign Ordinance and 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, tables and chairs 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,

that the sign can only be displayed during business hours,

Seconded by Alderman Genewick and adopted. Ayes 6.

090711.11

By Alderman Pasceri:

Resolved, that a public hearing be held on Wednesday, September 28, 2011, starting at 6:00 p.m. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY for the purpose of allowing citizens to be heard relative to the proposed 2012 City tax budget, 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.

090711.12

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Matthew C. Lanighan, a former City of Lockport Fire Board member who recently passed away.

Seconded by Alderman Pasceri and adopted. Ayes 6.

090711.13

By Alderman McKenzie:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Lawrence White, a retired City of Lockport Police Officer who recently passed away.

Seconded by Alderman Kibler and adopted. Ayes 6.

090711.14

By Alderman Smith:

Resolved, that pursuant to their request, Emmanuel United Methodist Church is hereby granted permission to barricade Wakeman Place and to conduct hayrides during their annual fall festival and auction on Saturday, October 1, 2011 from 12:00 p.m. to 3:30 p.m. Said permission is subject to Emmanuel United Methodist Church filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and approval of the route by the Police Chief, and be it further

Resolved, that the Highways and Parks Department be and the same is hereby authorized and directed to deliver barricades to the area prior to the event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

090711.15

By Alderman Chapman:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for the remainder of this meeting.

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

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

Motion failed. As a result of this motion failing, resolutions 090711.16 and 090711.17 are declared Out of Order pursuant to Corporation Counsel interpretation of Roberts Rules and Orders.

090711.16 OUT OF ORDER (remove resolution #021710.5 from the table)

090711.17 OUT OF ORDER (proposed local law re: Term Limits)

090711.17A

By Alderman Chapman:

Resolved, that pursuant to their request, permission is hereby granted the residents of Jefferson to barricade the cul-de-sac on Jefferson Drive on September 24, 2011, for a block party, and be it further

Resolved, that the Highways & Parks Department be and the same is hereby authorized and directed to deliver barricades to said area prior to said event.

Seconded by Alderman Pasceri and adopted. Ayes 6.

090711.17B

By Alderman Chapman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of David R. Haley, a retired City of Lockport Commissioner of Public Works who recently passed away.

Seconded by Alderman Kibler and adopted. Ayes 6.

090711.18

ADJOURNMENT

At 6:45 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, September 21, 2011.

Seconded by Alderman Genewick and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk