

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 5, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

080515.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of July 15, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointment:

7/21/15 John W. Haenle IV, 40 Cleveland Place, Lockport, NY – appointed as Sign Maintenance Worker/OC effective July 21, 2015. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

Resignation:

7/30/15 Thomas Rotondo, Jr., 312 West Avenue, Lockport, NY – resigned as a member of the Lockport Housing Authority.
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)

7/21/15 Richelle J. Pasceri, City Clerk – Notification of bids received for WWTP Primary Sludge Pump Station. The following bid proposal for the above referenced were received and opened on July 10, 2015:

Koester Associates, Inc. Canastota, NY	\$41,773.00
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Referred to the Assistant City Engineer

7/21/15 Jeff Tracy, Race Director, Score This!!! – request permission to conduct a 1-mile road race on September 17, 2015.
Referred to the Committee of the Whole

7/22/15 Mary Jo Tamburlin, Clerk, Niagara County Legislature, 175 Hawley Street, Lockport, NY – notification of public hearing on August 4, 2015 re: requested inclusions into Agricultural Districts #4 and #6 within Niagara County.
Referred to the Committee of the Whole

7/27/15 Felicia Patterson, Lockport New Beginnings, Inc. – request permission to conduct a “Stepping Up Project of 2015” on August 29, 2015.
Referred to the Committee of the Whole

7/27/15 Michael J. Allport, Sec./Board Member, Niagara County Historical Society, 215 Niagara Street, Lockport, NY – request permission to conduct the annual Gala at the Erie Canal Discovery Center on August 13, 2015.
Referred to the Committee of the Whole

7/29/15 Stephen Eggleston, City of Lockport Police and Fire Fighters Retiree Association representative – expression of thanks for correction of issues concerning health care benefits.
Referred to the Committee of the Whole

7/31/15 Maria Fava, Monlinro’s Ristorante, 90 Walnut Street, Lockport, NY – request permission to conduct the 14th Annual Italian Festival on August 9, 2015.
Referred to the Committee of the Whole

Notice of Defect:

7/15/15 467 Pine Street – sidewalk
7/29/15 228 Union Street – tree
7/29/15 84 Beattie Avenue – trees
7/31/15 233 Waterman Street – sinkhole
Referred to the Director of Streets and Parks.

Notice of Claim:

7/22/15 Steve Huston, 342 Michigan Street, Lockport, NY
Referred to the Corporation Counsel.

Notice of Petition:

7/20/15 State of New York, County of Niagara – In the matter of : A.) The proposed annexation of territory from the City of Lockport, County of Niagara State of New York, to the Town of Lockport County of Niagara, State of New York; B.) The proposed extension of Town of Lockport Sewer District #3, Water District #3 and Refuse District #1; and C.) The proposed Extension of the Town of Lockport Fire Protection District.
Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/14/15 LaFarge North America, Inc. Redland Quarries NY Inc. –vs- Assessor for the City of Lockport, NY, Board of Assessment Review for the City of Lockport, NY and the City of Lockport, NY

7/23/15 Rite Aid of New York, Inc #03496-02 –vs- City of Lockport

7/29/15 FBBT/US Properties, LLC –vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, New York

7/29/15 Renee A. Granchelli –vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, New York

7/29/15 Velco Inc. –vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, New York

7/29/15 Renee Granchelli –vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, New York

7/29/15 Centennial Development LTD –vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, New York

7/29/15 Elmer A. Granchelli and Elmer A. Granchelli for himself and as agent-in-fact for Patrick M. Granchelli and Joseph J. Granchelli –vs- The Board of Assessment Review for the City of Lockport; The Assessor of the City of Lockport and The City of Lockport, New York

7/30/15 South Park Manor Apartments, -vs- City of Lockport

7/30/15 Lockport Professional Park, LLC –vs- City of Lockport

7/30/15 Brenda E. O'Shaughnessy –vs- City of Lockport

7/30/15 M & M Space, Inc. –vs- City of Lockport

Referred to the City Assessor

MOTIONS & RESOLUTIONS

080515.2

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 August 7, 2015 as follows:

General Fund	Account #001	\$ 217,233.61
Water Fund	Account #002	\$ 66,155.28
Sewer Fund	Account #003	\$ 75,081.21
Capital Projects	Account #004	\$ 304,106.56
Refuse Fund	Account #012	\$ 979.35
Payroll	Pay Date 7/23/15	\$ 517,790.97

Seconded by Alderman _____ and adopted. Ayes _____.

080515.3

By Alderman Genewick:

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>
Douglas C. Nicholson	20	Firefighter
Douglas E. Haak Jr.	20	Police Captain
Dennis C. Sobieraski	20	Police Officer
Adam R. Piedmont	10	Police Lieutenant
Matthew T. Streckwald	10	Police Officer

080515.4

By Alderman Schrader:

Resolved, that pursuant to their request, permission is hereby granted the Salvation Army to barricade Cottage Street from Walnut Street to Genesee Street on Saturday, August 15, 2015, for a Community Carnival, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

080515.5

By Alderman Schrader:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings, Inc. to barricade city parking lot #5 on Saturday, August 29, 2015 for the Stepping Up Project of 2015, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS

080515.6

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted to the Niagara County Historical Society to barricade the west side of the parking lot at the Erie Canal Discovery Center on Saturday, August 15, 2015, for their annual Gala, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

080515.7

By Alderman Schrader:

Resolved, that pursuant to their request, Molinaro's Ristorante is hereby granted permission to close Pine Street from South Street to Walnut Street and to use City parking lot #5 on Sunday, August 9, 2015 from 9:00 a.m. to 9:00 p.m. to conduct an Italian Festival, 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 Molinaro's 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 Streets and Parks is hereby authorized and directed to arrange for delivery of "street closed" signs, barricades, and traffic cones to the area prior to the event.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.8

By Alderman Genewick:

Whereas, New York State Real Property Tax Law, section 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

Whereas, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendations of the Director of Real Property Tax Services, and

Whereas, the taxing jurisdiction can delegate by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, sections 554 and 556, now therefore be it

Resolved, that the City of Lockport Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2015 when Real Property Tax Directors recommended refund and/or correction is twenty-five hundred dollars or less, and be it further

Resolved, that on or before the fifteenth day of each month, the Lockport City Treasurer shall submit a report to the City of Lockport Common Council of the refunds and/or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of refund.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.9

By Alderman Lombardi:

Resolved, that pursuant to their request, Score This!!! is hereby given permission to conduct a running event on Main Street on Thursday, September 17, 2015, starting at approximately 7:00 p.m. subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured. Said permission includes closing Main Street from North Transit to Washburn Street and Charles and Elm Streets for the duration of the event. Traffic flow on Cottage, Pine and Locust/Market Streets would be allowed to flow north and south after the runners pass those intersections. Also, permission is granted to use the parking lot in front of the Municipal Building and the Municipal Building foyer for race registration in case of rain, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades and street closed signs to the area prior to the event.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.10

By Alderman Schrader:

Resolved, that the bid proposal of Koester Associates, Inc., 3101 Seneca Turnpike, Canastota, NY received on July 10, 2015, for WWTP Primary Sludge Pump Station be accepted in the amount of \$41,773.00. Cost of same to be charged to account #003.8130.0230.0000.0000.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.11

By Alderman Lombardi:

WHEREAS, the City of Lockport has Canal Permit C50702 in place for the use/management of the Flight of Five, and

WHEREAS, the City entered into an agreement for the operation and maintenance of Locks 69 & 70, and

WHEREAS, the Locks Heritage District Corporation (LHDC) is a not-for-profit arm/entity formed by the City and it has agreed to assume the responsibilities outlined in the Permit and the Agreement, and NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to execute an Assignment and Assumption Agreement among the City, the Canal Corporation and the LHDC that assigns all its rights and duties in and to the Agreement for the Operation and Maintenance of Locks 69 & 70 of the Flight of Five to the Locks Heritage District Corporation; and be it further

RESOLVED, that the City agrees to pay LHDC the sum of \$10,000 per year (semi-annually) from bed tax for the promotion and developing tourism in the Locks District.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.12 WITHDRAWN (Award bid for a correlator for water leak detection)

080515.13

By Alderman Schrader:

WHEREAS, on April 24, 2015, the County of Niagara acquired 50 Main Street, Lockport, New York, SBL (# 109.13-3-5 -the former Marine Midland Bank), and

WHEREAS, a portion of Weaver Alley (33 Pine Street – SLB # 109-3-6) consisting of approximately 10 feet by 64 feet immediately adjacent to 50 Main Street to the north remains is titled to the City of Lockport, and

WHEREAS, the City of Lockport would like to convey the former portion of Weaver Alley consisting of 10 feet by 64 to the County of Niagara for the sum of one and no more dollars to clear title. NOW THEREFORE BE IT

RESOLVED, that pursuant to Section 61 of the Charter the Mayor be and is hereby authorized to execute a Quit Claim Deed for the above described parcel for the sum of one and no more dollars to the County of Niagara.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.14

By Alderman Kibler:

WHEREAS, the officers of the Lockport Police Department desire to purchase their duty weapon upon retirement, and

WHEREAS, the Lockport Police Department desires to acquire new state of the art duty weapons, and

WHEREAS, the Police Chief shall determine the replacement cost for such transaction.

NOW THEREFORE BE IT

RESOLVED, that the Police Department be and is hereby authorized to sell the personal duty weapon assigned to the retiring officer upon that officer's retirement for the replacement cost for the same of a new duty weapon, and be it further

RESOLVED, that the payment for said personal duty weapons shall be made payable to the City of Lockport and submitted to the Treasurer's Office.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.14A

By Alderman Schrader:

Resolved, that pursuant to their request, permission is hereby granted to Presidential City Barber Shop to barricade a portion of Saxton Street on September 26, 2015, for an event, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

080515.14B

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Carter M. "Mickey" Hawkes, Sr., a retired City of Lockport Streets Department employee who recently passed away.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.14C

By Alderman Genewick:

Resolved, that pursuant to their request, permission is hereby granted the residents of Franklin Avenue to barricade Franklin Avenue from Walnut Street to South Street on August 22, 2015 for a block party, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

080515.14D

By Alderman Schrader:

Resolved, that the Assistant Director of Engineering is hereby authorized and directed to prepare bid specifications for South New York Street water line replacement, 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 _____ and adopted. Ayes _____.

080515.14E

By Alderman Kibler:

Whereas, the Niagara County Soil and Water Conservation District has been treating Japanese Knotweed (an invasive plant) within the Eighteenmile Creek Watershed, and

Whereas, the Niagara County Soil and Water Conservation District has located Japanese Knotwood in Upson Park and some adjacent to the driveway going to the Compost Facility, and

Whereas, the Niagara County Soil and Water Conservation District has requested permission to treat the Japanese Knotwood with herbicide over the next few years and apply hydroseed with native grass, and

Whereas, the herbicide will be applied by a licensed herbicide applicator with the NYSDEC, now therefore be it

Resolved, that permission is hereby granted to the Niagara County Soil and Water Conservation District to have access to said locations to apply herbicide.

Seconded by Alderman _____ and adopted. Ayes _____.

080515.15

ADJOURNMENT

At _____ P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, August 19, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk