

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

Lockport Municipal Building

Regular Meeting  
Official Record

April 27, 2022  
6:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Barnard, Beakman, Devine, Fogle, Kantor, and Pasceri.

**INVOCATION**

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**042722.1**

**APPROVAL OF MINUTES**

On motion of Alderman Beakman, seconded by Alderman \_\_\_\_\_, the minutes of the Regular Meeting of April 13, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes \_\_\_\_\_. Carried.

**FROM THE MAYOR**

**Appointments:**

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:**

4/20/22 Joseph P. Hogan, Associated General Contractors of NYS, expressing concern with the RFP of Design/Build Services for the Rail Yard Skate Park.

Referred to Committee of the Whole.

**Notice of Claim:**

2/28/22 Donald C. Hall, Jr., 69 Regent Street, Lockport, NY  
4/18/22 Christina Coyle-Lenz, 376 High Street, Lockport, NY  
4/19/22 Nicholas Troy OBO the estate of Judith DeStefano, 541 Prospect Street,  
Lockport, NY

Referred to the Corporation Counsel.

**Notice of Complaint:**

4/14/22 395 North Transit Street – tree

Referred to the Director of Streets and Parks

**MOTIONS & RESOLUTIONS****042722.2**

By Alderman Beakman:

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 28, 2022 as follows:

General Fund	Fund A	\$
Water Fund	Fund FX	\$
Sewer Fund	Fund G	\$
Capital Projects	Fund H	\$
Self-Insurance	Fund MS	\$
Community Dev.	Fund CD	\$
Refuse & Recycle	Fund CL	\$

Payroll	Pay Date	4/7	\$487,278.77
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Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**042722.3**

By Alderman \_\_\_\_\_:

**City of Lockport****Local Law No. 1 of the year 2022**

A LOCAL LAW Amending The Opening Of Streets Section C-370a of the Lockport City Code.

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

**SECTION C-370a. RELATIVE TO THE OPENING OF STREETS**

1. It shall be unlawful for any person, firm, company or corporation to tap or otherwise alter any water or sewer facilities, or to cause any water or sewer facilities to be installed within the street rights-of-way of the City of Lockport, without first obtaining a permit, signed by the City Engineer and the Superintendent of Streets, allowing such tapping, alteration or installation.
2. The applicant shall file with the City Engineer an application for permit, in form as follows:

Permit No. \_\_\_\_\_  
City of Lockport, New York  
Department of Public Works  
Application for Permit for  
Water Service and Sewer Service  
Involving Street Openings

To City Engineer

City of Lockport, New York

Application is hereby made by the undersigned, whose residence or principal place of business is located at \_\_\_\_\_ to \_\_\_\_\_ on or across a city thorough-fare, located at \_\_\_\_\_ in accordance with details of work and pursuant to the conditions and regulations, whether general or special, which are hereto attached or hereinafter set forth; all forming a part hereof. This applicant will obtain any other consents or permits that may be necessary to accomplish the purposes set forth herein. We have on file with Department of Public Works, public liability insurance, Policy No. \_\_\_\_\_ which expires \_\_\_\_\_ 20 \_\_\_\_\_.

Dated:

By:

(Name of applicant)

(Title, if signed by a representative)

3. In the event that a permit is granted to the applicant, said permit shall refer to this local law, and shall read in form as follows:

Permit For Water Service - Sewer Service  
Involving A Street Opening

Permission is hereby granted to \_\_\_\_\_ (hereinafter referred to as "permittee"), whose residence or principal place of business is at \_\_\_\_\_, to proceed as set forth and represented in the foregoing application and at the particular location described therein, in accordance with details of work hereto

attached and pursuant to Local Law No. 1 for the year 1962, and to any special conditions which are hereinafter set forth; all forming a part hereof, to wit:

Special Conditions

Dated: \_\_\_\_\_ New York this day of \_\_\_\_\_ 20 \_\_\_\_\_.

City Engineer:

By:

Superintendent of Streets:

By:

In consideration of the granting of the within permit, the undersigned hereby accepts the same subject to the restrictions and regulations therein described.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Signature of applicant

By

(Title if signed by a representative)

Inspected for compliance with Plumbing Code and regulations and conditions set forth in permit, and for compliance with regulations and conditions affecting sewers.

Plumbing Inspector:

Inspected for compliance with regulations and conditions affecting streets.

Superintendent of Streets:

4. Work under a permit shall be commenced within 10 days from date of permit and continued in an expeditious manner, unless extension of this period is approved by the City Engineer or his authorized representative.
5. All locations shall be approved by the City Engineer or his authorized representative.
6. The permittee shall erect and maintain suitable guardrails or barricades for the protection of the public around all trenches or other openings from the time the opening is first begun until it has been completely and properly back-filled, except that whenever the city shall undertake to backfill any opening the responsibility of the permittee under this paragraph shall terminate as soon as

the city has actually begun to backfill the opening. All such guardrails and barricades shall be suitably lighted by flares or red lights at night.

7. The work shall be carried on in such fashion that not more than 25 linear feet of trench remains open at the end of any day's work.
8. Manhole frames and covers shall be of an approved type and weight and set in a workmanlike manner, flush with the surface of the pavement.
9. All surplus earth and rubbish shall be cleaned up and removed from the right-of-way upon completion of the work and the right-of-way shall be left in a neat and orderly condition.
10. All openings in any unpaved portion of the street shall be backfilled by the permittee, using materials which were removed, all to the satisfaction of the City Engineer or his authorized representative. All sod removed to make the opening shall be properly replaced when the opening is filled.
11. All openings in any paved portion of the street shall be backfilled and repaved by the City of Lockport at the expense of the permittee, using approved run-of-bank gravel or run-of-crusher stone, properly tamped, and paving material the same as or equivalent to that removed in making the opening, and the new paved area shall be properly extended beyond the edges of the opening in accordance with good road building and repaving practices.
12. When more than one line, service or connection is being placed in one opening, the permittee shall perform all backfilling necessary to accomplish the placing of the various lines, services or connections, using approved run-of-bank gravel or run-of-crusher stone, properly tamped.
13. On any lateral trench excavation and parallel thereto, the edge of the trench shall not be closer than five feet to the edge of the pavement except upon written authorization of the City Engineer or his authorized representative.
14. Any and every injury to or disturbance of the street or any part of the street right-of-way or any structure or facility located in the right-of-way caused by any act done or omitted during the course of the work authorized by a permit shall be repaired and restored by the permittee at his own expense and in accordance with instructions of the City Engineer or his authorized representative, unless the City Engineer, or his authorized representative, shall determine that

such repair and restoration should be accomplished by the city in which case the cost of such repair and restoration shall be paid by the permittee. If any of the repair and restoration work performed by the permittee in accordance with the provisions of this paragraph is not satisfactory to the City Engineer or his authorized representative, such work may be replaced by the city, either by its own employees or by contract, and the cost of such replacement shall be paid by the permittee.

15. A permit shall not be assigned or transferred without the written consent of the City Engineer or his authorized representative.
16. The work authorized by a permit shall be performed under the supervision and to the satisfaction of the City Engineer or his authorized representative.
17. The said permittee shall be responsible for all damages, resulting from bodily injury, including death, and/or property damage due to activities of the permittee, its contractors, subcontractors of either or both, agents or employees in connection with any act or omission hereunder; and shall indemnify and save harmless the city and/or the Common Council and/or the City Engineer and his representatives and employees from claims, suits, actions, damages and costs of every name and description, arising out of or resulting from any act or omission hereunder; including the cost of defending against the same.
18. Unless expressly waived by the City Engineer, the permittee shall furnish with the foregoing application a policy of protective liability insurance issued to and covering the liability of the City of Lockport and/or the City Engineer of the City of Lockport with respect to all operations under this permit by the permittee or by anyone acting by, through or for the permittee, including omissions and supervisory acts of the city. The limits of liability in such policy shall be not less than \$100,000 for all damages arising out of bodily injury, including death at any time resulting therefrom, sustained by one person in any one accident and subject to that limit for each person, not less than \$300,000 for all damages arising out of bodily injury, including death at any time resulting therefrom, sustained by two or more persons in any one accident, and not less than \$25,000 for all damages arising out of injury to or destruction of property in any one accident, and subject to that limit per accident, not less than \$50,000 for all damages arising out of injury to or

destruction of property during the policy period; such policy shall state that it will not be changed or canceled until 10 days' written notice has been given to the City Engineer.

19. The enumeration in a permit of the kind and amount of insurance shall not abridge, diminish or affect the permittee's legal responsibilities for the consequences of accidents arising out of or resulting from the operations of the permittee under this permit.
20. A bond in the amount of \$25,000 shall be filed by each applicant for a street opening permit before any such permit shall be issued to him and such bond must be in force and on file in the office of the City Engineer before any such permit is issued. The said bond shall be deemed to include and be used as security that every part of the right-of-way disturbed by the work will be restored to its original condition at the expense of the permittee as soon as the work has been completed, said restoration to occur no later than seven (7) days of completion of the work, and shall remain in full force and effect for a period of three (3) years subsequent to the date of completion of the last work performed under such a permit during the stated term of the bond.
21. The City Engineer reserves the right to at any time revoke or annul a permit should the said permittee fail to comply with the terms and conditions on which it is granted.
22. Traffic shall be maintained by the permittee on the affected section of the street or sidewalk while the work is in progress and until its final completion and the permittee shall place and maintain proper barricades, lights and other reasonable safety precautions.
23. The permittee shall certify that it has secured compensation for the benefit of and will keep insured during the performance of the above-described work, such employees as are required to be insured, by the provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof, known as the Workmen's Compensation Law.
24. In the event of an emergency which arises while the office of the City Engineer is closed, and requires immediate opening for repair work, such emergency opening may be made upon a temporary authorization by the City Engineer or his duly authorized representative, for such purpose, on condition that a formal application for a regular permit shall be filed as soon thereafter as the office of the City Engineer, or his duly authorized representative, is open for business.

25. The City Engineer, his duly authorized representative, or any representative designated for the purpose of granting a temporary emergency authorization for street openings may, in his discretion, refuse to issue any permit or temporary authorization to any applicant who is in default in the performance of any duty or responsibility under any previous permit or authorization.
26. Local laws numbered 7 and 8 for the year 1960, and entitled: "A Local Law of the City of Lockport, New York, in Relation to Establishing Requirements for Sewer Service" and "A Local Law for the City of Lockport, New York, in Relation to Establishing Requirements for Water Service" are hereby repealed; provided, however, that any liens created thereunder shall not be affected.
27. Penalties. Any person, firm, company or corporation violating any of the provisions of this local law shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$1,500 or by imprisonment for not exceeding 30 days, or both such fine and imprisonment.

This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

Alderman Barnard	VOTING	_____
Alderman Beakman	VOTING	_____
Alderman Devine	VOTING	_____
Alderman Fogle	VOTING	_____
Alderman Kantor	VOTING	_____
Alderman Pasceri	VOTING	_____

The Local Law was thereupon declared duly adopted.

**042722.4**

By Alderman \_\_\_\_\_:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Navy Marine Club, 37 Park Avenue, Lockport, to barricade Park Avenue at the



eastern end of Ida Fritz Park and at the corner of Park Avenue and Hawley Street on Saturday, August 13<sup>th</sup>, 2022, for their annual picnic, 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 \_\_\_\_\_.

**042722.5**

By Alderman \_\_\_\_\_:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter 125 of the City Code regarding Noise, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, May 11<sup>th</sup>, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**042722.6**

By Alderman \_\_\_\_\_:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter A-192, Section 40-a of the City Code with respect to the definition of Master Plumber, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, May 11<sup>th</sup>, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**042722.7**

By Alderman \_\_\_\_\_:

Whereas, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program and the Green Infrastructure Grant Program (GIGP) to make streetscape and storm water management improvements (improvements) along Pine, South and Washburn Streets; and

Whereas, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) has completed detailed design plans and contract documents for the improvements; and

Whereas, the City desires to issue a public request for qualified bidders to construct the improvements; now, therefore, be it

Resolved, that Nussbaumer shall prepare and furnish to the City Clerk a Notice to Bidders for construction of the improvements and upon receipt and review, the City Clerk shall advertise the Notice to Bidders in the City's official newspaper.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

**042722.8**

### **ADJOURNMENT**

At \_\_\_\_\_ P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 11, 2022. ·

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

PAUL K. OATES  
City Clerk



**ASSOCIATED GENERAL CONTRACTORS  
OF NEW YORK STATE**



April 20, 2022

Paul K. Oates, City Clerk  
City of Lockport  
Municipal Building  
One Locks Plaza  
Lockport, NY 14094

**Re: Design/Build RFP for Rail Yard Skate Park Project**

Dear Mr. Oates:

AGC of New York State represents over 600 Members statewide; 250 of those Members are general contractors and construction managers who perform the lion's share of public and private commercial, industrial, institutional, and transportation-related construction throughout New York State. One of the services we provide the industry is a pre-bid review of bidding documents as to their consistency with standards of equity, industry practice and law. We do this in a constructive vein with the belief that a clear, concise and equitable set of bidding and contract documents will accrue to the benefit of all parties involved: the design professional, the contractor, the owner and most importantly, in this case, the public.

We write today to express concern with the RFP of Design/Build Services for the Rail Yard Skate Park. The City of Lockport is subject to the strictures of the NYS Competitive Bidding Laws as set forth in Article 5-A of General Municipal Law. Specifically, Section 103 of General Municipal Law requires complete plans and specs to be issued for bidding such that award can be made to the low, responsible bidder. Design-Build is not so authorized. While the many agencies of the State of New York and the City of New York have recently been authorized to engage in such procurement practice, the State Legislature has not generally authorized the practice to municipalities like the City of Lockport.

Thank you for your consideration in this matter. If you have any questions, please feel free to call.

Sincerely,

Joseph P. Hogan, CDT  
Vice President – Building Services

cc: Officers, Counsel  
AGC NYS NY Buffalo Area Members

Donald C Hall Jr  
69 Regent St  
Lockport NY 14094-5016  
716-531-6767

RECEIVED

FEB 28 2022

CITY CLERK'S OFFICE

Notice of Claim  
Lockport City Clerk's Office  
ATTN: Jennifer

On February 17, 2022, at approximately 6:00pm while driving my 2018 Chevy Impala, I had just turned from Lincoln Ave onto Pine St (heading north). It was raining and the streets were wet and the potholes were filled with water. As I drove up Pine St, 50 to 100 feet from Lincoln I hit a huge pothole. Both tires on the right side of the car went in then out of the pothole and the right rear tire immediately went down to zero tire pressure. It hit so hard that It felt like the underside of the car bottomed out on the pavement. The mechanic at Hillman Automotive checked out the whole car and luckily the only damage was to the right rear tire which was irreparable and had to be replaced.

I am seeking compensation from the City for the replacement of just the tire and am enclosing a copy of the invoice for the work, which was done and paid on my credit card on February 22, 2022. Thank you very much for your consideration.

Sincerely,  
Don Hall

**HILLMAN AUTOMOTIVE AND TIRE**

6348-6362 ROBINSON ROAD

LOCKPORT, NEW YORK. 14094

Phone: 716-434-3400 Fax: 716-201-1524

**140792**

DMV REG # 7088487

NYS INSP #65A9

**INVOICE****Hall, Don**

69 Regent Street

Lockport, NY 14094

Home 716-434-0605 -- Cellular 716-531-6767

Cust ID : 21236

Print Date: 02/22/2022 **Work Completed: 02/22/2022**

2018 Chevrolet - Impala LT

3.6L, V6 (217CI) VIN(3), 4-Wheel ABS

Lic # : LP1415 - NY

Odometer In : 21,013

Odometer Out : 21,013

VIN # : 2G1105S36 J9139901

Part Description / Number	Qty	Sale	Ext	Labor Description	Hours	Extended
P245/45R19 98V GOODYEAR EAGLE RS-A2 107172343	1.00	209.92	209.92	THE CUSTOMER STATES THAT THERE WAS A LARGE POTHOLE STRIKE OCCURRENCE..PLEASE CHECK FOR DAMAGE TO THE TIRE - TPMS LIGHT CAME ON / POSSIBLE BROKEN SENSOR		n/c
TIRE DISPOSAL/RECYCLING FEE TDF100	1.00	3.00	3.00			
NEW YORK STATE MANDATED TIRE TAX NY100	1.00	2.50	2.50			
ANCO PROFILE BLADE A24M	1.00	23.99	23.99			

RECEIVED

FEB 28 2022

CITY CLE...

[ Technicians : Verost, Greg ]

Org. Estimate \$ 0.00 Revisions \$ 0.00 Current Estimate \$ 0.00 Additional Cost Revised Estimate

Labor:	0.00
Parts:	239.41
Sub:	239.41
Tax:	19.15
Total:	\$258.56
Bal Due:	\$258.56

[ Payments - ]

**CUSTOMER SATISFACTION GUARANTEED**

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor is two years or 24,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

Signature.....

Date.....

Written By: Aloisio, Deni

Page 1 of 1

Copyright (c) 2022 Mitchell Repair Information Company, LLC InvStdPaperHrs 051321tr

# Notice of Claim

4-18-2022

To: Lockport City Clerk

From: Christina Coyle-Lenz

Re: Damage Due to City Tree @ 376 High Street

On March 24, 2022 limb broke & was in tree. This was discovered in the evening; given that it presented a safety hazard this was reported to the Lockport Police Dept at 8:12 PM. The intent of this prompt report was to protect pedestrians. This was also reported on March 25, 2022 in-person to Judy in engineering.

The limb has now fallen & caused damage to the electrical service & also to the gutter/downspout.

Please advise next steps.

Thank you.

Christina Coyle-Lenz

716. 628-2500

RECEIVED

APR 18 2022

CITY CLERK OFFICE

April 15, 2022  
Nicholas J Tray  
3845 Uppermain Rd  
Saratoga NY

RECEIVED

APR 19 2022

CITY CLERK OFFICE

~~Photo~~  
City Clerk of Lockport  
RE: 541 Prospect St.  
City of Lockport

On Jan. 19<sup>th</sup> 2022 regarding a city tree that had fallen on my garage. I contacted the city clerk's office on Jan. 21, 2022 to put the city on notice of the tree being on their property & that I have damage to the garage joists & roof.

Cost to repair - \$ 5,000

broken garage door - \$ 5,000

broken concrete wall - \$ 6,000

broken insulation - \$ 4,000

Total \$ 20,000

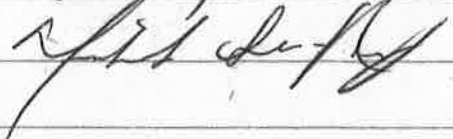
Also damages to house, 6 windows & 1 40ft gutter from flying debris from the city's tree that is adjacent to my home

6 windows - \$ 800

40ft gutter repair - \$ 500

Total - \$ 1,300

Total Damages - 21,300.00

Nicholas J Tray on Behalf of the Estate of Judith DeStefano  
 716 713 5402

RECEIVED

APR 14 2022

CITY CLERK OFFICE

Todd Walters  
395 N. Transit St.  
Lockport, NY 14094  
Thursday, April 14, 2022

City of Lockport  
One Locks Plaza  
Lockport, NY 14094

To Whom It May Concern:

This letter serves as notice that the tree located in front of the property at 395 N Transit Street is diseased, damaged, or dead. As such, should falling debris from the tree cause property or physical damage, the City of Lockport will be held liable. Since numerous phone calls to report this problem have gone unaddressed, I require notice from the City of Lockport as to a date of inspection and plan of action within two weeks of receipt of this letter. Thank you for your time in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Todd" followed by a stylized surname and a long horizontal flourish.

Todd Walters  
Homeowner  
395 N. Transit St.  
Lockport, NY 14094



# City of Lockport

I HEREBY CERTIFY that the persons named  
in this payroll are employed solely in and have  
actually performed the duties of positions and  
employments indicated for the period ending  
3/31/22 PAID on date 4/7/22  
is approved at dollars, \$ 487,278.77  
*Civil Service Mary Pat Filbert*

## Pay Day Register

Pay Date Range 03/18/22 - 03/31/22

Pay Batch 220227

Pay Batch 220227 Total

Employees In Pay Batch 214

Female Employees in Pay Batch 54

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
207A Disability - 207A Disability	240.0000	3,066.00	Gross	487,278.77	Health Ins 298 Class 2 Family	27,074.71
BERV - Bereavement	16.0000	700.92	Imputed Income		Health Ins 298 Class 2 Single	6,458.23
CMPE 1.0 - Comp Earned @ 1.0	948.8750	.00	Federal	53,363.10	Health Ins 298 Class 3 Family	87,114.03
CMPE 1.5 - Comp Earned @ 1.5	1.7500	.00	FICA	29,648.15	Health Ins 298 Class 3 Single	8,450.26
CMPU - Comp Time Used	415.2500	12,087.21	Medicare	6,933.76	Health Ins 298 Class 4 Family	2,710.72
COVID - CORONA VIRUS HOUR	56.0000	1,597.82	New York State	22,665.11	Health Ins 298 Class 4 Single	930.29
EDAY - Extra Day	152.0000	5,036.41	457 % Deduction	5,325.22	Total	\$132,738.24
FHDE - Floating Holiday Earned	108.0000	.00	457 Flat Dollar Deduction	10,494.94		
FHDU - Floating Holiday Used	142.0000	4,701.78	AFLAC POSTTAX	161.33	Workers' Comp	
FLSA - FLSA	.0000	409.74	AFLAC PRETAX	351.70	Workers Compensation - General	25,835.91
FMLS - FMLA Sick Used	14.7500	738.37	ALLSTATE POSTTAX	790.94	Workers Compensation - Sewer	2,258.45
LONG - Longevity Payment	.0000	850.00	ALLSTATE PRETAX	689.48	Workers Compensation - Water	2,430.67
MILI - Military Time	64.0000	1,782.40	Child Support	375.00	Workers Compensation 50%	1,218.75
OOT - Out of Title	473.0000	18,298.01	Child Support - Maine	370.00	Total	\$31,743.78
OOT OT 1.0 - Out of Title OT at	6.5000	258.79	COLONIAL LIFE POSTTAX	55.40		
OOT OT 1.5 - Out of Title OT at	22.2500	1,016.23	FSA PRETAX	305.23	Direct Deposits	
OT 1.0 - Overtime at Straight 1.0	31.0000	1,148.39	Health Ins 298 Class 2 Family	2,139.68	Alden State Bank	1,301.66
OT 1.5 - Overtime @ 1.5	763.7500	32,949.12	Health Ins 298 Class 2 Single	619.28	Amherst Federal Credit Union	50.00
PRSU - Personal Used	154.5000	5,849.33	Health Ins 298 Class 3 Family	1,164.08	Bancorp Bank	1,418.13
REG - Regular	12,804.5000	364,279.80	Health Ins 298 Class 3 Single	517.40	Bank of Akron	2,246.26
REG PT - Regular Part Time	262.2500	7,400.92	Health Ins 298 Class 4 Family	142.67	Bank of America	5,561.95
RGS - Regular - Salary	70.0000	.00	Health Ins 298 Class 4 Single	84.57	BANK OF AMERICA (2)	1,523.64
RPTS - Regular Part Time Salaried	35.0000	.00	L&M LIFE	24.68	BANK OF AMERICA (3)	1,469.53
SAL - Salary	.0000	3,806.51	NEW YORK LIFE	325.46	BANK OF AMERICA (4)	1,170.32
SAL PT - Salary Part Time	.0000	1,865.37	Pearl Insurance through CSEA	191.81	Bank on Buffalo	1,745.36
SKU - Sick Used	264.5000	7,503.64	RET ERS LOANS	1,603.09	Chase Bank	1,451.04
STIP - Stipend	.0000	384.62	RET PF ARREARS	20.16	Citizens Bank	9,717.01
VACU - Vacation Used	403.0000	11,547.39	Retire ERS Tier 6 <= \$100,000	201.49	Cornerstone Comm FCU	109,293.67
Total	17,448.8750	\$487,278.77	Retire ERS Tier 6 <= \$45,000	1,693.84	Evans Bank	3,348.64
			Retire ERS Tier 6 <= \$45,000 OT	101.16	Financial Trust FCU	1,655.36
			Retire ERS Tier 6 <= \$55,000	585.75	Five Star Bank	908.61
			Retire ERS Tier 6 <= \$55,000 OT	34.50	HSBC	1,117.05
			Retire ERS Tier 6 <= \$75,000	486.64	Key Bank	27,402.80
			Retire PFRS <= \$55,000	1,300.14	KEY BANK (2)	1,548.11
			Retire PFRS Tier 6 <= \$100,000	1,112.46	Key Bank (Formerly FNB)	15,250.74
			Retire PFRS Tier 6 <= \$75,000	1,243.77	Lockport School's FCU	1,031.38
			Retire PFRS Tier 6 <=	204.29	M&T (MD, VA, WV, and DC)	284.08
			Retire PFRS Tier 6 <= \$45,000	902.84	M&T Bank	51,090.70
			Retire PFRS Tier 6 <= \$55,000	71.20	Navy FCU	5,149.24

LL #1-2022

3

**Paul Oates**

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**From:** Patricia McGrath <pmmcgrathesq@hotmail.com>  
**Sent:** Tuesday, April 19, 2022 1:31 PM  
**To:** poates@lockportny.gov  
**Cc:** Michelle Roman; Laura Miskell Benedict; cdimmick@lockportny.gov  
**Subject:** [EXTERNAL] Local Law for Opening of Streets  
**Attachments:** Local Law for street openings.docx; Local Law for street openings -- changes highlighted.docx

Paul,

Here is the proposed local law that we held the public hearing on last week. I am also providing for you to share with the council members a highlighted version to show specifically where the changes will occur. I took the liberty of increasing the performance bond amount since I believe that inflation makes the \$5,000 amount a fraction of what the cost for the city to do the work in the event of their failure. I also established a specific time for the work -- seven days. Clayton says that is good

Pat M

## Paul Oates

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**From:** Paul Oates <poates@lockportny.gov>  
**Sent:** Tuesday, April 19, 2022 2:20 PM  
**To:** 'Gina Pasceri'; 'Jason Cafarella'; 'Kitty Fogle'; 'Kristin Barnard'; 'Laura Miskell Benedict'; 'Luke Kantor'; 'Mark Devine'; 'Michelle Roman'; 'Molly Lawson'; 'Pat McGrath'; 'Paul Beakman'  
**Cc:** Abbey Polichette  
**Subject:** Local Law #1 - 2022  
**Attachments:** Local Law for street openings.pdf; Local Law for street openings -- changes highlighted.pdf; C-370a.pdf

Good afternoon,

Please be advised that, pursuant to Municipal Home Rule Law, a copy of a proposed local law is attached to this email. Proposal LL#1 of 2022 would amend Section C-370a of the City Charter.

The first two attachments are identical; the second one highlights the changes made. For reference, the third attachment shows the present language used in C-370a.

Thank you.

**Paul K. Oates**  
**City Clerk**  
**Phone: (716) 439-6674**  
**Fax: (716) 439-6702**  
**poates@lockportny.gov**

A Local Law to amend Section C-370a under Article XVI –  
Miscellaneous Provisions – of Chapter C of the Charter

Section C-370a relative to the opening of streets shall be amended in the following manner:

20. A bond in the amount of \$25,000 shall be filed by each applicant for a street opening permit before any such permit shall be issued to him and such bond must be in force and on file in the office of the City Engineer before any such permit is issued. The said bond shall be deemed to include and be used as security that every part of the right-of-way disturbed by the work will be restored to its original condition at the expense of the permittee as soon as the work has been completed, said restoration to occur within seven (7) days of completion of the work, and shall remain in full force and effect for a period of three (3) years subsequent to the date of completion of the last work performed under such a permit during the stated term of the bond.

There shall also be an amendment to Subsection 27 of Section C-370a to change the penalty amounts as stated below:

27. Penalties. Any person, firm, company or corporation violating any of the provisions of this local law shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$1,500 or by imprisonment for not exceeding 30 days, or both such fine and imprisonment.

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20. A bond in the amount of \$25,000 shall be filed by each applicant for a street opening permit before any such permit shall be issued to him and such bond must be in force and on file in the office of the City Engineer before any such permit is issued. The said bond shall be deemed to include and be used as security that every part of the right-of-way disturbed by the work will be restored to its original condition at the expense of the permittee as soon as the work has been completed, said restoration to occur no later than seven (7) days of completion of the work, and shall remain in full force and effect for a period of three (3) years subsequent to the date of completion of the last work performed under such a permit during the stated term of the bond.

There shall also be an amendment to Subsection 27 of Section C-370a to change the penalty amounts as stated below:

27. Penalties. Any person, firm, company or corporation violating any of the provisions of this local law shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$1,500 or by imprisonment for not exceeding 30 days, or both such fine and imprisonment.

20. A bond in the amount of \$5,000 shall be filed by each applicant for a street opening permit before any such permit shall be issued to him and such bond must be in force and on file in the office of the City Engineer before any such permit is issued. The said bond shall be deemed to include and be used as security that every part of the right-of-way disturbed by the work will be restored to its original condition at the expense of the permittee as soon as the work has been completed and shall remain in full force and effect for a period of one year subsequent to the date of completion of the last work performed under such a permit during the stated term of the bond.

27. Penalties. Any person, firm, company or corporation violating any of the provisions of this local law shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not exceeding 30 days, or both such fine and imprisonment.

**Paul Oates**

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**From:** Michelle Roman <romanforlockport@gmail.com>  
**Sent:** Saturday, April 9, 2022 9:57 AM  
**To:** Paul Oates; Molly Lawson  
**Subject:** [EXTERNAL] navy marine

Hello,

Paul Lauer- Commander of the Lockport Navy Marine Club located 37 Park Avenue, Lockport is requesting to have Park Avenue closed for their annual picnic. The Navy Marine club picnic will be held on August 13th 1-5pm. Barricades are requested to be placed at the Eastern tip of Ida Fritz across Park Ave and another set at the corner of Hawley and Park Ave to allow for safe access to the Navy-Marine Club from Noon to 6pm to allow for setup and cleanup.

I told Paul that we can have it at the April 27th common council meeting and that you would contact him after it is passed. I believe your process is to include a copy of the resolution and then you contact the highways and parks department to provide the barriers.

Paul's contact number: [REDACTED] (Please redact his private number when sharing this with the public for open meetings law requirements).

Let me know if you need anything further from my end.

Respectfully,

Michelle Roman  
Mayor  
City of Lockport

By Alderman \_\_\_\_\_:

Resolved, that pursuant to their request, permission is hereby granted the Lockport Navy Marine Club, 37 Park Avenue, Lockport, to barricade Park Avenue at the eastern end of Ida Fritz Park and at the corner of Park Avenue and Hawley Street on August 13<sup>th</sup>, 2022, for their annual picnic, 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 \_\_\_\_\_.



**Paul Oates**

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**From:** Michelle Roman <romanforlockport@gmail.com>  
**Sent:** Thursday, April 14, 2022 4:07 AM  
**To:** Paul Oates  
**Cc:** JASON CAFARELLA; Jason Dool; Chief Steven K. Abbott; Kitty Fogle; Paul Beakman; Kristin Barnard; Luke Kantor; Mark Devine; Gina Pasceri  
**Subject:** [EXTERNAL] Noise Ordinance  
**Attachments:** Noise Control Ordinance of the City of Lockport draft.pdf

Hello,

Please find the attached draft of the updated Noise ordinance and review. We would like to call for a public hearing at the April 27th meeting, hold the public hearing on May 11th, and vote on it May 25th. This will allow us to submit to the state multiple updates to code and charter to the state at once. It was presented in a public hearing previously but did not pass the process. This draft has made changes due to public input, council concerns, and input from the code enforcement agencies of both building inspection and the police.

This is an issue that comes up frequently from residents in my office and through complaints to both the police and building inspection. Our current code is subjective and difficult to legally enforce. This version is designed to help support the efforts of enforcement while maintaining an understanding of business needs. Although it will not aid in locating the people constantly using fireworks, it will help with enforcement when people are caught doing them as fireworks are often above 150 dBAs (decibel levels). The code would only allow for up to 140 dBAs in Industrial areas during the daytime and 80 in Industrial, 55 in residential for the evenings. Anyone is able to seek relief of said provisions through the Zoning Board of Appeals, as the agency acting on behalf of the council, or through common council resolution. This will not only help with enforcement, but also improve quality of life for our residents.

This is just a draft. If you have any questions or concerns, please let me know.

Respectfully,  
Michelle Roman

## **Title**

This ordinance shall be known and cited as the "Noise Control Ordinance of the City of Lockport."

## **Policy**

It is hereby declared to be the policy of the City of Lockport to prevent excessive, unnecessary, or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting, and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Lockport and its inhabitants.

## **Definitions**

Unless otherwise indicated by context, the following terms and phrases shall mean:

**AMBIENT NOISE LEVEL** — The sound pressure level of the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, and/or the A-weighted sound pressure level exceeded 90% of the time based on a minimum period of 10 minutes.

**AUTHORIZED EMERGENCY VEHICLE** — Every ambulance, police vehicle, fire vehicle and civil defense emergency vehicle.

**A-WEIGHTED SOUND LEVEL** — The sound pressure level measured by the use of an instrument with the metering characteristics and the A-weighting frequency response prescribed for sound level meters. The level so read is designated "dBA."

**CONSTRUCTION** — Any activity necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property, including but not limited to the

related activity such as line clearing, grading, earth moving, excavating, blasting, filling and landscaping, but not including agriculture.

**DAYTIME** — The time from 7:00 a.m. to 9:00 p.m., except on Fridays and Saturdays when the evening hours shall be 11:00 p.m.

**DECIBEL (dB)** — The practical unit of measurement for sound pressure level; the number of "decibels" of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [20 micro pascals]; abbreviated "dB."

**EMERGENCY** — A public calamity, utility services failure or an exposure of any person or property to actual or imminent danger.

**IMPULSIVE SOUND** — A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.

**MOTOR VEHICLE** — Every vehicle operated or driven upon the public highway which is propelled by any power other than muscular power, except electrically driven invalid chairs being operated or driven by an invalid, vehicles which run only upon rails or tracks and snowmobiles.

**MUFFLER** — A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from a sound source and effective in reducing noise.

**NIGHTTIME** — That part of a twenty-four-hour time interval which is not otherwise defined as daytime.

**NOISE DISTURBANCE** — Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

**PERSON** — Includes the singular and plural and shall also mean and include an individual, association, partnership, business, corporation, club, society, union, lessor, lessee, property owner, tenant or any other form of association or organization.

**PUBLIC HIGHWAY** — Any highway, road, street, avenue, alley, public place, public driveway, or any other public way.

**PUBLIC SPACE** --- Any real property or structure thereon that is owned, leased, or controlled by the City of Lockport.

**REAL PROPERTY BOUNDARY** — An imaginary line exterior to any structure along the ground surface which separates the real property owned by one person from that owned by another person and the vertical extension of such line.

**SOUND LEVEL** — The quantity in decibels measured by a sound-level meter satisfying the requirements of American National Standards specification for sound-level meters. "Sound level" is the frequency- weighted sound pressure level obtained with the standardized dynamic characteristic "fast" or "slow" and weighting (a), (b) or (c); unless indicated otherwise, the A-weighting is understood.

**SOUND-LEVEL METER** — An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels.

**UNREASONABLE NOISE** — Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether "unreasonable noise" exists in a given situation include, but are not limited to, the following:

A. The volume of the noise.

- B. The intensity of the noise.
- C. Whether the nature of the noise is usual or unusual.
- D. Whether the origin of the noise is usual or unusual.
- E. The volume and intensity of the background noise, if any.
- F. The proximity of the noise to residential sleeping facilities.
- G. The nature and zoning district of the areas within which the noise emanates.
- H. The time of the day or night the noise occurs.
- I. The time duration of the noise.
- J. Whether the sound source is temporary.
- K. Whether the noise is continuous or impulsive.

**Prohibitions.**

- A. General prohibitions. No person shall make, continue or cause or permit to be made, verbally or mechanically, any unreasonable noise. Noncommercial public speaking and public assembly activities conducted on any public space or public highway shall be exempt from the operation of this section.
- B. Animals. No person shall own, possess or harbor any animal or bird which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this ordinance, a "barking dog" may be defined as a dog that barks continuously for 10 minutes or intermittently for 30 minutes.

- C. Burglar alarms. No owner of a building or of a motor vehicle shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within 15 minutes of its being activated.
- D. Sound reproduction. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
- . (1) Between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday in such a manner as to create unreasonable noise across a real property boundary.
  - . (2) In such a manner as to create unreasonable noise at 50 feet from such a device, when operated in or on a motor vehicle on a public highway or in a boat in public waters.
  - . (3) In such a manner as to create unreasonable noise to any person other than the operator of the device, when operated by any passenger on a common carrier.
- E. Air-conditioning and air-handling devices.
- . (1) No person shall operate or permit to be operated an air-conditioning or air-handling device, including a heat pump, which exceeds the maximum sound level limitations provided in this section: in residential areas, continuous sound levels measured at the property line of 75 dBA.
  - . (2) The provisions of this section shall not apply if the sound from the air conditioner or air-handling device

produces less than an increase of five dBA in the sound level that exists in the absence of such sound.

- F. Emergency warning devices. No person shall operate or cause to be operated by emergency warning device, except:
- (1) To give notice of a warning of an emergency.
  - (2) On an authorized emergency vehicle when such vehicle is engaged in emergency operation, provided that such device shall not be operated so as to create unreasonable noise or for a period of time longer than is necessary to respond to such emergency.
  - (3) When such device is under test.
- G. Loading and unloading. No person shall load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday of the following day in such a manner as to cause an unreasonable noise across a residentially real property boundary, except as permitted by (Exception's subsection G).
- H. Domestic power tools. No person shall operate or permit to be operated any power tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn or garden tools, mowers, tractors, leaf blowers or gatherers, or similar devices, when used outdoors in a residentially zoned district between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday
- I. Modification of noise control devices. No person shall operate or permit to be operated any device that has been modified so as to cause the sound emitted from such device

to be greater than that emitted by such device as originally manufactured.

- J. Squealing tires. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- K. Sound signal devices. No person shall operate or cause to be operated any sound signal device so as to create unreasonable noise, except:
  - . (1) As required by the Vehicle and Traffic Law of the State of New York.
  - . (2) To give notice of the time to start and stop work.
  - . (3) As attendant to religious activities.
- L. Construction. No person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person, in a manner as to cause unreasonable noise during nighttime hours. The provisions of this section shall not apply to the following: (1) Emergency work and safety and protective devices. (2) Domestic power tools subject to (Prohibition's subsection H).
- M. Places of public entertainment. No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in which the sound level is equal to or exceeds 100 dBA for more than 60 seconds at the location of the spectators.
- N. Churches, courts, hospitals, and schools. No person shall create or permit the creation of any unreasonable noise



through the use of any device on any street, sidewalk, or public place adjacent to any church, court or school while such church, court or school is in use, or adjacent to any hospital at any time, provided that signs are displayed so as to identify such church, court, hospital or school.

### **Maximum sound levels by receiving land use categories.**

A. It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound pressure level measured in dBA's which exceed the limits set forth for the receiving land use category in Table 1 when measured receiving land use.

**Table 1**

#### **MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING LAND USE CATEGORY (dBA)**

<b>Sound Source Land Use Category</b>	<b>Time Period</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>
<b>Residential (R-1-1, R1-2, R-2, R-C)</b>				
Sunday-Thursday	7 am to 9 pm	55-120	75-130	80-140
Sunday-Thursday	9 pm to 7 am	*55	75	80
Friday & Saturday	7 am to 11 pm	55-120	75-120	80-140
Friday & Saturday	11 pm to 7 am	*55	75	80
<b>Commercial (C-1, C-2)</b>				
Sunday-Thursday	7 am to 9 pm	60-120	75-130	80-140
Sunday-Thursday	9 pm to 7 am	*60	75	80

Friday & Saturday	7 am to 11 pm	120	130	140
Friday & Saturday	11 pm to 7 am	*60	75	80
Industrial (M-1, M-2, M-3)				
Sunday-Thursday	7 am to 9 pm	65-120	75-120	80-140
Sunday-Thursday	9 pm to 7 am	*60	75	80
Friday & Saturday	7 am to 11 pm	65-120	65-120	80-140
Friday & Saturday	11 pm to 7 am	*60	75	80

Ranges are from allowable Ambient noise levels (continuous duration) to the highest decibels allowable for Impulse noises (short durations). Continuous noise or ambient noise is the all-encompassing noise associated with a given environment. Impulse noises are noises of short duration.

\*Exemptions: Air Conditioning Units operating above the permissible 55-60dBAs installed prior to this law will be "grandfathered" in.

B. The restrictions set forth in this section shall not apply to alarms as defined in (Prohibitions Subsection C and F) of this chapter.

### **Motor vehicles on public rights-of-way.**

No person shall operate a motor vehicle or combination of vehicles on a public right-of-way at any time in such a manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in the New York State Vehicle and Traffic Law. This includes the operation of a vehicle without an adequate muffler or exhaust system to prevent any unreasonable noise in violation of the Vehicle and Traffic Law § 375, Subdivision 31.

### **Exceptions.**

The requirements, prohibitions and terms of this ordinance shall not apply to:

A. Any authorized emergency vehicle when responding to an

emergency call or acting in time of emergency.

- B. The operation of any vehicles or equipment when responding to an emergency or a declared state of emergency (i.e., civil defense, storm).
- C. Those activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to parades, fireworks displays and public cosponsored boat races and events.
- D. The production of music in connection with a military or civic parade, funeral procession, or religious ceremony; any musical performance conducted under consent of municipal authority.
- E. Sounds emanating from any publicly sponsored and/or authorized sporting, entertainment, or other public event.
- F. Snow removal equipment.
- G. Businesses approved by zoning or variances that must conduct loading and unloading operations between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday.

**Authority to grant exceptions and variances.**

The Common Council or its duly authorized representative shall have the authority to grant special variances, issue temporary permits and suspend any of the provisions of this ordinance upon such conditions and for such time as it shall deem fit to best serve the public health and welfare and the quality of life in the City of Lockport.

**Enforcement; standards.**

A. The provisions of this ordinance shall be enforced by the Police Department of the City of Lockport and/or the Department of Building Inspections of the City of Lockport and it shall have the power to:

- (1) Order any person to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this ordinance.
- (2) Seal any device, after obtaining the proper judicial order, which causes or is maintained or operated so as to cause a violation of any provision of this ordinance.
- (3) Issue appearance tickets for violation of any provision of this ordinance.

B. A sound-level meter conforming to the American National Standards Institute (ANSI) Type II standards shall be used and shall be calibrated prior to use. The calibrator shall be calibrated at least annually.

**Penalties for offenses.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a violation and subject to a fine of not more than \$500 or imprisonment for a period not to exceed 5 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**Severability.**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction the remaining provisions of the ordinance shall not be invalidated.

**Repealer.**

This ordinance shall repeal former Chapter 125, adopted May 2, 1984, and any amendments thereto, of the Code of the City of Lockport.

**When effective.**

This ordinance shall become effective immediately upon passage thereof.

DRAFT

By Alderman \_\_\_\_\_:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter A-192, Section 40-a of the City Code with respect to the definition of Master Plumber, and be it further

Resolved, that a public hearing be held at the Common Council meeting of Wednesday, May 11th, 2022, starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman \_\_\_\_\_ and adopted. Ayes \_\_\_\_\_.

## PLUMBING RULES AND REGULATIONS

### Chapter A192

## PLUMBING RULES AND REGULATIONS

**§ A192-1. Article 4 of the General City Law.**

**§ A192-2. Plumbing Standards of the New York State Plumbing Code.**

**[HISTORY: Adopted 2-17-1893; amended in its entirety 2-1-2012 by L.L. No. 1-2012. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction administration — See Ch. 66.  
Contractors — See Ch. 79.  
Electrical standards — See Ch. 89.  
Property maintenance — See Ch. 136.  
Sewers — See Ch. 150.  
Water — See Ch. 185.

**§ A192-1. Article 4 of the General City Law.**

#### NEW YORK STATE STATUTES

#### GOVERNING PLUMBERS AND PLUMBING

(Article 4 of the General City Law of  
the State of New York)

#### **§ 40. Definitions.**

When used in the article, the words "employing or master plumber" shall mean a person having a regular place of business and who, by himself or journeymen plumbers in his employ, performs plumbing work.

#### **§ 40-a. Master plumber.**

When used in this article, the words "Chief Plumbing Inspector" shall mean a person who has taken and passed the Master Plumbers test given by the City of Lockport and who holds the Practical Master Plumber license for the City of Lockport as appointed by the Plumbing Board. There shall be only one inspector who holds a Practical Master Plumber's license in the City of Lockport appointed as "Chief Plumbing Inspector" by the Plumbing Board, employed in the Building Inspection Department.

#### **§ 40-b. Examining Boards of Plumbers in cities.**

The existing boards for the examination of plumbers in cities of this state are continued and each shall be known as the "Examining Board of Plumbers." Such Board in each city shall continue to consist of five

**Authorization to issue a notice to bidders for the GIGP funded streetscape project**

WHEREAS, the City of Lockport (City) was awarded funding from the New York Downtown Revitalization Initiative (DRI) grant program and the Green Infrastructure Grant Program (GIGP) to make streetscape and storm water management improvements (improvements) along Pine, South and Washburn Streets; and

WHEREAS, the City's consulting engineer Nussbaumer & Clarke, Inc. (Nussbaumer) has completed detailed design plans and contract documents for the improvements; and

WHEREAS, the City desires to issue a public request for qualified bidders to construct the improvements;

NOW, THEREFORE, BE IT:

RESOLVED that Nussbaumer shall prepare and furnish to the City Clerk a Notice to Bidders for construction of the improvements and upon receipt and review, the City Clerk shall advertise the Notice to Bidders in the City's official newspaper.