

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 Kantor, the minutes of the Regular Meeting of April 13, 2022 are hereby approved as printed in the Journal of Proceedings. Ayes 6. 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
- 4/20/22 Elizabeth Czaplicki, 165 North Adam Street, Lockport, NY

Referred to the Corporation Counsel.

Notice of Complaint:

- 4/14/22 395 North Transit Street – tree
- 4/25/22 236 Irving 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	\$115,696.14
Water Fund	Fund FX	\$43,963.63
Sewer Fund	Fund G	\$55,805.34
Self-Insurance	Fund MS	\$76,376.20
Refuse & Recycle	Fund CL	\$489.38
Payroll	Pay Date 4/7	\$487,278.77

Seconded by Alderman Barnard and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Fogle and adopted. Ayes 6.

042722.3

By Alderman Devine:

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 Fogle. A roll call vote was taken which resulted as follows:

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

The Local Law was thereupon declared duly adopted.

042722.4

By Alderman Devine:

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 13th, 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 Barnard and adopted. Ayes 6.

042722.5

By Alderman Fogle:

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 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 Pasceri and adopted. Ayes 6.

042722.6

By Alderman Fogle:

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 Kantor and adopted. Ayes 6.

042722.7

By Alderman Fogle:

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 Barnard and adopted. Ayes 6.

042722.7A

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council Meeting of May 11, 2022 starting at 6:30 P.M. relative to a request for a Special Use Permit made by Sean Wirth, to harbor 6-8 hen chickens at 67 Rochester Street, situated in an R-1 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.

042722.8

ADJOURNMENT

At 6:43 P.M. Alderman Beakman moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 11, 2022.

Seconded by Alderman Devine and adopted. Ayes 6.

PAUL K. OATES
City Clerk