

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 17, 2010  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Pasceri, Smith, McKenzie, Chapman, and Genewick.

**RECESS**

Recess for public input.

**021710.1**

**APPROVAL OF MINUTES**

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of February 3, 2010 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing relative to proposed Local Law to amend C-12 Term of elective officers of the Lockport City Code.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed Local Law have been received.

Recess for public input.

The Mayor closed the public hearing.

**FROM THE MAYOR**

**Appointments:**

2/4/10            Jessica E. Stopa, 214 Park Avenue, Lockport, NY – appointed as Senior Account Clerk effective February 9, 2010. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

2/5/10 Dale Lawson, 373 Pine Street, Lockport, NY – appointed as Senior Water Maintenance Worker effective February 9, 2010. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed.

### **FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

#### **Communications** (which have been referred to the appropriate City officials)

2/9/10 Mayor Michel W. Tucker – recommendation that Lynn Harper, 30 Corinthia Street, Lockport, NY be appointed to the Lockport Community Cable Commission. Referred to the Committee of the Whole.

2/16/10 Rayann Livergood, 189 Ontario Street, Lockport, NY - Letter in opposition to Term Limits. Referred to the Committee of the Whole.

#### **Notice of Defect:**

2/12/10 Gooding Street – heaved pavement  
Referred to the Highways & Parks Department.

#### **Notice of Claim:**

2/3/10 William Robinson, 30 Phelps Street, Lockport, NY  
2/12/10 Timothy Bisher, 7987 State Road, Gasport, NY  
Referred to the Corporation Counsel.

### **MOTIONS & RESOLUTIONS**

#### **021710.2**

By Alderman Kibler:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on February 19, 2010.

Seconded by Alderman Pasceri and adopted. Ayes 6.

#### **021710.3**

By Alderman Kibler:

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

Seconded by Alderman McKenzie and adopted. Ayes 6.

**021710.4**

By Alderwoman Pasceri:

Whereas, the City of Lockport desires to enhance the possibility of redevelopment of the old Dussault Foundry Site located at 2 and 10 Washburn Street, and

Whereas, the Site Investigation report performed by the NYS DEC dated June 2009 has identified asbestos containing materials that would be impacted by the demolition of the structures located on the above referenced site, and

Whereas, the Niagara County Brownfield Development Corporation has offered financial assistance to pay for the abatement of the asbestos containing materials and associated engineering cost/controls from the Niagara County Brownfield’s Cleanup Revolving Fund, and

Whereas, the removal of the asbestos containing materials from the structures on the above referenced site will enhance the possibility of future redevelopment of said property, now it therefore be

Resolved, that the City Treasurer, subject to Corporation Counsel approval, be authorized and directed to foreclose on said properties through In-Rem procedures and take ownership of said properties, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to apply for \$200,000 from the Niagara County Brownfield Development Corporation’s Brownfield’s Revolving Loan Fund to pay for asbestos abatement and engineering cost and controls from the structures located on 2 and 10 Washburn Street.

Seconded by Alderman Genewick and adopted. Ayes 6.

By Alderman Smith:

Resolved, that the Common Council recess.

Seconded by Alderman Chapman and adopted. Ayes 6.

By Alderman Chapman:

Resolved, that resolution #021710.5 be and the same is hereby tabled.

Seconded by Alderman Smith and adopted. Ayes 6.

**021710.5**

By Alderman Chapman:

Resolved, that the following local law is here by adopted:

Local Law No. 1 of the year 2010

A local law relative to amending the Lockport City Code C-12 Term of elective officers

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

**C-12. Term of elective officers**

The terms of elective officers shall be as follows: Mayor, City Treasurer, four years; Councilman, two years; City Judge, six years.

No person shall be eligible to be elected to or serve in the office of mayor if that person had previously held such office for two or more full consecutive terms, unless one full term or more has elapsed since that person last held such office; provided, however, that in calculating the number of consecutive terms a person has served, only terms commencing on or after January 1, 2012 shall be counted.

No person shall be eligible to be elected to or serve in the office of council member if that person had previously held such office for three or more full consecutive terms, unless one full term or more has elapsed since that person last held such office; provided, however, that in calculating the number of consecutive terms a person has served, only terms commencing on or after January 1, 2012 shall be counted.

**021710.6 WITHDRAWN** (Transfer fire dispatch to LPD)

**021710.7**

By Alderman Genewick:

Resolved, that pursuant to their request, The Taste of Lockport is hereby granted permission to erect a banner across East Avenue at Davison Road at least 17 feet from the ground from July 15, 2010 until August 15, 2010, to promote the Taste of Lockport to be held August 15, 2010. Said permission is subject to the Taste of Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Building Maintenance Department is hereby authorized and directed to erect the banner.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**021710.8**

By Alderman McKenzie:

Resolved, that subject to the approval of the Corporation Counsel, the Adopt a Street/Park Program be and the same is hereby authorized, and be it further

Resolved, that the Superintendent of Highways Parks and Refuse is hereby authorized and directed to facilitate same.

Seconded by Alderman Kibler and adopted. Ayes 6.

**021710.9**

By Alderman Pasceri:

**WHEREAS**, title 315.4 of the New York Compilation of Codes, Rules and Regulations, entitled Regulation on Reporting for Elected or Appointed Officials has required the reporting of time for certain Elected or Appointed Officials of employers participating in the New York State Retirement System, including the City of Lockport, and

**WHEREAS**, title 315.4 requires that the Common Council establish a standard work day for each Elected or Appointed official serving the City of Lockport, and

**WHEREAS**, title 315.4 requires that Elected or Appointed Officials keep a record or log of work activities, which record or log is required to be submitted to the Clerk of the City of Lockport, and such official reporting work activities shall not include the following: "on call"

time, holidays, sick time, vacation time, personal leave time, medical leave and/or bereavement, and

**WHEREAS**, title 315.4 permits the reporting of work activities actually performed during the following: "on call" Saturdays time, Sundays time, holidays, sick time, vacation time, personal leave time, medical leave and/or bereavement, now, therefore, be it

**RESOLVED**, that in compliance with the mandates of title 315.4, promulgated by the New York State Comptroller, the following City Officials, if participating in the NYS Retirement System shall report to the City Clerk a record or log of time worked during the period January 1, 2010 through March 31, 2010.

**ELECTED OFFICIALS**

City of Lockport Mayor  
City of Lockport Common Council Members  
City of Lockport Treasurer

**APPOINTED OFFICIALS**

City of Lockport Corporation Counsel  
City of Lockport Deputy Corporation Counsel Members  
City of Lockport City Clerk  
City of Lockport Department Heads

**ALL DESIGNATED PARTTIME**

School Crossing Guards  
Dog Control Officer  
Community Services Aide  
Seconded by Alderman Kibler and adopted. Ayes 6.

**021710.10**

By Alderman McKenzie:

Resolved, that pursuant to the recommendation of Mayor Tucker, Lynn Harper, 30 Corinthia Street, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a three-year term expiring on December 31, 2012.

Seconded by Alderman Pasceri and adopted. Ayes 6.

By Alderman Kibler:

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

Seconded by Alderman Chapman and adopted. Ayes 6.

**021710.11**

By Alderman Pasceri:

Whereas, healthy kidneys are essential to regulate the water and other chemicals in your blood; remove fluids, waste, toxins, and drugs introduced to the body; release hormones that regulate blood pressure, make red blood cells and promote strong bones, and

Whereas, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease, and

Whereas, 170,000 Western New Yorkers have chronic kidney disease and another 170,000 are at risk and don't know it, and

Whereas, over 1,600 Western New Yorkers are on dialysis, and  
Whereas, nearly 500 Western New Yorkers are awaiting a kidney transplant, and  
Whereas, approximately 40 percent are African American and 16 percent are Hispanic,  
and

Whereas, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases, and

Whereas, the National Kidney Foundation Serving WNY has a free health screening program to identify people in the early stages of kidney disease, and

Whereas, the mission of the National Kidney Foundation Serving WNY is to prevent kidney and urinary tract diseases, improve health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation, and

Whereas, early detection including regular reporting of GFR calculation through a simple blood test, currently the best indication of kidney disease staging, can help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or a kidney transplant to maintain life, and

Whereas, the cost of treatment for kidney disease is disproportionately higher than any other chronic disease, and

Whereas, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk, Now therefore be it

Resolved, that March 11<sup>th</sup> is hereby recognized as "World Kidney Day" in the City of Lockport and the Mayor and Common Council encourage all citizens to extend support to chronic kidney disease patients.

Seconded by Alderman Genewick and adopted. Ayes 6.

#### **021710.11A**

By Alderman Pasceri:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter to an agreement with the organizers of Lockport Old Home Week for sponsorship at a cost not to exceed \$5,000.00 and be it further

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer \$5,000.00 from Account # 01-1900-1990 Contingency to account # 01- 6410-429.

Seconded by Alderman Smith and adopted. Ayes 6.

#### **021710.12**

#### **ADJOURNMENT**

At 7:05 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 3, 2010.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY  
City Clerk