

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

**Lockport Municipal Building**

Regular Meeting  
Official Record

February 2, 2011  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

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

**RECESS**

Recess for public input.

**020211.1**

**APPROVAL OF MINUTES**

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of January 19, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**  
**SUPERINTENDANT OF HIGHWAYS, PARKS, & REFUSE**

The Mayor announced a public hearing on a proposed local law #2011-1 to amend the City Charter relative to the title of Superintendent of Highways, Parks, & Refuse.

The Mayor asked the City Clerk if any petitions or communications relative to the proposed local law have been received.

**Communitation/Petition:**

2/2/11        Phyllis Green, 494 South Street, Lockport, NY, per Jean Kiene, 400 Willow Street, Lockport, NY – opposition to proposed city charter change that will eliminate the title Superintendent of Streets, Parks and Refuse. Referred to the Committee of the Whole.

2/2/11 Michael E. Hoffman, 66 McIntosh Drive, Lockport, NY – petition including over 550 signatures, against eliminating the position of “Superintendent of Streets, Parks, and Refuse” from the City of Lockport, City Charter.

Recess for public input.

The Mayor Closed the Public Hearing.

## **FROM THE MAYOR**

### **Appointments:**

1/24/11 Ruth E. Ohol, 326 Locust Street, Lockport, NY – appointed as Chief Accountant/Auditor effective January 24, 2011. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

1/24/11 Donna J. Winters, 29 Franklin Avenue, Lockport, NY – appointed as Tax Enforcement Clerk effective January 18, 2011. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

1/31/11 Kristin Bernardi, 165 Park Lane Circle, Lockport, NY – appointed as Recreation Program Coordinator effective January 31, 2011. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

### **Resignations:**

1/20/11 Mark K. Sanders - resigned as a member of the Lockport Housing Board. Received and filed.

1/27/11 Sheila K. LaPort – resigned as a member of the Assessment Review Board. 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)

1/31/11 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President's birthdays:

Monday, February 14<sup>th</sup>  
Monday, February 21<sup>st</sup>

There will be no change in the garbage pickup schedule.

Referred to the Media.

## **MOTIONS & RESOLUTIONS**

### **020211.2**

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 4, 2011.

Seconded by Alderman Pasceri and adopted. Ayes 6.

### **020211.3**

By Alderman Kibler:

Resolved, that claims authorized for payment by the Department 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.

### **020211.4**

By Alderman Pasceri:

City of Lockport

Local Law No. 1 of the year 2011

A local law amending the City Charter relative to the title of Superintendent of Streets, Parks & Refuse

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

AN ORDINANCE AMENDING THE CHARTER  
OF THE CITY OF LOCKPORT BY AMENDING

ARTICLE II ENTITLED CITY OFFICES;  
GENERAL PROVISIONS; CITY ELECTIONS AND

ARTICLE VIII ENTITLED PUBLIC WORKS; STREETS;  
BRIDGES & CULVERTS; CROSSWALKS & SIDEWALKS

The City of Lockport, in Common Council convened, does hereby ordain and enact as follows:

#### **ARTICLE II**

**City Offices; General Provisions; City Elections**

#### **ARTICLE VIII**

**Public Works; Streets; Bridges & Culverts; Crosswalks & Sidewalks**

§ C-155. Supervision of Streets and Parks

The Director of Engineering and Public Works or the Mayor's designee shall personally superintend the making and repairing of, and all other work in and upon, the streets, alleys, walks, buildings, bridges, sewers, public pumps, structures, reservoirs, grounds or property of

said city, unless the Common Council shall otherwise order, and shall perform such other duties as the Common Council may require by ordinance or otherwise. He shall act in all matters under the direction of the Mayor. The Director of Engineering and Public Works or the Mayor's designee, under the direction and control of the Mayor, shall take immediate charge of all the streets of the city, and, except as otherwise provided in this act, the other laws of the state or by ordinance of the Common Council, the Director of Engineering and Public Works or the Mayor's designee has over the streets within the city all the jurisdiction and is charged with all the duties of town superintendents of highways. It shall also be his duty to purchase or provide at the expense of the city all necessary implements and utensils, when directed by the Common Council, to hire and employ the requisite laborers, to direct them as to the time and manner of the execution of their work, and to report to the Common Council weekly, under oath, the names of all persons who shall have been by him employed on any of the streets, alleys, walks, buildings, bridges, sewers, public pumps, structures, reservoirs, grounds or property of said city, with the time worked by each, and the compensation to be paid to each, and the names of all parties from whom materials have by him been purchased, with the nature and quantities of said materials, and the prices paid or to be paid therefor. He shall not give to the persons by him employed, or who shall have performed labor under his direction, or otherwise, any certificate or other evidence of the performance of such labor, or indebtedness on the part of the city. He shall report to the Common Council, at each regular meeting thereof, the time he shall theretofore, or since his last previous report, have been actually employed at work in the discharge of his duty, the correctness of which shall be verified by his oath. [§ 155, L. 1911, c. 870]

§ C-179. Special Supervision of Improved Streets.

The Mayor may appoint some suitable person, other than the Director of Engineering and Public Works or the Mayor's designee, to superintend the expenditure, upon any such improved street or portion thereof, of the money set apart from said highway moneys, and so levied and assessed in addition thereto or otherwise provided therefor; provided, however, that such person shall hold his office during the pleasure of the Mayor, and will and shall so superintend such expenditure without any charge therefor to said city, or to said moneys. Said Special Superintendent shall report to the Common Council annually, on the first Monday in August, and at such other times as the Common Council may require, his receipts and disbursements, and property on hand in and about his said office in detail. [§ 179, L. 1911, c. 870; amended by L. 1943, c. 710]

§ C-183. Director of Engineering and Public Works or the Mayor's designee to order work to be done.

Whenever in the opinion of the Director of Engineering and Public Works or the Mayor's designee any of the work specified in the foregoing section shall be necessary to be done, he shall order the same to be done within a specified time, and in case said premises shall be in actual occupation of any person, such person or the owner of the premises shall be served with a notice in which shall be stated in general terms what has been ordered to be done and the time within which it has been required to be done. [§ 183, L. 1911, c. 870]

§ C-185. If owner fails, Director of Engineering and Public Works or the Mayor's designee to cause work to be done.

If any work shall not be done within the time limited therefor, the Director of Engineering and Public Works or the Mayor's designee shall, by contract or otherwise, cause it to be done, and shall forthwith present a statement of the expense thereof, with a description of the premises in front of which the work shall have been done, to the Common Council, who shall assess the

expense of said work, with 12% additional, upon said premises, or upon the owner thereof, and in case said premises shall not be in actual occupation of any person said Director of Engineering and Public Works or the Mayor's designee shall cause said work to be done forthwith, and without notice, and the expense thereof to be assessed in the same manner. [§ 185, L. 1911, c. 870]

This ordinance shall take effect ninety days after its enactment into law.

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

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

The local law was thereupon declared duly adopted.

#### **020211.5**

By Alderman Pasceri:

**WHEREAS**, on January 19, 2011 the Common Council passed Resolution 011911.9 calling for a public hearing to amend relevant sections of the City Charter that contained the words: "Superintendent of Streets, Parks and Refuse", and

**WHEREAS**, a public hearing having been conducted and a local law having been voted on amending the City Charter to remove all references to "Superintendent of Streets, Parks and Refuse", and

**WHEREAS**, there are various sections of the City Code that reference the "Superintendent of Streets, Parks and Refuse, to wit: 42-2, 129-13, 129-23, 158-15, 158-17, 158-25, 158-21, 158-26, 158-30, 158-31, 176-10, 176-12, and 176-13, and

**WHEREAS**, the City desires to replace the words "Superintendent of Streets, Parks and Refuse" with the words "Director of Engineering and Public Works or the Mayor's designee" in its place in every instance.

#### **NOW THEREFORE BE IT**

**RESOLVED**, that the City Clerk be and is hereby directed to replace the words "Superintendent of Streets, Parks and Refuse" with the words "Director of Engineering and Public Works or the Mayor's designee" in sections 42-2, 129-13, 129-23, 158-15, 158-17, 158-25, 158-21, 158-26, 158-30, 158-31, 176-10, 176-12, and 176-13 of the City Code.

Seconded by Alderman Genewick and adopted. Ayes 4, Nays – Ald Kibler and Smith.

**020211.6**

By Alderman Pasceri:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Peter S. Degnan	30	Chief Water Treatment Plant Operator
Joseph J. Kane	25	Tree Crew Leader
David E. Sheehan	25	Heavy Equipment Operator
Michael J. Barnwell	15	Firefighter
Thomas A. Glenn	15	Firefighter
Todd M. Wheeler	10	Municipal Worker
David A. Yourdon	10	Municipal Worker

Seconded by Alderman Genewick and adopted. Ayes 6.

**020211.7**

By Alderman Pasceri:

Resolved, that the Common Council of the City of Lockport does hereby adopt the following, as the Equal Employment Opportunity policy for the City of Lockport, New York:

“The City of Lockport is committed to providing equal opportunity in all of our employment practices to all qualified applicants and employees and does not unlawfully discriminate in employment opportunities or practices on the bases of age, race, color, religion, sex, national origin, citizenship status, disability, pregnancy, marital status, military or veteran status, political belief, sexual orientation, predisposing genetic predisposition or carrier status, previous conviction of criminal offenses (unless directly related to employment or would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public), status as a victim of domestic violence, or any other category protected by federal, state or local law. Therefore, employment decisions by the City of Lockport, including but not limited to, decisions regarding recruitment, hiring, promotion, job assignment, transfer, compensation, reductions in force, recall from layoff, leaves of absence, discipline, termination, and access to benefits and training will be based on merit, skill, experience, training, qualifications, the needs of the City of Lockport, and/or other relevant factors. Any employee involved in discriminatory practices will be subject to discipline, up to and including termination.

If you have questions or concerns regarding the administration of this policy or a complaint regarding Equal Employment Opportunity, you are encouraged to bring those issues to your immediate supervisor or the City of Lockport's Civil Service Department. Adverse action will not be taken against an employee because he or she, in good faith, reports or participates in the investigation of a violation of this policy.

The City of Lockport's commitment to this policy includes making reasonable accommodations for qualified individuals with known disabilities, to enable them to perform the essential functions of their jobs, unless to do so poses an undue hardship for the City or a direct threat to health or safety. Employees with disabilities should make the City aware of their need for an accommodation. The City will work with each individual to define their job-related

needs and to try to reasonably accommodate those needs. Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. While an employee may recommend a specific accommodation, the ultimate decision as to whether a particular accommodation will be made rests with the City. If more than one accommodation will enable the individual to perform his/her job, the City reserves the right to choose which accommodation it will make.”

Seconded by Alderman McKenzie and adopted. Ayes 6.

**020211.8**

**ADJOURNMENT**

At 7:02 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 16, 2011.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY  
City Clerk