

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 16, 2009
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, Alexander, McKenzie, Schrader, and Lombardi.

RECESS

Recess for public input.

121609.1

APPROVAL OF MINUTES

On motion of Alderman Lombardi, seconded by Alderman Kibler, the minutes of the Regular Meeting of December 2, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing relative to proposed amendments to the following City of Lockport Ordinances:

- Article VII The Fire Department, §C-125 – increase the number of Fire Commissioners from four (4) to five (5)
- Article VI The Police Department, §C-110 – Increase the number of Police Commissioners from four (4) to five (5)

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

12/3/09 Rolando Moreno, 71 E. Remick Pkwy, Apt B., Lockport, NY – appointed as Engineering Technician effective November 17, 2009. Said appointment is permanent and subject 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)

12/7/09 Curt Maranto, Director, National Multiple Sclerosis Society, 4245 Union Road, Buffalo, NY – request permission to conduct the Lockport MS Walk on Sunday, May 16, 2010. Referred to the Committee of the Whole.

12/9/09 Niagara County Planning Board, 6311 Inducon Corporate Drive, Sanborn, NY – Niagara County Planning Board 2010 meeting schedule. Referred to the Building Inspection Department.

12/10/09 Joseph Macaluso, Acting City Assessor – notification that the General City Tax rolls have been completed, corrected and filed. Referred to the Committee of the Whole.

12/10/09 Brian Bower, Co-President, Lockport Business Assoc. – request permission to reserve Ida Fritz park on August 15, 2010, and erect a banner over East Avenue from July 19, 2010 to August 15, 2010 for The Taste of Lockport. Referred to the Committee of the Whole.

12/11/09 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December and January:

Thursday, December 24 (closed at 12 noon)

Friday, December 25

Thursday, December 31 (closed at 12 noon)

Friday, January 1, 2010

The garbage collection schedule is as follows:

No Pick-up On

Friday, December 25

Friday, January 1, 2010

Double Pick-up On

Monday, December 28

Monday, January 4, 2010

On Thursday, December 24th and Thursday, December 31st garbage will be picked up from 7:00 a.m. to 11:00 a.m. only. Referred to the Media.

Notice of Defect:

12/11/09 Lockport Municipal Building – Parking Lot, Lockport, NY - Bridge
Referred to the Highways & Parks Department & Engineering
12/14/09 155 Allen Street, Lockport, NY - tree
Referred to the Highways & Parks Department

Notice of Claim:

12/11/09 Samuel L. Turco, 32 Hoover Parkway, Lockport, NY
Referred to the Corporation Counsel.

Notice of Petition:

12/7/09 The Lockport Professional Firefighters Association, IAFF, Local 963 vs.
The City of Lockport. Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

121609.2

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 December 18, 2009.

Seconded by Alderman Lombardi and adopted. Ayes 6.

121609.3

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 Schrader and adopted. Ayes 6.

121609.4

By Alderman Schrader:

Resolved, that resolution #120209.9 adopted by the Common Council at their December 2, 2009 meeting, regarding the recognition of C.D.B.G. revenue (G.L.D.C.) is hereby rescinded.

Seconded by Alderman Alexander and adopted. Ayes 6.

121609.5

By Alderman Schrader:

Resolved, that \$54,254.00 of funds be recognized as revenue, the following account SC "97" 13 8697 8676 – Provision of Public Services – Economic Development be increased in appropriation and in expenditures by the same \$54,254.00 with said funds being authorized in accordance with Common Council resolution dated December 11, 2003 and signed contractual agreement with the Greater Lockport Development Corporation.

Seconded by Alderman Lombardi and adopted. Ayes 6.

121609.6

By Alderman Lombardi:

Resolved, that the City tax roll for year 2010 be and the same is hereby confirmed and the City Clerk is hereby authorized and directed to certify thereto and deliver said tax rolls to the City Treasurer for collection.

Seconded by Alderman Schrader and adopted. Ayes 6.

121609.7

By Alderman Alexander:

Resolved that that following Local Law be and the same is hereby adopted:

City of Lockport

Local Law No. 2 of the year 2009

A LOCAL LAW RELATIVE TO amending the City Charter, Section C-125 The Fire Department.

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

§ C-125.Existing Board of Fire Commissioners abolished; control of Fire Department; Board of Fire Commissioners.

The existing Board of Fire Commissioners of the City of Lockport is hereby abolished. A new Board of Fire Commissioners consisting of five (5) Fire Commissioners appointed as provided in this act shall constitute the Board of Fire Commissioners of the City of Lockport, and shall have, as such Board, control and management of the Fire Department of such city. The said Department shall consist of a Fire Chief and such subordinates and employees as may be found necessary from time to time and a competent number of able-bodied firemen. Such Board shall be organized by the election of one of its members as President. Three Fire Commissioners shall be a quorum for the transaction of business at the meetings of the Board. One member of the Common Council shall be appointed as a member of the Fire Board. Acceptance or retention of such appointment by an Alderman shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith, or affect his tenure or compensation in any way. The term of office of a member of the Fire Board who is an Alderman when appointed as a member thereof shall terminate at the expiration of the term of his municipal office. All actions of the Fire Board may be reviewed, modified or rescinded by the Common Council.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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

Alderman Alexander	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman Lombardi	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Schrader	VOTING	Abstain

The Local Law was thereupon declared duly adopted.

121609.8

By Alderman Alexander:

Resolved that that following Local Law be and the same is hereby adopted:

City of Lockport

Local Law No. 3 of the year 2009

A LOCAL LAW RELATIVE TO amending the City Charter, Section C-110 The Police Department.

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

§ C-110.Existing Police Board abolished; control of Police Department; Board of Police.

The existing Board of Police of the City of Lockport is hereby abolished. A new Board of Police consisting of five (5) Police Commissioners appointed as provided in this act shall constitute the Board of Police of the City of Lockport and shall have, as such Board, control and management of the Police Department of such city. Such Board shall be organized by the election of one of its members as President. The City Clerk shall, ex officio, be Clerk of said Board. Three Police Commissioners shall be a quorum for the transaction of business at the meetings of the Board. No Police Commissioner shall receive any salary or compensation for his services as such officer. One member of the Common Council shall be appointed as a member of the Police Board. Acceptance or retention of such appointment by an Alderman shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith or affect his tenure or compensation in any way. The term of office of a member of the Police Board who is an Alderman when appointed as a member thereof shall terminate at the expiration of the term of his municipal office. All actions of the Board of Police may be reviewed, modified or rescinded by the Common Council.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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

Alderman Alexander	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman Lombardi	VOTING	Abstain
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Schrader	VOTING	Y

The Local Law was thereupon declared duly adopted.

121609.9

By Alderman Lombardi:

Resolved, that the Mayor be and the same is hereby authorized to expend \$1,850 for materials and supplies in connection with the December 31, 2009 Rock n' the Locks New Year's Eve celebration, and be it further resolved that the City Treasurer be and the same is hereby directed and authorized to transfer \$750 from Account # 01 3510.479 and \$1,100 from Account # 01 3510.200 to Account # 01 8510.429.

Seconded by Alderman Alexander and adopted. Ayes 6.

121609.10

By Alderman Kibler:

Resolved, that the 2010 General Fund Budget be amended as follows:

01 1410 Corporation Counsel .100 Personal Services

Deputy Corporation Counsel # 1 (Labor), Delete \$35,000 and insert \$33,000;

Deputy Corporation Counsel # 2 (Housing-Planning Bd.-Zoning), delete \$20,500 and insert \$22,500

Seconded by Alderman Lombardi and adopted. Ayes 6.

121609.11

By Alderman Kibler:

Resolved, that the 2010 General Fund Budget be amended as follows:

Assessed Valuation - Delete \$635,095,019 and insert \$634,795,119 and delete Property Tax rate per \$1,000 \$15.932149 and insert Property Tax Rate per \$1,000 Assessed Value \$15.939676.

Seconded by Alderman Schrader and adopted. Ayes 6.

121609.12

By Alderman Pasceri:

Resolved, that pursuant to their communication, the National Multiple Sclerosis Society is hereby granted permission to conduct their annual MS Walk in the City on Sunday, May 16, 2010 subject to approval of the walk route by the Police Chief and the Multiple Sclerosis Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Lombardi and adopted. Ayes 6.

121609.13

By Alderman Alexander:

Whereas, Lockport Canal Homes is part of a comprehensive plan that recognizes the acute need for quality affordable housing in the City of Lockport and the need for reinvestment in our neighborhoods, and

Whereas, the redevelopment of the Genesee Street neighborhood in Lockport Canal Homes provides quality, stable housing in a local real estate market that is burdened by high numbers of absentee property owners and disinvestment, and

Whereas, Lockport Canal Homes will have a high impact on a visible neighborhood in the City of Lockport and provide quality affordable housing opportunities for low-income residents of the City, now, therefore, be it

Resolved, that the Mayor and the Common Council of the City of Lockport do hereby go on record in support of the Lockport Canal Homes Development Project.

Seconded by Alderman Schrader and adopted. Ayes 6.

121609.14

By Alderman Schrader:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 31 through September 6, 2010 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items including alcoholic beverages, crafts, and related items
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

and, be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Alexander and adopted. Ayes 6.

121609.15

By Alderman Lombardi:

Resolved, that the Mayor, subject to Corporation Counsel approval is hereby authorized to execute employment agreements with City Clerk, Richard P. Mullaney; and Personnel Director, Mary Pat Holz, and be it further

Resolved, that the Mayor, subject to Special Counsel approval is hereby authorized to execute an employment agreement with Corporation Counsel, John Ottaviano.

Seconded by Alderman Schrader and adopted. Ayes 6.

121609.16

By Alderman Kibler:

Resolved, that the Lockport Business Association is hereby granted permission to use Ida Fritz Park and to barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue to conduct "A Taste of Lockport" on Sunday, August 15, 2010 from noon to 6:00 p.m., and be it further.

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permission is subject to the Lockport Business Association filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades to the area prior to the event.

Seconded by Alderman Lombardi and adopted. Ayes 6.

121609.17

By Alderman Lombardi:

Resolved, that the terms and conditions of employment negotiated between the City of Lockport and the Hickory Club, PBA, for the period January 1, 2008 through December 31, 2012 be and the same are hereby extended to the Lockport Police Chief for the same time period. And be it further

Resolved, that the terms and conditions of employment negotiated between the City of Lockport and the Lockport Professional Fire Fighters Association, for the period January 1, 2008 through December 31, 2012 be and the same are hereby extended to the Lockport Fire Chief for the same time period.

Seconded by Alderman McKenzie and adopted. Ayes 6.

121609.18

By Alderman Lombardi:

Whereas, the City of Lockport is desirous of making application for funds under the Community Development Block Grant Small Cities Program, and

Whereas, it is necessary to provide for and obtain the views of citizens on Community Development and housing needs relative to the City's applications for Community Development funds, now, therefore, be it

Resolved, that the Director of Community Development be and he is hereby directed to publish a Notice of Fund Availability, Notice of Public Hearing, regarding the CDBG Application and Abbreviated Consolidated Plan to be held at 6:00 p.m. on January 25, 2010 and March 8, 2010.

Seconded by Alderman Alexander and adopted. Ayes 6.

121609.19 WITHDRAWN (Authorize sale of Canal Street)

121609.19A

By Alderman Kibler:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2009 General, Water, and Sewer Fund budgets and to appropriate fund balance to the extent necessary to balance the budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman Lombardi and adopted. Ayes 6.

121609.19B

By Alderman Kibler:

Resolved, that the City Treasurer is hereby authorized and directed to transfer any balances remaining in 2009 budgetary accounts 01-9000-0800, 02-9000-800, and 03-9000-800 (workers compensation) to their respective General, Water, and Sewer "Worker Compensation Reserve Fund" accounts.

Seconded by Alderman Alexander and adopted. Ayes 6.

121609.19C

By Alderman Kibler:

Resolved, that pursuant to the recommendation of the Board of Estimate & Apportionment the Manufacturers & Traders Trust Company, HSBC, J. P. Morgan Chase & Co. Bank, Key Bank, First Niagara Commercial Bank and Citizens Bank be designated as depositories of City funds for fiscal year 2010, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman Schrader and adopted. Ayes 6.

121609.19D

By Alderman Lombardi:

Resolved, that Deputy Corporation Counsel Blackley be and the same is hereby authorized and directed to prepare a New Working agreement and incorporate therein the terms and conditions provided for in the Memorandum of Agreement, and upon approval thereof by the Lockport Professional Fire Fighters Association, and signed by the President, the Mayor is authorized and requested to sign same, after which the terms and conditions thereof be effected January 1, 2008, for a period of 5 years ending December 31, 2012.

Seconded by Alderman Schrader and adopted. Ayes 6.

121609.19E

By Alderman Lombardi:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Raymond C. Betsch, former Mayor of the City of Lockport who recently passed away.

Seconded by Alderman Kibler and adopted. Ayes 6.

Conclusion of agenda.

121609.20

ADJOURNMENT

At 6:30 P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, January 6, 2010.

Co-seconded by Alderman Schrader and Alexander and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk

