

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 4, 2015
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Mullane, Fogle, Schrader, and Genewick.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

110415.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of October 21, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing relative to the 2016 General Fund, Sewer Fund, and Refuse & Recycling Fund Budgets.

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

Recess for public input.

The Mayor closed the public hearing.

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)

Notice of Defect:

- 10/19/15 142 Cottage Street – tree
- 10/21/15 377 Vine Street – tree
- 10/22/15 75 VanBuren Street – water line
- 10/22/15 35 Hyde Park – tree
- 10/28/15 150 Lock Street – tree

Referred to the Director of Streets and Parks.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

10/22/15 Brenda E. O’Shaughnessy –vs.- City of Lockport and Lockport City School District

MOTIONS & RESOLUTIONS

110415.2

By Alderman Genewick:

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 November 6, 2015 as follows:

General Fund	Account #001	\$161,579.01
Water Fund	Account #002	\$ 50,904.08
Sewer Fund	Account #003	\$ 72,888.24
Capital Projects	Account #004	\$151,851.53
Payroll	Pay Date 10/29/15	\$481,166.22

Seconded by Alderman _____ and adopted. Ayes _____.

110415.3

By Alderman Genewick:

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>
Gary S. Diel	30	WWTP Attendant
Mary Pat Holz	20	Personnel Officer

Seconded by Alderman _____ and adopted. Ayes _____.

110415.4

By Alderman Genewick:

WHEREAS, the City of Lockport (“City”) received a \$112,000 grant from the Canal Corporation for improvements in Phase I of the Restoration of the Flight of Five, and

WHEREAS, the Greater Lockport Development Corporation (“GLDC”) paid the sum of \$50,000 as the City’s share of the project in advance to lessen the financial burden on the City, and

WHEREAS, the City is expected to receive full reimbursement for its share of the project (\$50,000) from the Canal Corporation prior to the conclusion of the calendar year.

NOT THEREFORE BE IT

RESOLVED, that upon receipt by the City of the proceeds of the grant from the Canal Corporation the City shall reimburse the GLDC the sum of \$50,000 for monies the GLDC advanced on behalf of the City for the City's share of the project.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.5

By Alderman Genewick:

Resolved that the following Americans with Disabilities Act policies be adopted:

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City Clerk. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the City Clerk.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: Lockport City Clerk, Lockport Municipal Building, One Locks Plaza, Lockport, NY 14094

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City Clerk and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the City Clerk for at least three (3) years.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City Clerk will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: City Clerk does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: City Clerk will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City Clerk programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: City Clerk will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in [name of public entity] offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of City Clerk, should contact the office of [name and contact information for ADA coordinator] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City Clerk to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of City Clerk is not accessible to persons with disabilities should be directed to [name and contact information for ADA coordinator].

City Clerk will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6

By Alderman Genewick:

Resolved, that the City Treasurer is hereby authorized and directed to amend the 2015 budget regarding a Federal Department of Justice Bulletproof Vest partnership Grant as follows:

Increase:		
001-0001-4389	Federal Public Safety Revenue	\$17,243.28

Increase:		
001-3120-0260	Public Safety Equipment	\$17,243.28

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6A

By Alderman _____:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of J. Paul Leyden, a retired City of Lockport Police Chief who recently passed away.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6B

By Alderman _____:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Steve Gorman, a former City of Lockport Alderman and Common Council President who recently passed away.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6C

By Alderman _____:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Lynn Fitzgerald, a former City of Lockport Streets Department employee who recently passed away.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6D

By Alderman _____:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to amending Chapter 158, Streets and Sidewalks §158-17 Cleaning of sidewalks; penalty, and be it further

Resolved, that a public hearing be held at the Common Council meeting of November 18, 2015 starting at approximately 6:00 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 _____.

110415.6E

By Alderman _____:

Resolved, that resolution 020415.5B be amended as follows in bold:

..... BOND ORDINANCE DATED FEBRUARY 4, 2015.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ~~\$208,600~~ **\$298,000** BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE RECONSTRUCTION OF CLARIFIERS AT THE WASTEWATER TREATMENT PLANT, IN AND FOR SAID CITY

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6F

The following ordinance was offered by Councilmember _____, who moved its adoption, seconded by Councilmember _____, to wit:

BOND ORDINANCE DATED NOVEMBER 4, 2015.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$303,571 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE RECONSTRUCTION OF THE COMBINED SEWER OVERFLOW FACILITY 8 ON MAIN STREET; THE REPLACEMENT OF WATER MAIN ON LINCOLN AVENUE

NEAR BEATTIE AVENUE; AND THE REPLACEMENT OF THE WATER MAIN ON SOUTH NEW YORK STREET IN AND FOR SAID CITY.

WHEREAS, the capital projects hereinafter described have been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in a significant adverse environmental impact; NOW, THEREFORE,

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. The reconstruction of the combined sewer overflow facility 8 on Main Street, in and for the City of Lockport, Niagara County, New York (the "City"), including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$111,991.

Section 2. The replacement of the water main on Lincoln Avenue east of Beattie Avenue, in and for the City, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$35,880;

Section 3. The replacement of the water main along South New York Street, in and for the City, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$155,700.

Section 4. It is hereby determined that the plan for the financing of said specific objects or purposes is by the issuance of \$303,571 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, allocated to each specific object or purpose in accordance with the maximum estimated cost of each stated herein.

Section 5. It is hereby further determined that the period of probable usefulness of each aforesaid specific object or purpose is forty years, pursuant to subdivision 4, as to the specific object or

purpose specified in Section 1 hereof and pursuant to subdivision 1 as to the specific objects or purposes in Sections 2 and 3 hereof, each of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 6. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also

including the consolidation with other issues, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 10. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This ordinance, which takes effect immediately upon the adoption thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	_____
Alderman Genewick	VOTING	_____
Alderman Kibler	VOTING	_____
Alderman Lombardi	VOTING	_____
Alderman Mullane	VOTING	_____
Alderman Schrader	VOTING	_____

The ordinance was thereupon declared duly adopted.

110415.6G

By Alderman _____:

Resolved, that pursuant to their request, Nichols Long & Moore Construction Corp. is hereby granted permission to use Upson Park as a staging area for the Lock E-34 Shotcrete Wall Rehabilitation Project beginning November 9, 2015. Said permission is subject to Nichols Long & Moore Construction Corp. filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6H

By Alderman _____:

Resolved, that the City of Lockport Water Department is hereby authorized and directed to sell for scrap used equipment/supplies.

Seconded by Alderman _____ and adopted. Ayes _____.

110415.6I

By Alderman _____:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to overriding the tax levy established in General Municipal Law §3-c, and be it further

Resolved, that a public hearing be held at the Common Council meeting of November 18, 2015 starting at approximately 6:00 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 _____.

110415.7

ADJOURNMENT

At _____ P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, November 18, 2015.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk