

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

Lockport Municipal Building

Regular Meeting  
Official Record

October 5, 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.

**100511.1**

**APPROVAL OF MINUTES**

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of September 21, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

9/29/11 David Pynn, 7901 Chestnut Ridge Road, Gasport, NY – appointed as a member of the Plumbing Board. Said term expires December 31, 2014.  
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)

10/3/11 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed on Monday, October 10, 2011 in observance of the Columbus Day holiday. There will be no change in garbage pick up schedule.  
Referred to the Media.

**Notice of Defect:**

9/21/11 13 Weld Street, Lockport, NY – tree  
9/28/11 112 Prospect Street, Lockport, NY – trees  
9/29/11 193 East Avenue, Lockport, NY – tree  
9/30/11 27 South Bristol Avenue, Lockport, NY – tree  
Referred to the Highways & Parks Department.

**Notice of Claim:**

10/3/11 Paul Trinkwalder, Image Collision, 245 Park Avenue, Lockport, NY  
Referred to the Corporation Counsel

**MOTIONS & RESOLUTIONS**

**100511.2**

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 October 7, 2011.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**100511.3**

By Alderman Kibler:

Resolved, that claims authorized for payment by the Director of Planning and 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.

**100511.4**

By Alderman Genewick:

Whereas, the City of Lockport recognizes that the people with disabilities are an important part of the diversity of our community, and

Whereas, the Americans with Disabilities Act has been in effect for over 20 years, protecting the civil rights of persons with disabilities in participating in community life, and

Whereas, the City wishes to maximize the involvement of its citizens with disabilities, which will allow the city to target its limited resources to their best possible benefit, now therefore be it

Resolved, that the City of Lockport shall form Lockport Advisory Committee for Persons with Disabilities, and further be it

Resolved, that this committee shall be composed of 10 persons representing persons with disabilities in the City of Lockport, and be it further

Resolved, that in addition, 5 representatives will be requested from local social service agencies that serve persons with disabilities and other such agencies as designated by the Mayor, and be it further

Resolved, that this committee shall be charged with meeting as necessary to advise the Mayor and Council with regard to issues relevant to persons with disabilities living within the city, and will meet at a minimum of four (4) times a year, and provide a yearly report to the Council on these issues.

Seconded by Alderman Kibler and adopted. Ayes 6.

**100511.5**

By Alderman McKenzie:

Resolved, that pursuant to their request, Lockport New Beginnings is hereby granted permission to conduct a Chicken BBQ and erect a tent at Outwater Park on October 22, 2011, subject to Lockport New Beginnings filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**100511.5A**

By Aldermen Chapman and Smith:

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to Term Limits and be it further

Resolved, that a public hearing be held at the Common Council meeting of, October 19, 2011, starting at 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 Genewick and adopted. Ayes 6.

**100511.5B**

The following ordinance was offered by Alderman Kibler, who moved its adoption, seconded by Alderman Pasceri, to-wit:

BOND ORDINANCE DATED OCTOBER 5, 2011.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$630,400 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE CONSTRUCTION AND RECONSTRUCTION OF FACILITIES AT THE MUNICIPAL WATER FILTRATION PLANT, IN AND FOR SAID CITY.

By Alderman Kibler:

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

WHEREAS, the capital project hereinafter described has 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, the Common Council has determined will not result in any significant environmental effects; 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. For the specific object or purpose of paying the cost of the construction and reconstruction of facilities at the Municipal Water Filtration Plant, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, as well as incidental costs and expenses in connection therewith, there are hereby authorized to be issued \$630,400 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid specific object or purpose is hereby determined to be \$630,400, which specific object or purpose is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$630,400 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. 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. To the extent not paid from other sources, 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 5. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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, 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 8. 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 9. 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 10. 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 11. This ordinance, which takes effect immediately upon the final passage 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 Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The ordinance was thereupon declared duly adopted.

## 100511.5C

The following ordinance was offered by Alderman Kibler, who moved its adoption, seconded by Alderman Pasceri, to-wit:

BOND ORDINANCE DATED OCTOBER 5, 2011.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$860,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE PURCHASE OF MUNICIPAL REFUSE AND RECYCLING CARTS, FOR SAID CITY.

By Alderman McKenzie:

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

Seconded by Alderman Kibler and adopted. Ayes 6.

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. For the class of objects or purposes of paying the cost of the purchase of municipal refuse and recycling carts, for the City of Lockport, Niagara County, New York, including incidental equipment and costs in connection therewith, there are hereby authorized to be issued \$860,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid class of objects or purposes is hereby determined to be \$860,000, which class of objects or purposes is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$860,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 35 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. 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. To the extent not paid from other sources, 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 5. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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, 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 8. 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 9. 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 10. 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 11. This ordinance, which takes effect immediately upon the final passage 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 Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The ordinance was thereupon declared duly adopted.

#### **100511.5D**

The following ordinance was offered by Alderman Kibler, who moved its adoption, seconded by Alderman Pasceri, to-wit:

BOND ORDINANCE DATED OCTOBER 5, 2011.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$24,150 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE PURCHASE AND INSTALLATION OF COMPUTER SOFTWARE, FOR SAID CITY.

By Alderman Genewick:

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

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. For the class of objects or purposes of paying the cost of the purchase and installation of computer software relating to financial management, for the City of Lockport, Niagara County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$24,150 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid class of objects or purposes is hereby determined to be \$24,150, which class of objects or purposes is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$24,150 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 81(b) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. 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 5. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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, 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 8. 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 9. 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 10. 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 11. This ordinance, which takes effect immediately upon the final passage 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 Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The ordinance was thereupon declared duly adopted.

#### **100511.5E**

The following ordinance was offered by Alderman Kibler, who moved its adoption, seconded by Alderman Pasceri, to-wit:

BOND ORDINANCE DATED OCTOBER 5, 2011.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$265,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE PURCHASE OF A FIREFIGHTING VEHICLE, FOR SAID CITY.

By Alderman Pasceri:

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

Seconded by Alderman McKenzie and adopted. Ayes 6.

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. For the specific object or purpose of paying a portion of the cost of the purchase of a firefighting vehicle, for the City of Lockport, Niagara County, New York, including incidental equipment and costs in connection therewith, there are hereby authorized to be issued \$265,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid specific object or purpose is hereby determined to be \$512,500, which specific object or purpose is hereby authorized at said maximum estimated cost, and the plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of \$265,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of this bond ordinance; and
- b) by the expenditure of \$247,500 grants-in-aid monies from the State of New York, which monies of said City, which are hereby authorized to be expended therefor.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. 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 5. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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, 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 8. 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 9. 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 10. 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 11. This ordinance, which takes effect immediately upon the final passage 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 Chapman	VOTING	N
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The ordinance was thereupon declared duly adopted.

#### **100511.5F**

The following ordinance was offered by Alderman Kibler, who moved its adoption, seconded by Alderman Pasceri, to-wit:

BOND ORDINANCE DATED OCTOBER 5, 2011.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF PRELIMINARY PLANS AND SURVEYS IN CONNECTION WITH THE RECONSTRUCTION OF VARIOUS MUNICIPAL BUILDINGS, IN AND FOR SAID CITY.

By Alderman Kibler:

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

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. For the class of objects or purposes of paying the costs of preliminary plans and surveys in connection with the reconstruction of various municipal buildings and facilities, in and for the City of Lockport, Niagara County, New York, including incidental costs in connection therewith, there are hereby authorized to be issued \$150,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid class of objects or purposes is hereby determined to be \$150,000, which specific object or purpose

is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$150,000 bonds of said City authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 62 (2<sup>nd</sup>) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. 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 5. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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, 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 8. 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 9. 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 10. 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 11. This ordinance, which takes effect immediately upon the final passage 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 Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The ordinance was thereupon declared duly adopted.

### **100511.5G**

The following ordinance was offered by Alderman Kibler, who moved its adoption, seconded by Alderman Pasceri, to-wit:

BOND ORDINANCE DATED OCTOBER 5, 2011.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$462,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY COST OF THE RECONSTRUCTION OF THE SEWER MAIN ON ROUTE 78 (SOUTH TRANSIT STREET), IN AND FOR SAID CITY.

By Alderman Pasceri:

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

Seconded by Alderman Kibler and adopted. Ayes 6.

WHEREAS, the capital project hereinafter described has 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, the Common Council has determined will not result in any significant environmental effects; 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. For the specific object or purpose of paying the cost of the reconstruction of the sewer main on Route 78 (South Transit Street), in and for the City of Lockport, Niagara County, New York, including road reconstruction and original equipment, machinery, apparatus, appurtenances, as well as incidental costs and expenses in connection therewith, there are hereby authorized to be issued \$462,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated of the aforesaid specific object or purpose is hereby determined to be \$462,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$462,000 bonds of said City authorized to be issued pursuant to this bond ordinance; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this ordinance shall be reduced dollar for dollar.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. 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. To the extent not paid from other sources, 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 5. 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 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. This ordinance, which takes effect immediately upon the final passage 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 Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The ordinance was thereupon declared duly adopted.

**100511.5H**

By Alderman Chapman:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Dorothy Schwartz, a retired City of Lockport Water Department employee who recently passed away.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**100511.6**

**ADJOURNMENT**

At 6:45 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, October 19, 2011.

Seconded by Alderman Genewick and adopted. Ayes 6.

RICHARD P. MULLANEY  
City Clerk