

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

December 19, 2018
5:30 P.M.

Mayor David R. Wohleben called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Devine, Eggert, Farrell, Oates and VanDeMark.

Absent: Alderman Abbott

INVOCATION

TREASURS REPORT

MAYOR'S UPDATE

RECESS

Recess for public input.

121918.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of December 5, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit made by Michael Ulrich, for approval to erect a billboard located at 616 West Avenue, situated in a I-3 Zone.

The Mayor asked the City Clerk if any petitions or communications relative to the request for the Special Use Permit request 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)

12/7/18 Richelle J. Pasceri, City Clerk – notification that bid proposals for the Market Street Segmental Block Retaining Wall were received on December 7, 2018 as follows:

Scott Lawn Yard, Inc. Niagara Falls, NY	Alternate	\$354,310.00 \$ 23,000. (Deduct)
4 th Generation Construction, Inc Niagara Falls, NY	Alternate	\$305,000.00 \$ 65,675. (Add)
Nichols Long & Moore Construction, Corp. Tonawanda, NY	Alternate	\$336,783.00 \$ 60,000. (Deduct)
NFP & Sons, Inc. N. Tonawanda, NY	Alternate	\$266,500.00 \$ 63,000. (Deduct)
Edbauer Construction West Seneca, NY	Alternate	\$375,000.00 \$ 20,000. (Deduct)

Referred to the Committee of the Whole.

Notice of Defect:

12/17/18 143 Waterman Street – 2 trees
12/17/18 325 Elmwood Avenue – city fence
Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

121918.2

By Alderman Oates:

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 19, 2018 as follows:

General Fund	Fund A	\$104,413.48
Water Fund	Fund FX	\$ 18,924.60
Sewer Fund	Fund G	\$ 14,962.53
Capital Projects	Fund	\$357,450.49
Refuse Fund	Fund CL	\$ 96,256.52
Self Insurance	Fund MS	\$151,848.80
Community Dev.	Fund CD	\$ 70,854.00
Payroll	Pay Date 12/6/18	\$671,002.79

Seconded by Alderman Farrell and adopted. Ayes 5.

121918.3

By Alderman Eggert:

Whereas, implementation of a voice over internet protocol (VoIP) telephonic network would substantially decrease monthly costs for telephone service and, at the same time, provide one solution for telephone services for the City's various locations including but not limited to the Public Works facility, City Hall, Water Filtration, Willow Street Recreation and the Wastewater Treatment facility utilizing the secured, dedicated fiber network previously authorized by the City; and

Whereas, the City engaged a consultant and solicited proposals for enhancements to its phone systems; and

Whereas, the City has received a proposal from Newcastle Communications through Telecom Data Service for an all-inclusive VoIP system and telephone service for a one-time payment and five-year lease; and

Whereas, Newcastle Communications is a New York State certified NYS contract holder and Women owned business;

Now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed execute an agreement with Newcastle Communications and Telecom Data Service for a one-time payment in the amount of \$9,999 and a 60-month lease for \$1,629 per month for the provision of an all-inclusive voice over internet protocol telephone system and telephone service.

Seconded by Alderman Oates and adopted. Ayes 5.

By Alderman Devine:

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

Seconded by Alderman Farrell and adopted. Ayes 5.

121918.4

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

BOND ORDINANCE DATED DECEMBER 19, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,300,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF A WATER LINE, FOR SAID CITY.

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, such regulations provide, will not result in any adverse significant environmental effect; and

WHEREAS, it is now desired to authorize additional bonds for the financing thereof, 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 part of the cost of the reconstruction of a water line running from the Niagara River to the City's Water Treatment Plant, including reconstruction of a parallel high pressure distribution line, together with original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Lockport, Niagara County, New York, there are hereby authorized to be issued an additional \$1,300,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$7,800,000.

Section 2. The plan for the financing of such \$7,800,000 maximum estimated cost is as follows:

- a) By the issuance of the \$6,100,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated April 6, 2016;
 - b) By the issuance of the \$400,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated March 21, 2018; and
 - c) By the issuance of the additional \$1,300,000 bonds of said City herein authorized;
- provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby 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. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. 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 she 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, she 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, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual

countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 Treasurer shall determine.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health 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. 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 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 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 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, 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 Abbott	VOTING	ABSENT
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	YES
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman VanDeMark	VOTING	YES

The ordinance was thereupon declared duly adopted.

121918.5

By Alderman Devine:

Whereas, the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program, awarded a grant and loan to the City of Lockport for the replacement of the approximately two-mile section of steel lock bar pipe, and

Whereas, formal bids were solicited for the Raw Watermain Replacement Project, City Job No. 2438 and the following bids were received and publicly opened by the City of Lockport on Wednesday, November 14, 2018 at 10:00 a.m. Kandey Company, Inc. \$ 6,712,145.00; Concrete Applied Technologies (CATCO) \$ 7,012,073.00; and Mark Cerrone, Inc. \$ 7,242,264.00; and

Whereas, the proposals were received and the contract will be awarded on the basis of unit bid and lump sum prices of the base bid only; and

Whereas, the Director of Engineering and city staff have reviewed the consultant's recommendations and concur with the recommendation provided by GHD to award the contract to the low bidder, Kandey Company, Inc.; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to sign a contract with Kandey Company, Inc., 19 Ransier Drive, West Seneca NY 14224 for the replacement of approximately two-mile section of steel lock bar pipe of the raw water line in the amount of a not to exceed cost of \$ 6,712,145.00 to be charged to the NYS Environmental Facilities Corporation grant and loan awarded to the City through the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program.

Seconded by Alderman Eggert and adopted. Ayes 5.

121918.6

By Alderman Devine:

Whereas, the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program, awarded a grant and loan to the City of Lockport for the replacement of the approximately two-mile section of steel lock bar pipe, and

Whereas, on August 2, 2017, the City of Lockport authorized the Mayor to sign an agreement with GHD Consulting Services Inc. for Professional Engineering Services to design the steel lock bar replacement by Resolution 080217.10, and

Whereas, GHD Consulting Services Inc. and the City of Lockport have determined that additional engineering design and construction phase services in connection to the replacement of the existing 24-inch watermain on Summit Street is needed to optimize water distribution in the industrial area located at the west side of the City; and

Whereas, GHD Consulting Services Inc. has submitted a proposal for Professional Engineering Services to provide said additional engineering services; now, therefore, be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to modify the Agreement between the City and GHD Consulting Services Inc. and accept its Proposal for Professional Engineering Services Amendment dated December, 2018 for \$50,700, to be charged to the NYS Environmental Facilities Corporation grant and loan awarded to the City through the New York State Water Infrastructure Improvement Act Grant Program and the New York State Revolving Fund Program. The original cost of the project is hereby amended to be \$528,000.

Seconded by Alderman Eggert and adopted. Ayes 5.

121918.6A

By Alderman Oates:

Whereas, the City Council has adopted a Ten-Year Capital Improvement Plan for the fiscal years of 2018-2027; and

Whereas, a new vehicle for the Buildings and Ground department was authorized in the Ten-Year Capital Improvement Plan in the amount of \$30,000; and

Whereas, the City Council has issued a bond that has funded, among other equipment, this truck and

Whereas, a Mini-Bid was conducted and six bids received under Mini Bid # 18120007; and

Whereas, NYE Automotive Group was the responsible low bidder in the amount of \$27,632.32

Whereas, the Director of Public Works and the Director Highway and Parks canvassed said bids; and recommend the bid be awarded to Nye Automotive Group;

Now, therefore, be it resolved that the City Council accept Mini-Bid # 18120007 for the purchase of a new F250 Ford Pickup Truck for the Buildings and Grounds Department in the amount of \$27,632.32.

Seconded by Alderman Farrell and adopted. Ayes 5.

121918.6B

By Alderman Farrell:

Whereas, the City of Lockport received a grant for \$1,315,000 from Empire State Development for continued rehabilitation of the historic Erie Canal Flight of Five locks, and

Whereas, the City of Lockport contracted with Bergmann Associates to complete the final design for Phase 2 (Lock 68), of the Flight of Five rehabilitation project, and

Whereas, a number of factors (including receiving an additional \$200,000 National Maritime Heritage grant through the National Park Service and \$250,000 Dormitory Authority of the State of New York grant for said rehabilitation) have led to additional design work needed to be completed pursuant to the proposal for supplemental services from Bergmann Associates in the amount of \$5,000.00, and

Whereas, an error in a previous summation of the contract total took place and must be amended. Now therefore be it

Resolved, that the Mayor be and is hereby authorized and directed to execute a supplemental agreement with Bergmann Associates for a sum not-to-exceed \$236,455, reflecting a \$5,000 increase for additional services needed to complete the Construction Documents for the second phase of construction that rehabilitates Lock 68 of the Flight of Five.

Seconded by Alderman Eggert and adopted. Ayes 5.

121918.7

ADJOURNMENT

At 5:53 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, January 2, 2019.

Seconded by Alderman Eggert and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk