

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 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.

**020415.1**

**APPROVAL OF MINUTES**

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of January 21, 2015 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignation:**

1/22/15 Kevin Clark, 10 Hi Point Drive, Lockport, NY – resigned as a Commissioner of Deeds.  
Received and filed.

**FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

1/29/15 Maria D. Batt, Senior Campaign Manager, National Multiple Sclerosis Society, Upstate New York Chapter, 4245 Union Road, Suite 108, Buffalo, NY 14225 – request permission to conduct “Lockport Walk MS” on Sunday, May 3, 2015.  
Referred to the Committee of the Whole

2/2/15 Mickey Boucher, Secretary, Lockport Midget League, PO Box 1506, Lockport, NY 14095 – request permission to use the baseball diamonds at Outwater Park for the 2015 Lockport Midget Baseball League.  
Referred to the Committee of the Whole.

2/3/15 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of February in observance of the President's birthdays:

Monday, February 9<sup>th</sup>  
Monday, February 16<sup>th</sup>

There will be no change in the garbage pickup schedule.  
Referred to the Media

**MOTIONS & RESOLUTIONS**

**020415.2**

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 February 6, 2015 as follows:

2014 Expenses:

General Fund	Account #001	\$ 62,088.36
Water Fund	Account #002	\$ 12,822.11
Sewer Fund	Account #003	\$ 12,985.20

2015 Expenses:

General Fund	Account #001	\$ 296,637.97
Water Fund	Account #002	\$ 33,087.20
Sewer Fund	Account #003	\$ 34,405.03
Capital Fund		\$ 60,357.00
Payroll	Pay Date 1/22/15	\$ 442,312.54

Seconded by Alderman Kibler and adopted. Ayes 6.

**020415.3**

By Alderman Kibler:

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>
Steven F. Cutter	35	Sr. Water Treatment Plant Operator
Barbara A. Parker	25	Sr. Account Clerk
Anthony J. Palumbo	20	Police Captain
John F. Sakowski	20	Fire Lieutenant

Seconded by Alderman Kibler and adopted. Ayes 6.

**020415.4**

By Alderman Kibler:

WHEREAS, the City applied for and received a Police Traffic Services (Highway Safety) Grant, and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2015, now therefore be it

RESOLVED, the budget needs to be amended for the receipt of revenue and appropriation of expenditures made relative to the grant.

INCREASE REVENUES:

001-0001-4389-3439	Highway Safety	\$8,800.00
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INCREASE APPROPRIATIONS:

001-3120-0101-3439	Overtime/Highway Safety	\$8,800.00
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Seconded by Alderman Fogle and adopted. Ayes 6.

**020415.5**

By Alderman Kibler:

WHEREAS, the City applied for and received a STOP DWI (DWI Road Checks) Grant for 2015. The Lockport Police Department was notified of an increase to the STOP D.W.I. Grant monies, and

WHEREAS, revenues and activities related to the grant were not budgeted for the year 2015, now therefore be it

RESOLVED, the budget needs to be amended for the receipt of revenue and appropriation of expenditures made relative to the grant.

INCREASE REVENUES:

001-0001-4389-3438	STOP D.W.I.	\$6,348.00
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INCREASE APPROPRIATIONS:

001-3120-0101-3438	Overtime/STOP D.W.I.	\$6,348.00
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Seconded by Alderman Genewick and adopted. Ayes 6.

**020415.5A**

By Alderman Kibler:

WHEREAS, City of Lockport's Police Department desires to purchase two new 2015 Chevy Tahoe vehicles, and

WHEREAS, these vehicles will be paid for from the City of Lockport's Police Department's Asset Forfeiture Account at a total of \$65,816.20, and

WHEREAS the 2015 Chevy Tahoe vehicles are available through the Cattaraugus County bid # E-11-14-PFTH. There are no longer any State Bids for Police Vehicles available. Said vehicles to be purchased through Basil Chevrolet, Inc., now therefore be it

RESOLVED, that the Chief of Police is authorized and directed to make said purchase to be paid from the Asset Forfeiture Account – Lockport Police Department in the amount of \$65,816.20.

Seconded by Alderman Schrader and adopted. Ayes 6.

**020415.5B**

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

BOND ORDINANCE DATED FEBRUARY 4, 2015.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$208,600 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.

By Alderman Mullane:

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

Seconded by Alderman Lombardi 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, such regulations provide, will not result in a significant environmental effect; 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 clarifiers at the Wastewater Treatment Plant, in and for the City of Lockport, Niagara County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$208,600.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$208,600 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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. 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. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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	YES
Alderman Genewick	VOTING	YES
Alderman Kibler	VOTING	YES
Alderman Lombardi	VOTING	YES
Alderman Mullane	VOTING	YES
Alderman Schrader	VOTING	YES

The ordinance was thereupon declared duly adopted.

**020415.5C**

By Alderman Schrader:

Resolved, that resolution 012115.14C be amend as follows:

Whereas, the Chief Operator of the Waste Water Treatment Plant and the Assistant Director of Engineering have informed the Mayor that two of the four final clarifiers tanks at the Waste Water Treatment Plant are in immediate need of repair; and

Whereas, STC Construction, Inc. and CRA Infrastructure & Engineering, Inc. inspected and evaluated the damage of the tanks finding that the rake mechanism and the complete sludge blanket removal through in both clarifier tanks is heavily damaged and in need of foundation repair and part replacements; and

Whereas, STC Construction proposed to repair the tanks for an amount of ~~\$189,000.00~~ **\$189,200.00** including repair construction costs and part replacements; and

Whereas, CRA Infrastructure & Engineering, Inc. proposed to provide engineering assistance and inspection during the assessment and repair of the tanks for an amount no greater than \$19,400.00.

Now, Therefore, be it resolved as:

1. The Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to declare an emergency declaration and is also hereby authorized to enter into contract with STC Construction, Inc., 63 Zoar Valley Road, Springville, NY 14141, and with CRA Infrastructure & Engineering, Inc., 285 Delaware Ave., Suite 500, Buffalo, NY 14202, to repair said clarifier tanks on a time and materials proposed by the engineering firms, **and authorize the transfer of funds from sewer account # 003.0003.0200 to expenditure account # 004.0004.0520.4162 Clarifier Tank Repair. and a bond ordinance has been approved to finance this project which will support the following budget modification:**

**Increase Project Estimated Revenue:**

**004.0004.5710.4162 Bond proceeds, Clarifier Tank Replacement \$208,600**

**Increase Project Appropriations:**

<b>004.0004.0520.4162</b>	<b>Waste Water Treatment,</b>	
	<b>Clarifier Tank Replacement</b>	<b>\$208,600</b>

Seconded by Alderman Genewick and adopted. Ayes 6.

**020415.6**

**ADJOURNMENT**

At 6:15 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 18, 2015.

Seconded by Alderman Lombardi and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk