

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

July 18, 2018
5:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Farrell and Oates.

Absent: Alderman Eggert and Wohleben

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

071818.1

APPROVAL OF MINUTES

On motion of Alderman Abbott, seconded by Alderman Oates, the minutes of the Regular Meeting of July 11, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a special use permit made by Apex Consulting / GDA Realty, LLC, for approval of a scrap metal salvage recycling business to be located at 570 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.

2/10/18 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board - recommendation that the request for a special use permit made by Apex Consulting /GDA Realty, LLC, for approval of a scrap metal salvage recycling business to be located at 570 West Avenue, situated in an I-3 Zone be approved with stipulations.

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:

7/5/18 85 Millar Place, Lockport, NY – tree
7/6/18 112 Prospect Street, Lockport, NY – tree stumps
Referred to the Director of Streets and Parks.

Notice of Claim:

7/11/18 Francisco Martinez, 785 Tift Street, Buffalo, NY
Referred to the Corporation Counsel.

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

7/16/18 Mahle Behr Troy, Inc.-vs- Assessor, City of Lockport and The Board of Assessment Review for the City of Lockport

Referred to the City Assessor

MOTIONS & RESOLUTIONS

071818.2

By Alderman Abbott:

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 July 20, 2018 as follows:

General Fund	Fund A	\$ 121,851.03
Water Fund	Fund FX	\$ 36,043.06
Sewer Fund	Fund G	\$ 15,500.09
Capital Projects	Fund	\$ 267,420.85
Refuse Fund	Fund CL	\$ 95,277.27

Seconded by Alderman Oates and adopted. Ayes 4.

071818.3

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of August 1, 2018 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a moratorium on the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the City of Lockport, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Oates and adopted. Ayes 4.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 4.

071818.4

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

BOND ORDINANCE DATED JULY 18, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$870,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF VARIOUS SEWER LINES, IN AND 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 significant adverse environmental impact; and

WHEREAS, it is now desired to authorize 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. The reconstruction of various sewer lines, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and planning expenses and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$870,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$870,000 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 class of objects or purposes 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 the City Treasurer 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, the City Treasurer 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 her 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 class of objects or purposes 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 class of objects or purposes 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 Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	ABSENT
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES

The ordinance was thereupon declared duly adopted.

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 4.

071818.5

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

BOND ORDINANCE DATED JULY 18, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$269,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF IMPROVEMENTS TO PARKS IN AND 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 significant adverse environmental impact; and

WHEREAS, it is now desired to authorize 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. Improvements to parks, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$269,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$269,000 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 class of objects or purposes is fifteen years, pursuant to subdivision 19(c) 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 the City Treasurer shall deem best for the interests of said City, provided, however, that in the exercise of these delegated powers, the City Treasurer 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. 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 9. 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 10. 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 Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	ABSENT
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	ABSENT

The ordinance was thereupon declared duly adopted.

By Alderman Devine:

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

Seconded by Alderman Oates and adopted. Ayes 4.

071818.6

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

BOND ORDINANCE DATED JULY 18, 2018.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$495,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE PURPOSES, IN AND 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 significant adverse environmental impact; and

WHEREAS, it is now desired to authorize 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. The purchase of equipment for construction and maintenance purposes, in and for the City of Lockport, Niagara County, New York, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, each item of which costs \$30,000 or over, is hereby authorized at a maximum estimated cost of \$495,000.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of \$495,000 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 class of objects or purposes is fifteen years, pursuant to subdivision 28 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 the City Treasurer shall deem best for the interests of said City; provided, however, that in the exercise of these delegated powers, the City Treasurer 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. 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 9. 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 10. 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 Abbott	VOTING	YES
Alderman Devine	VOTING	YES
Alderman Eggert	VOTING	ABSENT
Alderman Farrell	VOTING	YES
Alderman Oates	VOTING	YES
Alderman Wohleben	VOTING	ABSENT

The ordinance was thereupon declared duly adopted.

071818.7

By Alderman Devine:

Resolved, that the request for a special use permit made by Apex Consulting / GDA Realty for a scrap metal salvage recycling business, located at 570 West Avenue, situated in a I-3 Zone, be and the same is hereby approved, subject to the following provisions:

- All DEC approval must be obtained.
- Any vehicles stacked shall not be visible from the roadway.
- There shall not be more than 70 cars stored on the property at a time.
- No more than 500 tires shall be stored on the property at a time.
- There shall be no resale of parts.
- The debris and cars shall not be visible from the roadway.
- All fences and security measures must be maintained.
- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- No outside storage of materials.
- Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Abbott and adopted. Ayes 4.

071818.8 WITHDRAWN (Purchase of Disc Golf Equipment)

071818.9 ADJOURNMENT

At 5:56 P.M. Alderman Abbott moved the Common Council be adjourned until 5:30 P.M., Wednesday, August 1, 2018.

Seconded by Alderman Devine and adopted. Ayes 4.

RICHELLE J. PASCERI
City Clerk