

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 4, 2019
5:30 P.M.

Mayor Michelle M. Roman called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Eggert, Farrell, Oates and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

090419.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of August 21, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Resignation:

8/26/19 Charlene Seekins-Smith – resigned as a member of the Lockport Planning and Zoning Board effective August 22, 2019.
Received and filed.

Appointments:

8/30/19 Andrew J. Geier, 177 Lock Street, Lockport, NY – appointed as a Water Treatment Plant Operator Trainee for the Filtration Department effective Sept. 16, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

8/29/19 Gregory W. Qualiana, 104 Carolina Avenue, Lockport, NY – appointed as a Municipal Worker for the Building Maintenance Department effective Sept. 3, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

8/29/19 Coulton N. LaRoach, 254 South Street, Lockport, NY – appointed as a Municipal Worker for the Building Maintenance Department effective Sept. 3, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.

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)

8/21/19 Mary Jo Floyd, Events Coordinator, Lockport New Beginnings, Lockport, NY – request permission to hold their 22nd Annual Walk-A-Thon on September 21, 2019 at Widewaters Marina.

Referred to the Committee of the Whole

8/26/19 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of September in observance of Labor Day.

Monday, September 2

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the media.

8/26/19 Ed Cichon, Dir. Marketing and Communications, Cazenovia Recovery Systems, Inc. – submitted copies of statements read during Moratorium Public Hearing on 8/21/19.

Referred to the Committee of the Whole.

Notice of Defect:

9/3/19 253 Elmwood Avenue - trees

Referred to the Director of Streets and Parks.

Notice of Claim:

9/3/19 Farmers Insurance, Subrogation Claim for Thomas Shaw 137 Waterman Street

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

090419.2

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 September 4, 2019 as follows:

General Fund	Fund A	\$ 78,367.14
Water Fund	Fund FX	\$ 13,117.46
Sewer Fund	Fund G	\$ 51,541.35
Capital Projects	Fund H	\$544,554.49
Refuse Fund	Fund CL	\$ 292.00

Payroll Pay Date 8/29 \$473,957.40

Seconded by Alderman Wohleben and adopted. Ayes 6.

090419.3

By Alderman Eggert:

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>
Robert A Haley	20	Fire Captain

Seconded by Alderman Oates and adopted. Ayes 6.

090419.4

By Alderman Farrell:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings to conduct the 22nd annual "Walking for a Drug Free Community" on Saturday, September 21, 2019 beginning at 10:00 a.m. at Widewaters Marina, subject to approval of the walk route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event.

Seconded by Alderman Eggert and adopted. Ayes 6.

By Alderman Wohleben:

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

Seconded by Alderman Devine and adopted. Ayes 6.

090419.5

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

BOND ORDINANCE DATED SEPTEMBER 4, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,125,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE EFFLUENT DISINFECTION UPGRADE PROJECT AT THE WASTEWATER TREATMENT PLANT, IN AND FOR SAID CITY.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of 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 effluent disinfection upgrade project at the Wastewater Treatment Plant, 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, is hereby authorized at a maximum estimated cost of \$3,125,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$3,125,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **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. 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 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 Abbott	VOTING Yes
Alderman Devine	VOTING Yes

Alderman Eggert VOTING Yes

Alderman Farrell VOTING Yes

Alderman Oates VOTING Yes

Alderman Wohleben VOTING Yes

The ordinance was thereupon declared duly adopted.

090419.6

By Alderman Devine:

WHEREAS, the City of Lockport (City) owns and maintains a combined sewer system including a trunk sewer on Water Street which experiences surcharging; and

WHEREAS the City has evaluated options to mitigate the Water Street Sewer surcharging and proposes installation of parallel sewer from Clinton to William Street and replacement of sewer from William to West Jackson Street in order to reduce capacity restrictions and is currently seeking funding options to support the project; and

WHEREAS, the City had previously completed Part 1 of the Full Environmental Assessment Form (EAF), performed a coordinated review with interested and involved agencies and subsequently declared itself Lead Agent for the project; and

WHEREAS, The City of Lockport has determined that the proposed action is an Unlisted action pursuant to NYCRR 617.2 (al) as defined under SEQR; and

WHEREAS, the City has caused to be prepared a Full Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above; and

WHEREAS, the City has conducted a coordinated review and considered Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared for this action; now, therefore, be it

RESOLVED, The City of Lockport declares that, based on the Full Environmental Assessment Form which has been prepared and coordinated review process, the project will not result in significant adverse environmental impacts which cannot be mitigated and, therefore, a Conditioned Negative Declaration under SEQR is issued for this project; be it further

RESOLVED, that the Mayor is hereby authorized to sign the required SEQR documentation for this project.

Seconded by Alderman Oates and adopted. Ayes 6.

090419.7

By Alderman Oates:

Whereas, John T. Timkey commenced an action against the City of Lockport regarding health care coverage as a retiree in 2016; and

Whereas, on July 7, 2017, the City was ordered to immediately provide John T. Timkey health insurance benefits and pay the cost thereof; and

Whereas, Timkey has demanded reimbursement for health insurance premiums and related health care expenses dating back to July 2016; now, therefore, be it

Resolved, that the Mayor be and is hereby authorized and directed to immediately execute a settlement agreement to reimburse John T. Timkey for health insurance premiums and associated health care costs from July 7, 2017 in the amount of \$8,710.52.

Seconded by Alderman Eggert and adopted. Ayes 6.

090419.8

By Alderman Oates:

WHEREAS, the City entered into an agreement on July 22, 2019 under resolution No. 071719.8, with O'Regans Environmental Concepts, LLC to perform spot sewer repairs at Garden Street prior to CIPP lining; and

WHEREAS, due to heavy rain events in last three months, the 10" clay tile combined sewer experienced severe structural damage and sewer obstruction as shown in an emergency call for video inspection; and

WHEREAS, O'Regans Environmental Concepts, LLC submitted a proposal in the amount \$19,515.00 to repair the collapsed sewer at the west side of the manhole between 137 and 143 Garden Street. The proposal also includes the rehabilitation of the manhole located at the intersection of Chapel and Garden; now, therefore, be it

RESOLVED, that the Mayor, subject to Corporation Counsel Approval, is hereby authorized to amend the contract with O'Regans Environmental Concepts LLC, 3170 Hess Road, Appleton, NY 14008 in the amount of \$19,515.00 for the scope of work included in its August 21, 2019 proposal to the City and to be charged to Account Number # G.8120.52200.

Seconded by Alderman Abbott and adopted. Ayes 6.

090419.9

By Alderman Abbott:

Whereas, Lockport Professional Fire Fighters Association Local 963 desires to acquire an additional vehicle to be used solely as a personnel carrier, mobile air unit, and on-scene rehabilitation unit, and

Whereas, Ridge Road Express located at 5355 Junction Road, Lockport, New York has offered to donate to the City of Lockport a 2009 Ford E450, 15 passenger school bus to serve as a personnel carrier, mobile air unit, and on-scene rehabilitation unit for the Fire Department, and

Whereas, the City has not yet accepted the donation of the 2009 Ford E450, 15 passenger school bus, and

Whereas, the City and LPFFA are currently awaiting an arbitration decision regarding staffing levels in the Lockport Fire Department. Now therefore be it

Resolved, that the Mayor is authorized and directed to enter into a Memorandum of Agreement with the Lockport Professional Fire Fighters Association Local 963 regarding the acceptance of the above referenced bus, and be it further

Resolved, that the Memorandum of Agreement shall prohibit Lockport Professional Fire Fighters Association Local 963 from filing any grievance, demand for arbitration, or filing for any other legal remedy regarding staffing levels based upon the acquisition and use of the 2009 Ford E450, 15 passenger school bus.

Seconded by Alderman Eggert and adopted. Ayes 6.

090419.10

By Alderman Abbott:

Whereas, Ridge Road Express located at 5355 Junction Road, Lockport, New York has donated to the City of Lockport a 2009 Ford E450, 15 passenger school bus, and

Whereas, the sole intended use of said vehicle is to serve as a personnel carrier, mobile air unit, and on-scene rehabilitation unit for the Lockport Fire Department, now therefore be it

Resolved, that upon ratification of the Memorandum of Agreement between the City of Lockport and the Lockport Professional Fire Fighters Association Local 963 regarding staffing levels of the Fire Department, that the City of Lockport accepts the donation of the 2009 Ford E450, 15 passenger school bus from Ridge Road Express.

Seconded by Alderman Eggert and adopted. Ayes 6.

090419.11

By Alderman Oates:

Whereas the City of Lockport Common Council believes that uniform quality control standards for street paving should be implemented; and

Whereas, that City Engineer and the Director of Streets and Parks are best qualified to determine such standards; and

Now therefore be it resolved the City of Lockport Common Council recommends that the Mayor direct the City Engineer and the Director of Streets and Parks prepare uniform standards for street paving for consideration by the Common Council.

Seconded by Alderman Farrell and adopted. Ayes 6.

090419.11A

By Alderman Abbott:

Whereas, the Common Council of the City of Lockport (the "Common Council") has received the Application of Cazenovia Recovery Systems, Inc.'s seeking to rezone and redevelop the site of the former Niagara County Infirmary, located at 102 Davison Road, Lockport, New York for multi-family residential use (herein the "Proposed Action"); and

Whereas, the Common Council must comply with the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6NYCRR Part 617 (collectively, "SEQRA") in the review of such amendments; and

Whereas, the Common Council desires to be assume Lead Agency status to allow it to conduct a coordinated environmental review along with the potential amendments to its Comprehensive Plan and Zoning Code;

Now, Therefore, Be It Resolved,

1. that the Proposed Action is subject to SEQRA;
2. that the Proposed Action is classified as a Type I action under SEQRA;
3. that the Common Council hereby states its intent to be Lead Agency for the Proposed Action pursuant to SEQRA regulations 6 NYCRR Part 617; and
4. that the Common Council hereby authorizes and directs that a Notice of Intent to Act as SEQRA Lead Agency be immediately circulated to all SEQRA involved and interested agencies, including those identified in the Full Environmental Assessment Form, and request their consent of objections.

5. This Resolution shall be effective immediately.

Seconded by Alderman Oates and adopted. Ayes 6.

090419.12

ADJOURNMENT

At 5:50 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 18, 2019.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk