

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

February 7, 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, Eggert, Farrell, Oates, and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

020718.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman _____, the minutes of the Regular Meeting of January 24, 2018 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a Local Law to establish a sustainable energy loan program in the City of Lockport.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor closed the public hearing

FROM THE MAYOR

Appointments:

1/25/18 Erick Hinton, 39 Continental Drive, Lockport, NY – appointed as Municipal Worker effective January 26, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/25/18 Christopher Walker, 94 Continental Drive, Lockport, NY – appointed as Water Meter Service Worker effective January 26, 2018. Said appointment is provisional and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

1/25/2018 Michele Gelnet, 5700 Keck Road, Lockport, NY- appointed as Account Clerk effective January 26, 2018. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

2/2/18 Mark P. Davis, 8464 Ridge Road, Gasport, NY – appointed as Water Maintenance Worker effective February 2, 2018. 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)

2/5/18 Cookie Butcher, Armed Forces LockRock 5k – request permission to conduct a 5k Road Race on Saturday May 19, 2018.
Referred to the Committee of the Whole

1/30/18 Ann Murphy, Shamus Restaurant – request permission to conduct a St. Patrick's Day Event on Saturday March 17, 2018

1/29/18 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 12

Monday, February 19

2/2/18 Richelle J. Pasceri, City Clerk - notification of bids received on February 2, 2018
for the Police Station Interior Improvements are as follows:

| | | |
|--|-----------|-----------------------------|
| R. B. Mac Construction Inc. Lockport, NY | Alternate | \$175,000.00 \$22,500.00 |
| Telco Construction, Inc. East Aurora, NY | Alternate | \$190,700.00 \$19,700.00 |
| Walter S. Johnson Building Co, Inc. Niagara Falls, NY | Alternate | \$170,710.00 \$17,000.00 |
| Willett Builders, Inc. Corfu, NY | Alternate | \$214,287.25 \$37,000.00 |
| Sicoli Construction Services, Inc. Niagara Falls, NY | Alternate | \$182,085.00 \$20,000.00 |

2/2/18 Richelle J. Pasceri, City Clerk – notification of bids received on February 2, 2018
for the Outwater Memorial Park Building Renovations are as follows:

| | | |
|--|-----------|-----------------------------|
| R. B. Mac Construction Inc. Lockport, NY | Alternate | \$317,000.00 \$23,600.00 |
| Walter S. Johnson Building Co, Inc. Niagara Falls, NY | Alternate | \$279,440.00 \$21,000.00 |
| Sicoli Construction Services, Inc. Niagara Falls, NY | Alternate | \$329,914.00 \$20,500.00 |

Referred to the Committee of the Whole

Notice of Defect:

Referred to the Director of Streets and Parks.

Notice of Claim:

1/22/2018 Pauline E. Laubacker, 6177 Ketchum Avenue, Newfane, NY 14108
1/29/2018 Kevin Jordan 164 Vine Street, Lockport, NY 14094
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

020718.2

By Alderman Wohleben:

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 9, 2018 as follows:

| | | |
|------------------|-----------------|---------------|
| General Fund | Account #001 | \$ 242,876.61 |
| Water Fund | Account #002 | \$ 40,321.98 |
| Sewer Fund | Account #003 | \$ 46,443.74 |
| Capital Projects | Account #004 | \$ 44,786.73 |
| Payroll | Pay Date 2/1/18 | \$ 465,821.09 |

Seconded by Alderman _____ and adopted. Ayes _____.

020718.3

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> |
|--------------------|-------------------------|----------------|
| Travis A. Mapes | 15 | Police Officer |
| Ryan D. MaGee | 10 | WWTP Operator |
| Michael P. Galanis | 10 | Firefighter |
| Timothy M. Loucks | 10 | Firefighter |

Seconded by Alderman _____ and adopted. Ayes _____.

020718.4

By Alderman Wohleben:

LOCAL LAW NO. 1 – 2018

A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM IN THE CITY OF LOCKPORT, NEW YORK

Be it enacted by the Common Council of the City of Lockport, New York as follows:

Section 151 of the Code of the City of Lockport is hereby repealed in its entirety and the following adopted in its place:

Section 1. This Local Law shall be known as the “Energize NY Benefit Financing Program,” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Lockport and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Lockport finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation ("EIC"), a local development corporation, acting on behalf of the City of Lockport pursuant to the municipal agreement to be entered into between the City of Lockport and EIC pursuant to Article 5-G of the New York General Municipal Law (the "Municipal Agreement"), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.
- B. The City of Lockport is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.
- C. This law shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Lockport".

§2. Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Lockport to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the City of Lockport tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City of Lockport taxes.

Energy Audit – A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements,

determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City of Lockport that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the City of Lockport, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the City of Lockport may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Lockport offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Lockport, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Lockport, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

Upon the submission of an application, EIC acting on behalf of the City of Lockport, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding.
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. Sufficient funds are available from EIC to provide financing to the property owner;
- E. The property owner is current in payments on any existing mortgage;
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the City of Lockport, or EIC acting on its behalf, may set from time to time.

§6. Opt-in Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City of Lockport, (the “Energize NY Finance Agreement”).
- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City of Lockport, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Lockport, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their City of Lockport tax bill and shall be levied and collected at the same time and in the same manner as City of Lockport property taxes, provided that such charge shall be separately listed on the tax bill. The City of Lockport, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the City of Lockport.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City of Lockport.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Lockport at the time the Energize NY Finance Agreement is executed by the property owner and EIC.

- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the City of Lockport on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.
- B. The City of Lockport shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

| | | |
|-------------------|--------|-------|
| Alderman Abbott | VOTING | _____ |
| Alderman Devine | VOTING | _____ |
| Alderman Eggert | VOTING | _____ |
| Alderman Farrell | VOTING | _____ |
| Alderman Oates | VOTING | _____ |
| Alderman Wohleben | VOTING | _____ |

020718.5

By Alderman Farrell:

Whereas, Lockport Main Street Inc. has been an integral part of the City's economic development, and

Whereas, a three-year contract between the City and Lockport Main Street Inc. has expired, and

Whereas, the City's annual \$17,500 payment leverages another \$52,500 in matching funds to Lockport economic development, now therefore be it

Resolved, the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a three-year agreement with Lockport Main Street Inc., for \$17,500 annually.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.6

By Alderman Devine:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 14th through September 10th, 2018 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items including alcoholic beverages, crafts, and related items
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

and, be it further

Resolved, that said permission is subject to the Lockport Monday Night Cruise Optimist Club 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, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.7

By Alderman Wohleben:

Resolved, that pursuant to their request, organizers for Armed Forces Lock Rock 5K is hereby granted permission to conduct a 5K run on May 19, 2018, subject to Armed Forces LockRock filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

020718.8

By Alderman Eggert:

Whereas, on January 24, 2018, the Common Council approved resolution 012418.24 authorizing the Director of Finance to execute various purchase orders with I-Evolve to furnish and install the new virtual server environment including the purchase of software, and

Whereas, the purchase order needs to be amended to include Microsoft Office, now therefore be it

Resolved, that the Director of Finance is authorized to amend the purchase order with I-Evolve to include the purchase of Microsoft Office for a price not to exceed \$31,512.00.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.9

By Alderman Devine:

Resolved, that pursuant to their request, the Shamus Restaurant, is hereby granted permission to conduct a St. Patrick's Day Event on March 17, 2018, and be it further

Resolved, that permission is hereby granted to barricade Hawley Street from Genesee Street to West Avenue for said event, and be it further

Resolved, that permission is hereby granted to allow the sale of food and alcoholic beverages during said event, and be it further

Resolved, that permission to erect a tent in the case of inclement weather be granted, and be it further

Resolved, that said permission is subject to The Shamus Restaurant 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, traffic cones, and street closed signs to the area prior to the event.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.10

By Alderman Wohleben:

Resolved, that pursuant to their request, the Exchange Club of Lockport is hereby granted permission to use city bleachers for the Exchange Club Circus to be held February 23rd & 24th, 2018 Said permission is subject to the Exchange Club of Lockport 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 the bleachers.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.11

By Alderman Oates:

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized to execute the 2018 agreement between the City of Lockport and Niagara Community Action Program, Inc. at a cost not to exceed \$2,500.00. Cost of same to be charged to account #001-8697-4325.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.12

By Alderman Abbott:

Permission for Great Race Lockport - withdrawn

020718.12A

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, the Environmental Facilities Corporation (EFC) has requested to modify the agreement between the City and GHD Consulting Services Inc. to include EFC's terms and conditions into the original Contract; 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. to meet EFC's terms and conditions included in the Environmental Facilities Corporation Program Requirements and Bid Packet for Non-Construction Contracts for Treatment Works and Drinking Water projects funded with NYS Clean Water State Revolving Fund or Drinking Water State Revolving Fund and Non-Treatment Works projects funded with NYS Clean Water State Revolving Fund.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.12B

By Alderman Eggert

Whereas, Section C-45 of the city charter requires employees to become a resident of the City of Lockport within six months of the commencement of service, and

Whereas, Section C-45 (8) (a) permits a waiver of the residency requirement in instances where the City of Lockport has difficulty hiring the most qualified person because of its residency requirements, and

Whereas, the Mayor and Common Council have determined that it is in the best interest of the city waive the residency requirement for the position of Water Maintenance Worker for the City of Lockport Water Department, now therefore be it

Resolved, that the Mayor and Common Council having considered all of the aspects of the residency requirement and for the reason of lack of qualified candidates within the City limits hereby determines that the Water Maintenance Worker position shall be exempt from said residency requirement for the City of Lockport Water Department.

Seconded by Alderman _____ and adopted. Ayes _____.

020718.13

ADJOURNMENT

At _____ P.M. Alderman Wohleben moved the Common Council be adjourned until 5:30 P.M., Wednesday, February 21, 2018.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk