

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 19, 2017
6:30 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, Oates, O'Shaughnessy, Mullane, and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

041917.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman _____, the minutes of the Regular Meeting of _____, 2017 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

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)

4/4/17 Steve Cotten, Chairman, Challenger Learning Center of Orleans, Niagara and Erie Counties – request permission to barricade a portion on Washburn Street for a grand opening ribbon cutting ceremony on May 12, 2017. Referred to the Committee of the Whole

4/11/17 William T. Jones, Chairperson, Lockport New Beginnings – request permission to conduct a fundraising yard sale on May 20, 2017. Referred to the Committee of the Whole

4/13/17 Polla Milligan, Director of Marketing and Development, Niagara County SPCA – request permission to use the pavilion at Wide Waters Marina to conduct the NCSPCA Hound Hike on September 9, 2017. Referred to the Committee of the Whole

4/19/17

4/17/17 Amanda Alexander, Event Co-chair, S.T.A.R. Group – request permission to conduct the 1st annual Walk Away From Drugs on July 30, 2017. Referred to the Committee of the Whole

Notice of Defect:

3/30/17 4 South Street – tree
3/30/17 43 Webb Street – tree
4/5/17 133 Waterman Street – tree
4/7/17 160 Beattie Avenue – tree
4/10/17 70 Niagara Street – tree stump
Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

041917.2

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 April 21, 2017 as follows:

General Fund	Account #001	\$ 68,529.93
Water Fund	Account #002	\$ 26,260.86
Sewer Fund	Account #003	\$ 18,370.42
Capital Projects	Account #004	\$ 93,401.08
Refuse Fund	Account #012	\$ 90,298.23
Self Insurance	Account #015	\$ 146,129.75
Payroll	Pay Date 4/13/17	\$ 450,583.84

Seconded by Alderman _____ and adopted. Ayes _____.

041917.3

By Alderman Devine:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Little Loop Football for use of Exchange Field for their 2017 season.

Seconded by Alderman _____ and adopted. Ayes _____.

041917.4

By Alderman Abbott:

WHEREAS, the City sold vehicles via online auction and received payment in the amount of \$27,955.00, now therefor be

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

INCREASE REVENUE:	
0559	\$27,955.00

INCREASE EXPENSE:	
001.3120.0230	\$27,955.00

Seconded by Alderman _____ and adopted. Ayes _____.

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS

041917.5 WITHDRAWN (Adopt Fund Balance Policy)

041917.6

By Alderman Wohleben:

Resolved, that pursuant to their request, permission is hereby granted to Lockport New Beginnings, Inc. to barricade city parking lot #5 on Saturday, May 20, 2017 for a fundraising yard sale event, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

041917.7

By Alderman Mullane:

Resolved, that pursuant to their request, permission is hereby granted to the Challenger Learning Center of Orleans, Niagara and Erie Counties to barricade a portion of Washburn Street on Friday, May 12, 2017 for a grand opening ribbon cutting ceremony, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

041917.8

By Alderman Wohleben:

Resolved, that pursuant to their request, the Anna Merritt PTA be and the same is hereby given permission to install and maintain a Little Free Library in Outwater Park, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to coordinate with the Anna Merritt PTA for installation of the Little Free Library.

Seconded by Alderman _____ and adopted. Ayes _____.

041917.9

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of May 3, 2017 starting at 6:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for an amendment to a Special Use Permit granted to Darrin Chiappone, relative to a recreational building to be located at 1 Short Street, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

041917.9A

By Alderman _____:

WHEREAS, Arbor Day has been an occasion for recognizing the value of trees and woodlands to human welfare since 1872; and

WHEREAS, the City of Lockport recognizes the value of trees as they contribute to our environment by cleaning the air, moderating the temperature, reducing heating and cooling costs, and provide wildlife habitat; and

WHEREAS, trees are a renewable resource and beautify our residential and business areas; and

WHEREAS, the City of Lockport has a tradition of supporting and encouraging the planting, care and health of trees throughout the community.

NOW, THEREFORE, be it resolved that the Common Council does hereby designate and proclaim April 28, 2017 as Arbor Day

Seconded by Alderman _____ and adopted. Ayes _____.

041917.9B

By Alderman _____:

Resolved, that pursuant to their request, the Niagara County SPCA be and the same is hereby given permission to use the pavilion at Wide Waters Marina for the NCSPCA Hound Hike on Saturday, September 9, 2017, and be it further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said event.

Seconded by Alderman _____ and adopted. Ayes _____.

041917.9C

By Alderman _____:

Resolved, that pursuant to their request, the S.T.A.R. Group be and the same is hereby granted permission to conduct the 1st annual Walk Away From Drugs in the City of Lockport on Sunday, July 30, 2017 subject to approval of the walk route by the Police Chief. Said walk will begin at 1:00 at Veteran's Park on East Avenue and will proceed west on East Avenue/Main Street and terminate at Ida Fritz Park, and be it further

Resolved, that permission is hereby granted to use the pavilion at Ida Fritz Park for activities to culminate the event, and be it further

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

Seconded by Alderman _____ and adopted. Ayes _____.

041917.9D

By Alderman _____:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a Community Market on Canal Street each Saturday beginning June 17th and running through October 14th, 2017, and be it further

Resolved, that permission is hereby granted to place not more than 25 signs promoting the Community Market in the City's right-of-way, and be further

Resolved, that the Director of Streets and Parks is authorized and directed to arrange to deliver refuse containers to the area prior to the said dates.

Seconded by Alderman _____ and adopted. Ayes _____.

041917.9E

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

BOND ORDINANCE DATED APRIL 19, 2017.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$122,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF SANITARY SEWER MAIN ON DAVIDSON ROAD, 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 sewer main on Davidson Road, in and for the City of Lockport, Niagara County, New York, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$122,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$122,000 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 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	_____
Alderman Devine	VOTING	_____
Alderman Mullane	VOTING	_____
Alderman Oates	VOTING	_____
Alderman O'Shaughnessy	VOTING	_____
Alderman Wohleben	VOTING	_____

The ordinance was thereupon declared duly adopted.

* * * * *

041719.9F

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

BOND ORDINANCE DATED APRIL 19, 2017.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A DUMP TRUCK, 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 a dump truck, for the City of Lockport, Niagara County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$152,000.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$152,000 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 specific object or purpose 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 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	_____
Alderman Devine	VOTING	_____
Alderman Mullane	VOTING	_____
Alderman Oates	VOTING	_____
Alderman O'Shaughnessy	VOTING	_____
Alderman Wohleben	VOTING	_____

The ordinance was thereupon declared duly adopted.

* * * * *

041917.10

ADJOURNMENT

At _____ P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, May 3, 2017.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk