

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 17, 2021
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, Allport, Devine, Kantor, Oates, and Schratz.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

111721.1

APPROVAL OF MINUTES

On motion of Alderman Schratz, seconded by Alderman _____, the minutes of the Regular Meeting of November 3, 2021 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointments:

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 Complaint:

11/8/21	104 Garden Street - tree
11/9/21	223 Genesee Street – tree
11/12/21	12 Sargent Drive - Tree

Referred to the Director of Streets and Parks.

Notice of Claim:

11/3/21 Anthony Stashak, 205 Lock Street, Lockport NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS**111721.2**

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 November 18, 2021 as follows:

General Fund	Fund A	\$53,032.39
Water Fund	Fund FX	\$52,560.03
Sewer Fund	Fund G	\$60,409.12
Capital Projects	Fund H	\$281,380.90
Refuse Fund	Fund CL	\$95,625.30
Community Dev.	Fund CD	\$20,000.00
Payroll	Pay Date 10/21	\$490,488.50

Seconded by Alderman _____ and adopted. Ayes _____.

111721.3

By Alderman Oates:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer funds from under expended appropriations accounts to over expended accounts in the 2021 General, Water, Sewer, and Refuse Fund budgets and to appropriate fund balance to the extent necessary to balance the budgets, and furthermore, report to the Common Council on those accounts having had transfers.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.4

By Alderman Allport:

Whereas, the City of Lockport (City) was awarded a Downtown Revitalization Initiative (DRI) Grant from the New York State Department of State (NYSDOS); and

Whereas, Rehabilitation of the Spalding Mill Building and Site Project (Project) is an identified priority to be funded by the DRI Grant; and

Whereas, the City issued a Request for Qualifications (RFQ) for interested Professional Architectural/Engineering (A/E) firms to provide design, bidding, construction administration and inspection services and subsequently received Qualifications Statements on October 1, 2021; and

Whereas, Qualification Statements were received from Bergmann, CJS Architects, EI Team and Hunt Engineers/Architects and furnished to the City review committee to score in accordance with the RFQ; and

Whereas, based upon the RFQ scoring, the review committee recommends that a professional services agreement for A/E Services for Rehabilitation of the Spalding Mill Building and Site be awarded to Bergmann for a fee of \$275,180; now, therefore, be it

Resolved, that the Mayor is authorized to execute an Agreement with Bergmann, 40 LaRiviere Drive, Suite 200, Buffalo, New York 14202 for \$275,180, to be funded by the DRI, contingent upon legal review.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.5

By Alderman Oates:

Whereas, the City of Lockport FY 2022 Mayor's Recommended Budget was presented to the Common Council on October 6th, 2021; and

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City tax budget for fiscal year 2022, containing appropriations for operating City departments, be and the same is hereby amended and adopted as follows:

CITY OF LOCKPORT, NEW YORK
2022 GENERAL FUND BUDGET SUMMARY

Budget Appropriations:

Personal Services	\$11,663,436
Equipment	209,284
Contractual	3,427,033
Fringe Benefits	10,106,591
Interfund Transfers	113,750
Debt Service	779,702

Total Appropriations: \$26,299,796

LESS: Estimated Revenues: \$12,606,433

Estimated Fund Balance: \$581,014

Amount to be raised through property taxation: \$ 13,112,349

Assessed Valuation: \$695,217,910

REAL PROPERTY TAX RATE: \$18.86078 per \$1,000 ASSESSED VALUATION

Seconded by Alderman _____ and adopted. Ayes _____.

111721.6

By Alderman Schratz:

Whereas, the City of Lockport FY 2022 Mayor's Recommended Budget was presented to the Common Council on October 6th, 2021;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2022 Water Fund Budget containing appropriations for operating the City's Water Department, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2022 WATER FUND BUDGET SUMMARY

Appropriations:

Personal Services	\$1,249,672
-------------------	-------------

Equipment	0
Contractual	1,133,804
Fringe Benefits	1,203,425
Debt Services	685,098
Interfund Transfers	78,470

Total Appropriations: \$4,350,469
Estimated Revenues: \$4,350,469

Seconded by Alderman _____ and adopted. Ayes _____.

111721.7

By Alderman Devine:

Whereas, the City of Lockport FY 2022 Mayor's Recommended Budget was presented to the Common Council on October 6th, 2021;

Whereas, the City of Lockport Common Council has had a public hearing on such budget and has considered alterations to be made to the Mayor's Recommended budget prior to appropriating funds; now, therefore, be it

Resolved, that the City of Lockport 2022 Sewer Fund Budget containing appropriations for operating the City's Wastewater Treatment and Compost Facility, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK **2022 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$1,108,653
Equipment	21,000
Contractual	1,245,137
Fringe Benefits	1,045,244
Debt Service	683,308
Interfund Transfers	38,000

Total Appropriations: \$4,141,342
Estimated Revenues: \$4,141,342

Seconded by Alderman _____ and adopted. Ayes _____.

111721.8

By Alderman Allport:

Resolved, that the City of Lockport 2022 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK **2022 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY**

Appropriations:

Personal Services	\$ 0
Equipment	25,000

Contractual	1,367,405
Fringe Benefits	0
Debt Service	36,431
Interfund Transfers	0

Total Appropriations:	\$1,428,836
Estimated Revenues:	\$1,428,836

Seconded by Alderman _____ and adopted. Ayes _____

111721.9

By Alderman Devine:

Resolved, that the following local law be and the same is hereby adopted:

City of Lockport

Local Law No. 2 of the year 2021

A local law to amend the City of Lockport "Schedule of Sewer Rents and Other Charges."

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

SEWER RATES

The following sewer rental charges shall be effective on all residential, commercial, and industrial water consumption billed as follows:

after January 1, 2022

\$16.63 per month service charge for both domestic and industrial users plus a commodity charge of \$2.55 per 100 cu. ft. of water billed, plus a standard surcharge for industrial users for excess strength of sewage as stated in all existing Industrial sewer contracts.

INDUSTRIAL	\$ 16.63
COMMERCIAL & RESIDENTIAL	\$ 41.57 (billed quarterly)

The standard surcharge for all industrial users for excess strength of sewage as stated in all existing industrial service contracts be as follows:

Type	Fee
Discharging wastewater, per 100 cubic feet:	

Effective 01 January 2022.....	\$ 1.16
--------------------------------	---------

Discharging excess total suspended solids in excess of 350 mg per liter per one hundred pounds per day:

Effective 01 January 2022.....	\$ 3.48
--------------------------------	---------

Discharging excess BOD in excess of
250 mg liter per, per one hundred
pounds per day:

Effective 01 January 2022.....\$ 3.11

Discharging wastewater through the use
of a waste hauler per one thousand
gallons:

Effective 01 January 2022.....\$18.26

Annual waste hauler disposal permit
authorizing the use of City of
Lockport wastewater treatment plant
to a specific waste hauler:

Effective 01 January 2022\$386.25

Annual amount charged for an effective
City of Lockport wastewater discharge
permit issued to City of Lockport
industries identified as POTW
significant industrial users (SIU's):

Effective 01 January 2022.....\$417.15

Effective January 1, 2022, laboratory
analysis at City of Lockport wastewater
treatment plant laboratory are as follows:

<u>Analyte</u>	<u>Rate</u>
pH.....	\$11.07
Residual C12	\$11.07
Settleable solids	\$11.07
Total suspended solids	\$33.27
Total solids	\$16.63
BOD 5.....	\$44.34
COD	\$44.34
Dissolved oxygen	\$22.20
Total coliform	\$33.27
Fecal coliform	\$38.83
NH3-N	\$38.83
TKN	\$38.83
Oil and grease, total	\$44.34
Total phosphorus.....	\$33.27
Zn, Cd, Cr, Cu, Pb each	\$27.71

This Local Law shall take effect January 1, 2022.

Seconded by Alderman _____. A roll call vote was taken which resulted as follows:

Alderman Abbott	VOTING	___
Alderman Allport	VOTING	___
Alderman Devine	VOTING	___
Alderman Kantor	VOTING	___
Alderman Oates	VOTING	___
Alderman Schratz	VOTING	___

The local law was thereupon declared duly adopted.

111721.10

By Alderman Schratz:

Resolved, that the following water rates for the City of Lockport shall be effective on all residential and commercial water consumption billed after January 1, 2022 and on all industrial water billed after January 1, 2022:

CITY OF LOCKPORT - WATER RATES EFFECTIVE JANUARY 1, 2022

Each and every meter located in any building shall be classified as a separate meter account.

MONTHLY BILLS

Rates for all industrial users of water:

In addition to the currently billed rate for each meter in building per month, the following:

Minimum rate - \$15.45 per each one-month period or fraction thereof:

First 50,000 cu. ft.	\$3.86 per 100 cu. ft.
Next 100,000 cu. ft.	3.61 per 100 cu. ft.
Over 150,000 cu. ft.	3.30 per 100 cu. ft.

QUARTERLY BILLS

Rates for commercial users of water are:

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2022, and, a usage commodity charge of \$3.66 per 100 cu. ft.

Rates for residential users of water are:

Minimum rate – As per City of Lockport Meter Fee Schedule effective January 1, 2022, and, a usage commodity charge of \$3.50 per 100 cu. ft.

RURAL BILLS

Rates for all non-resident users of water - quarterly rate plus 50%

BULK WATER

\$5.67 per 1,000 gallons.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.11

By Alderman Allport:

Whereas, pursuant to Section 452 of the General Municipal Law and Section 155-4 (Refuse and Recycling) of the City of Lockport Code, the Common Council is authorized to adjust a schedule of refuse and recycling fees and other charges; now, therefore, be it

Resolved, that the following refuse and recycling rates for the City of Lockport shall be effective on all residential and commercial collection billed after January 1, 2022:

FY 2022 RESIDENTIAL REFUSE RATES		
Rate	Type	
\$ 149.05	per year for a 35-gallon refuse cart	
\$ 178.20	per year for a 64-gallon refuse cart	
\$ 204.05	per year for a single 96-gallon refuse cart	
\$ 183.70	per year for two 35-gallon refuse carts (double family only)	
\$ 228.80	per year for two 64-gallon refuse carts (double family only)	
\$ 269.50	per year for two 96-gallon refuse carts	
\$ 324.50	per year for three 96-gallon refuse carts	
\$ 379.50	per year for four 96-gallon refuse carts	

		FY 2022 COMMERCIAL REFUSE																				
Cart Quantity		1 CART					2 CARTS					3 CARTS					4 CARTS					
	weekly frequency	1X	2X	3X	4X	5X	1X	2X	3X	4X	5X	1X	2X	3X	4X	5X	1X	2X	3X	4X	5X	
R E C Y C L I N G	1 CART	1X	\$217	\$312	\$409	\$521	\$635	\$276	\$435	\$596	\$797	\$1,022	\$335	\$509	\$690	\$889	\$1,126	\$392	\$732	\$977	\$1,208	\$1,490
		2X	\$234	\$329	\$427	\$539	\$652	\$294	\$452	\$614	\$814	\$1,040	\$353	\$527	\$707	\$908	\$1,144	\$409	\$749	\$994	\$1,227	\$1,507
		3X			\$449																	
	2 CARTS	1X	\$236	\$331	\$429	\$541	\$654	\$296	\$454	\$615	\$816	\$1,041	\$355	\$528	\$709	\$909	\$1,146	\$411	\$751	\$995	\$1,227	\$1,508
		2X	\$248	\$343	\$440	\$552	\$666	\$307	\$466	\$627	\$828	\$1,053	\$367	\$540	\$721	\$921	\$1,157	\$423	\$763	\$1,007	\$1,238	\$1,520
		3X	\$270	\$365	\$463	\$575	\$689	\$330	\$488	\$649	\$850	\$1,076	\$389	\$562	\$743	\$943	\$1,180	\$445	\$785	\$1,029	\$1,261	\$1,542
	3 CARTS	1X	\$250	\$345	\$442	\$554	\$668	\$309	\$468	\$629	\$830	\$1,055	\$368	\$542	\$723	\$922	\$1,159	\$424	\$765	\$1,010	\$1,241	\$1,523
		2X	\$271	\$366	\$464	\$576	\$689	\$331	\$489	\$650	\$851	\$1,077	\$390	\$563	\$744	\$944	\$1,181	\$446	\$786	\$1,031	\$1,263	\$1,544
		3X	\$298	\$393	\$491	\$603	\$716	\$358	\$516	\$677	\$878	\$1,103	\$417	\$590	\$771	\$971	\$1,208	\$473	\$813	\$1,058	\$1,290	\$1,571
	4 CARTS	1X	\$283	\$362	\$459	\$571	\$685	\$326	\$485	\$646	\$847	\$1,072	\$386	\$559	\$740	\$940	\$1,176	\$442	\$781	\$1,025	\$1,257	\$1,539
		2X	\$299	\$380	\$477	\$589	\$703	\$344	\$503	\$664	\$865	\$1,090	\$403	\$577	\$758	\$957	\$1,194	\$459	\$799	\$1,044	\$1,275	\$1,556
		3X	\$321	\$407	\$504	\$616	\$730	\$371	\$530	\$691	\$892	\$1,117	\$430	\$604	\$785	\$984	\$1,221	\$486	\$826	\$1,071	\$1,302	\$1,582

Seconded by Alderman _____ and adopted. Ayes _____.

111721.12

By Alderman Oates:

Whereas, the City of Lockport believes in the right of all of its employees to receive a living wage; and

Whereas, State of New York has enacted the Minimum Wage Act (Article 19 of the New York State Labor Law); and

Whereas, the FY 2022 effective minimum wage under such law is \$13.20 per hour, with future scheduled increases; now, therefore, be it

Resolved, the City of Lockport Common Council hereby adopts, as the minimum wage for all its employees as of 1/1/2022, the rate set by the New York State Minimum Wage Act, as the same may be adjusted from time to time.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.13

By Alderman Devine:

Whereas, the City of Lockport has adopted a salary schedule for the position of Confidential Assistant to the Mayor; and

Whereas, New York State Retirement System imposes a salary cap on employees returning to municipal service; and

Whereas, the City of Lockport desires to facilitate the appointment and employment of the current Confidential Assistant to the Mayor; now, therefore, be it

Resolved, that the salary schedule for the position of Confidential Assistant to the Mayor is suspended for 2022; and be it further

Resolved, that the salary for the position of Confidential Assistant to the Mayor shall be set at \$35,000.00 for the year 2022.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.14

By Alderman Schratz:

Resolved, that resolution 040120.9C adopted by the Common Council at their April 1, 2020 meeting, regarding the salary schedule for the Director of Finance, be and the same is hereby rescinded.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.15

By Alderman Schratz:

Whereas, the City of Lockport desires to amend the salary schedule for the position of Director Finance in the Unrepresented Employee; now therefore be it

Resolved, that the salary schedule for the position of Director of Finance is hereby abolished and replaced with the following:

Step 1 Hire	Step 2 Complete 2	Step 3 Complete 4	Step 4 Complete 6	Step 5 Complete 8	Step 6 Complete 10
\$91,107	\$95,662	\$100,445	\$105,468	\$110,741	\$116,278

Seconded by Alderman _____ and adopted. Ayes _____.

111721.16

By Alderman Oates:

Whereas, the City of Lockport (City), is seeking a grant for the Gulf Interceptor Sewer Upgrade Project and intends to submit via the Environmental Facilities Corporation (EFC) for funding to the New York Water Infrastructure Improvement Act (WIIA); and

Whereas, the City cost estimate for the Gulf Interceptor Sewer Upgrade Project is \$7,738,000; and

Whereas, the WIIA grant through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 25% total project cost in the amount of \$1,934,500; and

Whereas, the City is eligible and applying for 0% hardship financing from the Environmental Facilities Corporation Clean Water State Revolving Funds, for the project balance of \$5,803,500; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 75% local match as required by the Water Infrastructure Improvement Act (WIIA). Under the WIIA, this local match must be at least 75% of balance of the total project cost of \$7,738,000 for a total share of \$5,803,500. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$5,803,500 subject to receipt of a WIIA grant and available 0% hardship loan funding. The total estimated maximum WIIA Grant is \$1,934,500. The Mayor may increase this local match through the use of in-kind services without further approval from the City.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.17

By Alderman Kantor:

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA) for the Gulf Interceptor Sewer Upgrade Project (the Project); and

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a Clean Water State Revolving Fund (CWSRF) application on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA); and

Whereas, the Mayor is required to sign the WIIA grant and CWSRF applications on behalf of the City of Lockport as well as a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore, be it

Resolved, that the Mayor is authorized to sign a grant application on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA) for the Project; and be it further

Resolved, that the Mayor is authorized to sign a Clean Water State Revolving Fund application on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA) for the Project; and be it further

Resolved, that should a WIIA grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the WIIA Program through NYSEFC.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.18

By Alderman Schratz:

Whereas, the City of Lockport has reviewed the proposed Gulf Interceptor Sewer Upgrade Project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review, or "SEQR," for a determination as to the level of required environmental review for the proposed project; now, therefore, be it

Resolved, that the Board does hereby determine that the Gulf Interceptor Sewer Upgrade Project is a Type II action pursuant to 6 NYCRR 617.5 (c)(2) as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.19

By Alderman Devine:

BOND ORDINANCE DATED NOVEMBER 17, 2021.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$7,738,000 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE GULF INTERCEPTOR SEWER PROJECT, FOR SAID CITY.

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

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 bonds for 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. For the specific object or purpose of paying part of the cost of the Gulf Sewer Interceptor Sewer Project, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for

the City of Lockport, Niagara County, New York, there are hereby authorized to be issued \$7,738,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$7,738,000

Section 2. The plan for the financing of such \$7,738,000 maximum estimated cost is as follows:

- a) By the issuance of the \$7,738,000 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby 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, computed from the date of the first bond anticipation note issued.

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 bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. 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. Such bonds shall be in fully registered form and shall be signed in the name of the City of Lockport, Niagara County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. 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 she 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, she 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 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law,

no such charges shall be so collected by the fiscal agent. 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 Treasurer shall determine.

Section 10. 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 11. 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 12. 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 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 13. 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 14. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, 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 Allport VOTING ____

Alderman Devine VOTING ____

Alderman Kantor VOTING ____

Alderman Oates VOTING ____

Alderman Schratz VOTING ____

The ordinance was thereupon declared duly adopted.

111721.20

By Alderman Allport:

Whereas, the City of Lockport owns and operates a combined sewer system in which sanitary waste water and storm water are collected and directed to the City Wastewater Treatment Plant (WWTP) for treatment; and

Whereas, the City has systematically been evaluating the condition of the wastewater collection system and sources of Inflow and Infiltration (I/I) into the collection; and

Whereas, the City has performed an engineering evaluation of the Gulf interceptor sewer between Niagara Street and the Wastewater Treatment Plant (WWTP) and determined that the sewer is in deteriorated condition and a source of I/I; and

Whereas, the City desires to replace the Gulf Interceptor Sewer between Niagara Street and the WWTP (the Project) and is seeking grant funding to support the project which will require the preparation of detailed engineering plans and specifications; and

Whereas, Nussbaumer & Clarke, Inc. is on the City's list of pre-qualified engineering design firms and has worked closely with New York State Department of Conservation (NYSDEC) and their consultant on their project to replace the Gulf interceptor sewer between Old Upper Mountain Road and Niagara Street; and

Whereas, Nussbaumer & Clarke, Inc. furnished a proposal dated November 12, 2021 to provide engineering design, bidding support, construction administration, inspection and grant administration support as needed for the Project; now, therefore, be it

Resolved, that the Mayor is authorized to execute a professional services agreement with Nussbaumer & Clarke, Inc., 80 Main St., Unit A, Lockport, New York 14094 for a fee not to exceed \$645,000 for engineering design, bidding support, construction administration, inspection and grant administration related to the Gulf Interceptor Sewer Upgrade Project, contingent upon receipt of grant funding.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.21

By Alderman Abbott:

Whereas, the City of Lockport (City), is seeking a grant for the Raw Water Pumping Station Emergency Generator project and intends to submit via the Environmental Facilities Corporation (EFC) for funding to the New York Water Infrastructure Improvement Act (WIIA); and

Whereas, the City project cost estimate for the Raw Water Pumping Station Emergency Generator Project is \$800,000; and

Whereas, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 60% of the project cost of \$800,000 in the amount of \$480,000; now, therefore, be it

Resolved, that the City authorizes and appropriates a minimum of 40% local match as required by the WIIA. Under the WIIA, this local match must be at least 40% of total project of \$800,000 for a total share of \$320,000. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$320,000 subject to receipt of a WIIA grant and available funding. The total estimated maximum grant is \$480,000. The Mayor may increase this local match through the use of in-kind services without further approval from the City.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.22

By Alderman Oates:

Whereas, Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the City of Lockport (City) via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA) for the Raw Water Pumping Station Emergency Generator project; and

Whereas, the Mayor is required to sign the grant application on behalf of the City of Lockport as well as a Grant Agreement with the NYSEFC and any and all other contracts,

documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore, be it

Resolved, that the Mayor is authorized to sign a grant application on behalf of the City via the NYSEFC to the Water Infrastructure Improvement Act (WIIA); and be it further

Resolved, that should a WIIA grant be awarded to the City, the Mayor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City's obligations under the WIIA Program through NYSEFC.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.23

By Alderman Kantor:

Whereas, the City of Lockport (City) has reviewed the Raw Water Pumping Station Emergency Generator project in conjunction with 6 NYCRR Part 617, commonly known as State Environmental Quality Review, or "SEQR," for a determination as to the level of required environmental review for the proposed project; now, therefore, be it

Resolved, that the City does hereby determine that the proposed action is a Type II action pursuant to 6 NYCRR 617.5 (c)(2) as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.24

By Alderman Schratz:

Whereas, the City of Lockport (City) owns and operates a Raw Water Pump Station (RWPS) located on River Road in North Tonawanda which is required to pump water from the Niagara River to the City Water Treatment on Summit Street for treatment; and

Whereas, the City desires to install a backup power generator (the Project) at the RWPS to improve resiliency of the RWPS in the event of a power failure; and

Whereas, the City has performed an engineering evaluation of the requirements to install a generator at the RWPS and is seeking grant funding to support the project which will require the preparation of detailed engineering plans and specifications; and

Whereas, Nussbaumer & Clarke, Inc. is on the City's list of pre-qualified engineering design firms and furnished a proposal dated November 12, 2021 to provide engineering design, bidding support, construction administration, inspection and grant administration support as needed; now, therefore, be it

Resolved, that the Mayor is authorized to execute a professional service-s agreement with Nussbaumer & Clarke, Inc., 80 Main St., Unit A, Lockport, New York 14094 for a fee not to exceed \$128,000 for engineering design, bidding support, construction administration, inspection and grant administration related to the RWPS Project, contingent upon receipt of grant funding.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.25

By Alderman Schratz:

Whereas, the City of Lockport Common Council wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support the development of a brewpub and restaurant and entertainment complex at 13 W. Main Street in the City, and

Whereas, the Lockport Common Council is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to submitting an application for CDBG funding, now, therefore, be it

Resolved, that a public hearing be held on December 1, 2021 at 5:30 p.m. at City Hall, One Locks Plaza, Lockport, New York, before the Lockport Common Council, whereat all interested parties shall be heard regarding the CDBG program, the City's community development and economic development programs, and the proposed funding application, and be if further

Resolved, that the City Clerk is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing to be published in the City's official paper, and to post a copy of said notice on the City website, with both publication and posting to be made at least eight (8) days before the public hearing.

Seconded by Alderman _____ and adopted. Ayes _____.

111721.26 – Hire a Grant Writer for LFD's Pursuit of an AFG Grant – WITHDRAWN

111721.27

ADJOURNMENT

At _____ P.M. Alderman Schratz moved the Common Council be adjourned until 5:30 P.M., Wednesday, December 1, 2021.

Seconded by Alderman _____ and adopted. Ayes _____.

PAUL K. OATES
City Clerk