

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

December 15, 2010  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Pasceri, Smith, McKenzie, Chapman, and Genewick.

**RECESS**

Recess for public input.

**CORRECTION**

12/9/2010 Resolution number 120110.6 has been corrected as follows:

**120110.6**

By Alderman Chapman:

Resolved, that the bid proposal of Sterling Glass Inc., Buffalo, NY received on November 12, 2010, for New Aluminum Storefront/Windows be accepted in the amount of \$29,700.00 plus a ten percent contingency. Cost of same to be charged to account ~~#003-5130-0452-0209~~ #003-8130-0452-0209.

Seconded by Alderman Genewick and adopted. Ayes 6.

Referred to the Committee of the Whole.

**121510.1**

**APPROVAL OF MINUTES**

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Regular Meeting of December 1, 2010 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

12/6/10 Matt Adams, 34 Woodbury Drive, Lockport, NY reappointed as a member of the Plumbing Board. Said term expires December 31, 2013. Received and filed.

12/6/10 The following Niagara County Criminal Investigators are reappointed as Commissioner of Deeds for a one-year term expiring December 31, 2011:

Daniel J. Pluff  
Alan F. Brooks

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)

12/8/10 Richard P. Mullaney, City Clerk – notification that the Lockport Municipal Offices will be closed on the following days in December and January:

Thursday, December 23 (closed at 12 noon)

Friday, December 24

Thursday, December 30 (closed at 12 noon)

Friday, December 31, 2010

The garbage collection schedule is as follows:

No Pick-up On

Friday, December 24

Friday, December 31, 2010

Double Pick-up On

**Monday**, December 27

**Monday**, January 3, 2011

On Thursday, December 23<sup>rd</sup> and Thursday, December 30<sup>th</sup> garbage will be picked up from 7:00 a.m. to 11:00 a.m. only. Referred to the Media.

12/13/10 Joseph Macaluso, Acting City Assessor – notification that the General City Tax rolls have been completed, corrected and filed. Referred to the Committee of the Whole

**Notice of Defect:**

12/2/10 156 Allen Street, Lockport, NY – tree

12/2/10 97 Scovell Street, Lockport, NY - tree

Referred to the Highways & Parks Department.

**Notice of Claim:**

12/3/10 Dwain Blunt, c/o Utica National Insurance Group, PO Box 5310, Binghamton, NY  
Referred to the Corporation Counsel.

## **MOTIONS & RESOLUTIONS**

### **121510.2**

By Alderman Kibler:

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 December 17, 2010.

Seconded by Alderman Pasceri and adopted. Ayes 6.

### **121510.3**

By Alderman Kibler:

Resolved, that claims authorized for payment by the Director of Community Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McKenzie and adopted. Ayes 6.

### **121510.4**

By Alderman McKenzie:

Resolved, that the 2011 General Fund Budget, account # 001-3120-100 be amended to create one temporary Police Officer position for a period not to exceed three months. Cost of same to be charged to account 01-3120-100.

Seconded by Alderman Genewick and adopted. Ayes 5. Nay 1 – Ald. Smith.

### **121510.5**

By Alderman Smith:

Whereas, the City of Lockport holds title and possession of 113 South Street by In Rem/Tax Foreclosure proceeding, and

Whereas, 113 South Street is an abandoned 3 family home in need of repair, and

Whereas, the Mayor and Real Property Management Committee received a letter from Ray Robinson offering to acquire the property for the sum of \$1,000 and rehabilitate the same to code, and

Whereas, the City desires to return said property to the tax role in an improved condition. Now therefore be it

Resolved, that pursuant to Section C-61 of the City Charter the Mayor be and is hereby authorized to execute a quit claim deed to Ray Robinson for the sum of \$1,000 with a reverter clause that the property must be improved to code within 5 years of the date of transfer.

Seconded by Alderman Kibler and adopted. Ayes 6.

### **121510.6**

By Alderman Kibler:

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 2010 General, Water, and Sewer 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 Pasceri and adopted. Ayes 6.

**121510.7**

By Alderman Kibler:

Resolved, that the City Treasurer is hereby authorized and directed to transfer any balances remaining in 2010 budgetary accounts 01-9000-0800, 02-9000-800, and 03-9000-800 (workers compensation) to their respective General, Water, and Sewer "Worker Compensation Reserve Fund" accounts.

Seconded by Alderman McKenzie and adopted. Ayes 6.

**121510.8**

By Alderman Kibler:

Resolved, that pursuant to the recommendation of the Board of Estimate & Apportionment the Manufacturers & Traders Trust Company, HSBC, J. P. Morgan Chase & Co. Bank, Key Bank, First Niagara Commercial Bank and Citizens Bank be designated as depositories of City funds for fiscal year 2011, provided said banks comply with the terms and conditions as set forth in the City of Lockport's Investment Policy.

Seconded by Alderman Genewick and adopted. Ayes 6.

By Alderman Kibler:

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

Seconded by Alderman Pasceri and adopted. Ayes 6.

**21510.9**

By Alderman McKenzie:

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

City of Lockport

Local Law No. 7 of the year 2010

A local law amending Chapter 55, ANIMALS

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

**CHAPTER 55, ANIMALS**

**ARTICLE I, Dog Control Law of the City of Lockport**

**§55-1. Title**

The title of this Article shall be, "Dog Control Law of the City of Lockport."

**§55-2. Purpose**

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection person, property, domestic animals and deer from dog attack and damage.

**§55-3. Authority**

This Local Law is enacted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York and to General City Law Article 20.

**§55-4. Definitions**

**Clerk.** The clerk of any county, town, city or village where licenses are validated or issued pursuant to this article.

**Confined.** That such animal is securely confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure; fastened on a chain, wire, or other effective tether of such length and so arranged that an animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place; or, if the animal is being transported by the owner, that is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape there from.

**Dog.** Dog shall mean male, female, member of the species canis familiaris.

**Dog Control Officer.** Any person authorized by the Common Council of the City of Lockport from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law.

**Guide Dog.** Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.

**Harbor.** To provide food or shelter to any dog.

**Identification tag.** A tag issued by the licensing municipality which sets forth an identification number, together with the name of the municipality, the state of New York, contact information, including telephone number, for the municipality and such other information as the licensing municipality deems appropriate.

**Municipality.** Any county, town, city and village.

**Owner.** Any person who harbors or keeps any dog.

**Owner of record.** The person in whose name any dog was last licensed pursuant to this article, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of this article, the owner shall be deemed to be the

owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

**Person.** Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

**Police work dog.** Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

**War dog.** Any dog which has been honorably discharged from the United States armed services.

**Hearing dog.** Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

**Service dog.** Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

**Working search dog.** Any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the department; provided, however, that such services provided by said dog shall be performed without charge or fee.

**Therapy dog.** Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

**Detection dog.** Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

**Running at large.** Any dog, licensed or unlicensed, while roaming, running or self-hunting off the property of its owner or custodian and not under the control of the owner or custodian by a leash not exceeding 10 feet in length.

#### **§55-5. Licensing of Dogs Required / Rabies Vaccination Requirement**

- A. **License Required.** All dogs within the City of Lockport reaching the age of four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed, shall obtain, complete and return to the City of Lockport City Clerk, a dog license application together with the license application fee, any applicable license surcharges and such additional fees established by the City of Lockport. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in such case vaccination shall not be required. Each license shall be valid for a period of one year and shall not be transferable.

- B. Anti-rabies vaccination. No person shall keep, harbor or maintain a dog unless such dog shall have been vaccinated by a licensed veterinarian with anti-rabies vaccine.
- C. Identification of Dogs. Each Dog licensed pursuant to this article shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times, provided that said dog shall be exempt while participating in a dog show. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- D. Change of Ownership. In the event of a change in the ownership of any dog which has been licensed pursuant to this article, or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, file with the City of Lockport City Clerk a written report of such change.
- E. Lost or Stolen Dog. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft file with the City of Lockport City Clerk, a written report of such loss or theft.
- F. Deceased Dog. In the case of a dog's death, the owner of record shall so notify the City of Lockport City Clerk either prior to renewal of licensure or upon the time such renewal is required.

**§55-6. Dog Control Officer**

- A. There shall be appointed one or more Dog Control Officers for assisting, within the City of Lockport, with the control of dogs and the enforcement of this article.
- B. Every Dog Control Officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons, and to serve and to execute any other order or process in the execution of the provisions of this article. In addition, any Dog Control Officer or any Peace Officer, when acting pursuant to his special duties, or Police Officer, may serve any process, including an appearance ticket, a uniform appearance ticket, and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature in accordance with the provisions of this article or any local law or ordinance promulgated pursuant thereto.
- C. Interference with the Dog Control Officer. No person shall molest or interfere in any way with the Dog Control Officer or any of his duly authorized assistants or with the duly authorized agents of any person or corporation engaged in enforcing this article or the provisions of the Agriculture and Markets Law and the Public Health Law relating to dogs while he or they are engaged in the performance of their duties.

## **§55-7. Violations; Seizure of dogs; Impoundment & Redemption**

### **A. Violations**

1. Unlicensed dog. The Dog Control Officer or any of his duly authorized assistants and the duly authorized agents of any person or corporation enforcing the provision of the Agriculture and Markets Law and the Public Health Law relating to dogs shall seize any unlicensed dog either on or off the owner's premises. This will not apply to a dog under the age of four months which is not at large.
2. Untagged dogs All dogs are to have an identification tag which shall be affixed to a collar on the dog at all times. Any Dog Control Officer or such representative shall seize any dog found at large not wearing an identification tag.
3. Running at large. All dogs are to be restrained by a leash not exceeding 10 feet in length while off the owner's premises, whether or not tagged or licensed. Any person owning or harboring a dog shall not suffer or allow it to run at large in any of the streets or public places of this City or upon the premises of anyone other than the owner or custodian unless the owner or occupant of such premises grants permission. The Dog Control Officer or any of his duly authorized assistants or the duly authorized agents of any person or corporation enforcing the provisions of the Agriculture and Markets Law and Public Health Law relating to dogs shall seize any dog not so restrained found off the owner's premises.
4. Barking. Any person owning or harboring a dog shall not suffer or allow it to engage in howling, barking or crying or to conduct itself in such a manner as to disturb the peace of any person other than the owner or person harboring the dog.
5. Dog waste. Any person owning or being in charge of any dog, except blind persons accompanied by a dog used for their assistance, shall not allow it to defecate upon any public property or upon any private property without the express permission of the owner of said property, unless all feces deposited by such dog are immediately disposed of by the owner of the dog or person in charge in a safe and sanitary manner.

### **B. Seizure of dogs**

1. It is the duty of the Dog Control Officer or any of his duly authorized assistants to seize and impound any dogs which are in violation under the provisions of this Article.
2. If the dog seized bears a license tag, the Dog Control Officer or other representatives herein named shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family or household with a notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed within the period herein provided.

### **C. Impoundment / Redemption**

1. Every dog seized shall be properly fed and cared for at the expense of the City until disposition thereof be made as herein provided.
2. Redemption of seized dog. The owner of a dog seized may redeem the dog within five days by producing to the persons seizing the dog a license for the dog and by paying to the City Clerk or Dog Control Officer the following impoundment fees:
  - (a) Twenty dollars for each offence for the first impoundment of any dog owned by that person for violation of any provision of this Article.
  - (b) Thirty dollars for each offence for the second impoundment within one year of the first impoundment of any dog owned by that person for violation of any provision of this Article.
  - (c) Forty dollars for each offence for the third and subsequent impoundment of any dog owned by that person within one year for violation of any provision of this Article.
  - (d) Any dog which is impounded for more than 24 hours will be charged an additional \$5 for each additional 24 hours or part thereof that the dog remains impounded.
3. If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or killed by the Dog Control Officer or such representative. In case of sale, the purchaser must pay the purchase price to the City Clerk and also obtain a license for the dog.
4. The fact that a dog is without a tag attached to a collar shall be presumptive evidence that the dog is unlicensed.
5. No action shall be maintained to recover the possession or value of a dog not wearing a tag attached to a collar as provided herein.
6. Any Dog Control Officer or other representative named herein destroying a dog under the provisions of this section shall immediately dispose of the carcass and make a written report of such destruction and disposition to the Clerk or Dog Control Officer. The Clerk or Dog Control Officer shall make and preserve a record of such destruction and disposition.
7. No action shall be maintained to recover the possession or value of a dog or for damages for injury or for compensation for destruction of a dog destroyed pursuant to the provisions of this Article.

### **§ 55-8. Enforcement**

- A. The Dog Control Officer, Police Officer, or a Peace Officer having reasonable cause to believe that a person has violated this Article in a manner not requiring seizure of a dog

as provided herein shall issue and serve upon such person an appearance ticket for such violation.

- B. Any person who observes a violation of this Article may file a complaint with the Dog Control Officer, specifying the nature of the violation, the date thereof, a description of the dog and the name and address of the owner, if known.
- C. The Mayor of the City of Lockport is empowered to designate public servants, including Dog Control Officers, who shall be specifically authorized pursuant to this Article to issue and serve appearance tickets to persons within the City of Lockport for petty offenses and violations of the City's rules, regulations and ordinances concerning dogs and animals. Said authority is limited to occasions where the public servant has reasonable cause to believe that a person has committed a petty offense in his presence.

**§55-9. Establishment of pound or dog shelter**

- A. The City shall maintain a public pound or dog shelter in which shall be contained all dogs seized by the Dog Control Officer and impounded under this article. The Mayor shall designate the location of the pound.
- B. At the pound or dog shelter a book must be kept in which the Dog Control Officer must enter the name and residence of any person bringing any dog to the pound, the date the same was brought, a description of said dog for identification and the name and residence of the owner thereof, if known, which book must at all times be open for public inspection.
- C. The City of Lockport authorizes the Niagara County Society for the Prevention of Animal Cruelty acting by its manager to provide, accept and grant an application for a dog license made by a resident of the City of Lockport at the time of the adoption of a dog from the Niagara County Society for the Prevention of Animal Cruelty provided that such application is made in accordance with Section 55-5 of this local law and the license fee, any additional fee and surcharge shall be admitted to the City Clerk of the City of Lockport on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

**§55-10. Penalties for offenses**

- A. Any person who shall violate any provision of this article shall be subject to a penalty of not less than \$25 not more than \$100 for each violation.
- B. Each and every violation of any provision of this article shall constitute a separate offense.

**§55-11. Applicability**

- A. This article shall not apply to a dog owned by a nonresident while said nonresident, having possession of his dog, is passing through the City of Lockport, nor to dogs brought into the City of Lockport for a period not exceeding thirty (30) days.

- B. This article shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research to the premises of any college or other educational or research institution.
- C. This article shall not apply to any dog confined to the premises of any person, firm, or corporation engaged in the business of breeding or raising dogs for profit and is licensed as a class A dealer under the Federal Laboratory Animal Welfare Act.
- D. Seizure of dogs running at large, shall not apply to owners of police work dogs while engaged in the performance of official police work.

**§55-12. License Fees**

- A. Effective January 1, 2011, the fee for each dog licensed by the City of Lockport, New York, pursuant to §110 of the Agriculture and Markets Law, shall be:
  - 1. Fifteen dollars (\$15.00) for each spayed female dog and neutered male dog; Twenty-Five (\$25.00) for each unspayed female dog or unneutered male dog licensed for up to and including one year.
  - 2. Exempted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police, and therapy dogs.
- B. Animal Population Control Fees. In addition to the above referenced fees, a surcharge of \$1.00 for each spayed female dog and each neutered male dog and a fee of \$3.00 for each unspayed female dog and each unneutered male dog shall be collected for the purposes of carrying out animal population control efforts as provided for in §117 of Article 7 of the Agriculture and Markets Law.
- C. Replacement of Lost or Damaged Tags. Whenever a license tag shall be lost or destroyed, a replacement tag may be issued by the City Clerk for the payment of a fee of \$3.

**ARTICLE II, Quarantine**

**§ 55-13. Quarantine required.**

Any animal must be quarantined under the care and observation of a licensed veterinarian for such time as is required to determine whether it is infected with rabies or other infectious diseases in the following cases:

- A. When it has bitten any person.
- B. When there is reason to believe the animal has bitten any person and there is also reason to believe it is or may be infected with rabies or other infectious or dangerous diseases.

**§ 55-14. Destruction of infected animals.**

Any animal infected with rabies shall not be released but may be destroyed.

**§ 55-15. Payment of expenses of quarantine.**

- A. The owner of any animal quarantined pursuant to § 55-13 above shall be required to pay all expenses charged by the veterinarian on the basis of regular rates for care and observation during the quarantine period.
- B. All expenses charged by the veterinarian for care and observation during the quarantine period of any animal whose ownership cannot be determined shall be paid by the City of Lockport.

**§ 55-16. Penalties for offenses.**

The owner of any animal quarantined pursuant to § 55-13 above who violates any provision of this Article and any owner who refuses to quarantine his animal in any case required by § 55-13 above shall be guilty of a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

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

Alderman Chapman	VOTING	Y
Alderman Genewick	VOTING	Y
Alderman Kibler	VOTING	Y
Alderman McKenzie	VOTING	Y
Alderman Pasceri	VOTING	Y
Alderman Smith	VOTING	Y

The local law was thereupon declared duly adopted.

**121510.10**

By Alderman Chapman:

Resolved, that the bid proposal of Cummins Northeast, LLC, Buffalo, NY, received on November 12, 2010, for the purchase of a New 125 Kw generator be accepted in the amount of \$24,881.00 plus a five percent contingency. Cost of same to be charged to account #003-8130-250.

Seconded by Alderman Kibler and adopted. Ayes 6.

**121510.11**

By Alderman Kibler:

Resolved, that the City tax roll for year 2011 be and the same is hereby confirmed and the City Clerk is hereby authorized and directed to certify thereto and deliver said tax rolls to the City Treasurer for collection.

Seconded by Alderman McKenzie and adopted. Ayes 6.

**121510.11A**

By Alderman Pasceri:

Resolved, that Taren Lagamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the American Conifer Society for a grant to be used for John Henry Park.

Seconded by Alderman Genewick and adopted. Ayes 6.

**121510.11B**

By Alderman Chapman:

Resolved, that the Director of Utilities is hereby authorized and directed to prepare bid specifications for water meters, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman McKenzie and adopted. Ayes 6.

**121510.11C**

By Alderman Pasceri:

Whereas, the City of Lockport ("LKPT"), as Sponsor, and the City of North Tonawanda ("NT") and the Niagara Falls Water Board ("NFWB"), as participants, submitted an application to New York State's Shared Municipal Services Incentive Grant Program to study the feasibility of sharing and/or merging water and wastewater treatment services among the three cities; and

Whereas, LKPT, as Sponsor, received a grant of \$400,000 from the New York State Department of State (hereinafter referred to as the "NYSDOS"), under contract number C-068815 for the 2006-2007 Shared Municipal Services Incentive Grant Program; and

Whereas, pursuant to said grant each of the participants contributed \$14,814.67 for a total contribution of \$44,444.00 ("the Local Contribution"), and

Whereas, the study included the completion of necessary technical reviews, environmental reviews, draft legal agreements, and other preliminary work for purposes of achieving greater efficiencies and cost savings throughout the region; and

Whereas, CRA Infrastructure & Engineering, Inc (the "Consultant") was retained by the Sponsor to determine the potential for cost savings associated with consolidating water and wastewater treatment services; and

Whereas, the Consultant identified various consolidation combinations of water and wastewater treatments services and prepared a Feasibility Report that recommended two feasible water treatment and supply consolidation alternatives; and

Whereas, the Participants desire to continue their cooperation, by way of seeking greater efficiencies and effectiveness in the delivery of water by moving towards implementing the consolidation of water supply and treatment between the LKPT and NT as described in the Feasibility Study Water Alternative Number Two (the "Project");

Whereas, completion of the Project will mutually benefit the Participants by reducing operational costs and avoiding future capital costs in LKPT and NT and for the NFWB by maintaining the potential of implementing Water Alternative Number one in the future;

Whereas, the parties have prepared an inter-municipal cooperation agreement for the purposes of completing the Project if additional grants for further study and possible implementation are awarded;

Whereas, the Participants agree that LKPT and NT will be responsible for the required ten percent (10%) matching funds of the Efficiency Implementation Grant if awarded; now, therefore be it

Resolved, that the Mayor of Lockport (or designee) is authorized to apply for additional funding under the NYSDOS Efficiency Implementation Grant Program for further study and possible implementation the Project, and it is further

Resolved, that the Mayor of Lockport is authorized to execute an inter-municipal cooperation agreement, a copy of which is incorporated herein by reference, to complete the Work Plan as included in the grant application, and be it further

Resolved, that the City of Lockport is hereby designated as the "Lead Agency" for this Efficiency Implementation Grant and the Mayor (or designee) is fully authorized to apply and execute all administrative and financial processes to supervise the grant.

Seconded by Alderman McKenzie and adopted. Ayes 5. Nay 1 – Ald. Chapman.

**121510.12**

## **ADJOURNMENT**

At 6:19 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, January 5, 2011.

Seconded by Alderman Genewick and adopted. Ayes 6.

RICHARD P. MULLANEY  
City Clerk