

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

November 21, 2012
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, Lombardi, McCaffrey, Fogle, Schrader, and Genewick.

RECESS

Recess for public input.

112112.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of November 7, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 6. 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)

11/13/12 Daniel E. Seaman, 76 West Avenue, Lockport, NY – Notice of Public Hearing on December 5, 2012 for the proposed Amendment to the Zoning Ordinance of The Town of Lockport Town Code.

Referred to the Committee of the Whole

11/19/12 New York State Department of Transportation – Notice of Public Information Meeting on November 29, 2012 re: the Study of North Adam Street Bridge.

Referred to the Committee of the Whole

Notice of Defect:

11/7/12 120 Juniper Street, Lockport, NY – tree
11/13/12 71 Erie Street, Lockport, NY – tree
11/15/12 156 Spalding Street, Lockport, NY – trees
11/15/12 48 Prospect Street, Lockport, NY – tree
Referred to the Director of Engineering.

MOTIONS & RESOLUTIONS

112112.2

By Alderman Genewick:

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 23, 2012.

Seconded by Alderman Kibler and adopted. Ayes 6.

112112.3

By Alderman Genewick:

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

Seconded by Alderman Lombardi and adopted. Ayes 6.

112112.4

By Alderman Kibler:

Resolved, that the Common Council Rules & Orders are hereby amended as follows:
(changes are in **bold**)

30. Recess for public input. Following roll call at the Common Council meetings, any speaker desiring to speak at the Common Council meetings that signs up prior to the commencement of the meeting may be heard regarding city business on the Agenda for a period not to exceed 3 minutes with a 1 minute warning to conclude his or her speaking. At the close of the Common Council meeting any speaker that has signed up who desires to speak will be allowed to speak on matters concerning the General Welfare of the City for a period not to exceed 5 minutes with a 1 minute warning to conclude his or her speaking. **No speaker shall be permitted to transfer their time to another speaker.**

Seconded by Alderman McCaffrey and adopted. Ayes 6.

112112.5

By Alderman Schrader:

Resolved, that a public hearing be held at the Common Council Meeting of December 4, 2012 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Benderson Development, for approval for a car rental business to be located at 477 South Transit Street, situated in a B-2 Zone, and be it further

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

Seconded by Alderman Fogle and adopted. Ayes 6.

112112.6

By Alderman Schrader:

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 Genewick and adopted. Ayes 6.

112112.7

By Alderman Genewick:

Resolved, that the City of Lockport 2013 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
2013 WATER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$ 1,264,470
Equipment	245,000
Contractual	863,225
Fringe Benefits	1,162,032
Debt Services	381,352
Special Items	83,500

Total Appropriations:	\$3,999,580
Estimated Revenues:	\$3,999,580

Seconded by Alderman Schrader and adopted. Ayes 6.

112112.8

By Alderman Genewick:

Resolved, that the City of Lockport 2013 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
2013 SEWER FUND BUDGET SUMMARY**

Appropriations:

Personal Services	\$ 1,226,377
Equipment	139,300
Contractual	1,041,225
Fringe Benefits	1,122,788
Debt Service	632,777
Special Items	84,000

Total Appropriations:	\$ 4,246,467
Estimated Revenues:	\$ 4,246,467

Seconded by Alderman Schrader and adopted. Ayes 6.

112112.9

By Alderman Genewick:

Resolved, that the City tax budget for fiscal year 2013, containing appropriations for operating City departments, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2013 GENERAL FUND BUDGET SUMMARY

Budget Appropriations:

Personal Services	\$ 11,108,309
Equipment	105,665
Contractual	2,723,396
Fringe Benefits	7,902,899
Undistributed	675,562
Total Appropriations:	\$ 22,515,831

LESS: Estimated Revenues:	12,030,104
Estimated Fund Balance:	-

Amount to be raised through property taxation:	\$ 10,485,727
Assessed Valuation:	\$711,895,214

REAL PROPERTY TAX RATE: \$ 14.729312 per \$1,000 ASSESSED VALUATION

Seconded by Alderman Kibler and adopted. Ayes 6.

112112.10

By Alderman Genewick:

Resolved, that the City of Lockport 2013 Budget containing appropriations for operating the City's Refuse & Recycling, be and the same is hereby adopted as follows:

CITY OF LOCKPORT, NEW YORK
2013 SPECIAL REVENUE FUND – RECYCLING & REFUSE SUMMARY

Appropriations:

Personal Services	\$ -
Equipment	-
Contractual	1,077,000
Fringe Benefits	-
Debt Principal	166,860
Total Appropriations:	\$ 1,243,860
Estimated Revenues:	\$ 1,243,860

Seconded by Alderman Schrader 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 Fogle and adopted. Ayes 6.

112112.10A

By Alderman Lombardi:

WHEREAS, the City of Lockport ("City") is a New York Municipal Corporation with offices at One Locks Plaza, Lockport, New York, 14094 and the Greater Lockport Development Corporation ("GLDC"), is a Local Development Corporation with offices also at One Locks Plaza, Lockport, New York, 14094, and

WHEREAS, the City and the GLDC initially acquired the 3 Niagara Street, 16 Church Street, 49 Richmond Avenue, 51 Richmond Avenue, 53, Richmond Avenue, 57 Richmond Avenue, 69 Richmond Avenue, 79 Richmond Avenue and 81 Richmond Avenue from private owners by negotiated sale on November 6, 2001, May 24, 1999, January 11, 2002, and August 2, 2001. The street was then renamed from "Richmond Avenue" to "Canal Street." Canal Street is located in the center of the City, one city block east from City Hall and one City block north of Main Street, and

WHEREAS, prior to the City's acquisition of the block, the buildings were in varied states of disrepair and required extensive environmental remediation, demolition, renovation and restoration to buildings 51, 57, 78 and 81 Canal Street, and

WHEREAS, on August 28, 1997, the City received a grant from the U.S. Department of Housing and Urban Development ("HUD"), Canal Corridor Initiative, Section 108 Loan Guarantee Program, number B-97-DH-36-0043, for \$1,000,000. The HUD grant was used to conduct architectural and environmental studies, complete asbestos surveys and start the site work for phase I of the project – the repair of the roofs on buildings 51, 57, 79 and 81 Canal Street. The City and the GLDC also received a U.S. Department of Housing and Urban Development Community Development Block Grant for Small Cities in 1999 in the amount of \$144,455, to complete the above roof repair and \$50,300 for street and site improvements for Phase II. On January 25, 2002 the City received a grant for the New York State Department of Environmental Conservation ("NYSDEC"), 1996 Clean Water/Clean Air Bond Act, Environmental Restoration Project, Title 5, Project B00154-9, for \$270,000. On November 7, 2002 the City received an additional \$187,500 and 131,185 in funding by grant amendments. The above NYSDEC funds were used to clean up environmental contamination on the block, remove asbestos and demolish some of the buildings. The GLDC spent \$77,725 to clean up environmental contaminants and \$75,685 to remove asbestos and demolished some buildings and rehabilitated buildings 51, 57, 78 and 81, and

WHEREAS, in addition to the above improvements by the GLDC, the City and the GLDC made certain street and site improvements during Phase I and II of the project with funding from Senator Maziarz's Member Item of \$234,000, \$515,416 from the New York State Department of State Environmental Protection Fund and Quality Community Grant, \$200,000 from the Capital Highway Improvement Program ("CHIPS"), \$109,929 from the City Bed Tax revenue, and \$50,000 from the Department of Housing and Community Renewal for \$50,000, and

WHEREAS, the City of Lockport is the titled owner to the subject premises by deed dated June 29, 2006 and recorded in the Niagara County Clerk's Office on July 7, 2006 in Liber 3364 of Deeds at page 308, and

WHEREAS, the City of Lockport leased the subject premises to the Greater Lockport Development Corporation dated June 29, 2006 and recorded in the Niagara County Clerk's office on July 7, 2006 in Liber 3364 of Deeds at page 315 for a period of forty-two (42) years for purposes of redevelopment, leasing and eventual sale, and

WHEREAS, on June 29, 2006 the GLDC retained Benton Kendig (Richlock, LLC) as the Preferred Developer for the block and entered into a (i) Lease Agreement, (ii) Development Agreement, (iii) Site Management Agreement, and (iv) Loan Agreement with Richlock, LLC to rehabilitate buildings 51, 57, 78 and 81 Canal Street. Once the rehabilitation was completed, the City and the GLDC terminated Richlock's obligations in May 2008 and purchased all of Richlock's right, title and interest in (i) the Lease Agreement, (ii) the Development Agreement, (iii) the Site Management Agreement, (iv) the Loan Agreement, (v) any and all permits, licenses and approvals used or usable in connection with the Premises, and (vi) all plans and specifications, lists of contractors, warranties, lists of all materials used such as doors and windows, all vendors and suppliers and a description of contracts pertaining thereto, drawings, surveys, environmental studies, books and records, engineering reports and other written documentation prepared, used or usable in connection with the construction and maintenance of the Premises, and

WHEREAS, at the conclusion of the remediation and restoration project, the R.W. Bronstein Corp. appraised 79-81 Canal Street at \$80,000, 51 Canal Street at \$75,000 and 57 Canal Street at \$355,000, and

WHEREAS, since re-acquiring the Developer's interests in the block, all of the aforesaid buildings sat vacant for more than two years, and

WHEREAS, the area is economically depressed and in desperate need of jobs and pedestrian traffic, and

WHEREAS, in an effort to generate interest in the block, the GLDC retained Waterbourne Realty who placed signage in front of the buildings, advertised on a national commercial real estate website known as LoopNet, made property information available on it's website, produced a color marketing piece that has been distributed to target audiences and the commercial brokerage industry throughout Upstate new York. As a result of Waterbourne's successful marketing efforts Lake Effect Ice Cream submitted a proposal dated November 15, 2012 for the sum of \$50,000, and

WHEREAS, the GLDC passed a resolution on November 15, 2012 authorizing the release of this parcel from their 42 year lease for the sum of \$50,000 upon the condition that at closing the warranty deed and related closing documents contain (1) a reversion clause that in the event the Lake Effect Ice Cream does not obtain a certificate of occupancy within six (6) months of closing the subject property shall revert to the Greater Lockport Development Corporation and (2) a permanent easement to use the parking lot adjacent to and immediately north of the premises by the City of Lockport to Purchaser.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to convey 79-81 Canal Street, Lockport, New York to Lake Effect Ice Cream for the sum of \$50,000 payable to the GLDC upon the following conditions:

- (1) That at closing the warranty deed from the City and related closing documents contain a reversion clause that in the event Lake Effect Ice Cream does not obtain a certificate of occupancy within six (6) months of closing the subject property shall revert to the GLDC;
- (2) That a permanent easement be granted to use the parking lot adjacent to and immediately north of the premises.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

112112.10B

By Alderman Kibler:

WHEREAS, the City is the successor in interest and title to Lockport Urban Renewal Agency, and

WHEREAS, St. Joseph's Roman Catholic Church is the successor in interest and title to St. Joseph's Roman Catholic Church Society of Lockport, New York, Inc., and

WHEREAS, St. Mary's Roman Catholic Church is the successor in interest and title to the Catholic Society of Saint Mary's Church, and

WHEREAS, An Urban Renewal Plan was adopted by the Lockport Urban Renewal Agency and approved by the Common Council of the City of Lockport on June 9, 1969, and

WHEREAS, St. Mary's Roman Catholic Church and St. Joseph's Roman Catholic Church are in the process of transferring title from St. Mary's Roman Catholic Church and title from St. Joseph's Roman Catholic Church to All Saints Roman Catholic Parish of Lockport, New York, and

WHEREAS, the Warranty Deed from the Lockport Urban Renewal Agency to St. Joseph's Roman Catholic Church Society of Lockport, New York, Inc. dated August 9, 1974, and recorded August 13, 1974 in Liber 1560 of Deeds at page 1174 with the Niagara County Clerk and the Warranty Deed from the Lockport Urban Renewal Agency to Catholic Society of Saint Mary's Church dated February 27, 1975 and recorded on March 4, 1975 in Liber 1567 of Deeds at page 546 with the Niagara County Clerk contain building and use restrictions and provide for reversioning of title in the event of violations of the terms and conditions of the above Urban Renewal Plan, and

WHEREAS, the City wishes to terminate the above Building and Use Restrictions and Reversioning clauses, and

NOW THEREFORE, the Mayor be and is hereby authorized to execute a Termination and Release Agreement among St. Joseph's Roman Catholic Church, St. Mary's Roman Catholic Church and All Saints Church of Lockport, New York for the aforesaid Urban Renewal Plan adopted by the Urban Renewal Agency and City on June 9, 1969.

Seconded by Alderman Fogle and adopted. Ayes 6.

By Alderman Genewick:

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

Seconded by Alderman McCaffrey and adopted. Ayes 6.

112112.10C

By Alderman Kibler:

WHEREAS, for the past 2 years, the City of Lockport Police Department has assigned a City of Lockport Police Officer to the DEA Task Force in Buffalo, and

WHEREAS, this Task Force is composed of police officers from over a dozen local agencies and targets drug dealing throughout Western New York, and

WHEREAS, the benefits of participating in DEA Task Force include but are not limited to:

- The city receives a monetary percentage of all assets seized from federal drug investigations. To date, drug forfeitures to the City of Lockport have included 6 vehicles (2 Mercedes Benz, Chevrolet Corvette, and 3 Dodge passenger vans with a value of about \$100,000 as well as over \$100,000 in cash.
- It allows access to federal intelligence gathering regarding drug dealing;
- A significant quantity of illegal drugs destined for Lockport are intercepted before the drugs arrive in our city, greatly easing our local enforcement efforts;
- Makes federal manpower available for local criminal investigation;
- Prescription Drug drop off events are held twice per year in our city. In the past two years almost 1 ton of prescription drugs have been collected at these DEA sponsored events in our city;
- Increased use of wire taps and other advanced investigative tools that would otherwise be unavailable and unaffordable to a local police agency;
- Networking opportunities with federal law enforcement agencies that increases efficiency of local criminal investigations;
- Increased federal training opportunities for local police officers; and

WHEREAS, the Police Board has recommended the establishment of the rank of Detective and the promotion of the present DEA Task Force representative to the new rank of Detective, and

WHEREAS, the job title will be "Detective" and will be afforded all prerogatives of said rank listed in the CBA between the City of Lockport and Hickory Club, and

WHEREAS, upon the creation of a new position of Detective and the promotion of the current DEA Task Force representative to the new Detective rank another officer will be appointed to replace the outgoing DEA Task Force representative, and

NOW THEREFORE BE IT

RESOLVED, that the budget be and is hereby amended by creating an additional position of Detective with all the benefits as provided in the Collective Bargaining Agreement between the City and the Hickory Club, and be it further

RESOLVED, that the Mayor be and is hereby authorized to execute a mutually agreeable Memorandum of Agreement with the Hickory Club establishing the new Detective position.

Seconded by Alderman Lombardi and adopted. Ayes 6.

112112.11

ADJOURNMENT

At 6:20 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, December 5, 2012.

Seconded by Alderman Schrader and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk