

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 15, 2019
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 Devine, Eggert, Oates and Wohleben.

Aldermen Abbott and Farrell absent.

MAYOR'S UPDATE

RECESS

Recess for public input.

051519.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of May 1, 2019 are hereby approved as printed in the Journal of Proceedings. Ayes 4. Carried.

PUBLIC HEARING

The Mayor announced a joint public hearing with the Town of Lockport for the annexation of adjoining territory known as 360 Davison Road, Lockport, New York.

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

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the building at 135 Charlotte Street for a takeout restaurant.

The Mayor asked the City Clerk if any petitions or communications relative to said Special Use Permit have been received.

5/10/19 Charlene Seekins-Smith, Chairman, Lockport Planning and Zoning Board – the board recommends the request be approved.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

5/9/19 Teresa M. Rucci, 359 East Union Street, Lockport, NY – appointed as Deputy City Treasurer for the Treasurer’s Department effective May 9, 2019. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations. Received and filed.

5/13/19 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Michelle M. Roman, Mayor of the City of Lockport, do hereby create the Ad-Hoc Citizen Advisory Committee effective today, May 13, 2019, and make the following appointments:

- | | |
|------------------------|----------------------|
| Tracy L. Demmin | 207 Garden Street |
| John T. Timkey | 27 Bewley Parkway |
| Jay C. Krull | 71 Lakeview Parkway |
| Susan M. Pope | 619 East Avenue |
| Lisa A. Swanson | 86 Roby Street |
| Patrick T. Creamer | 15 Lakeview Parkway |
| Robert W. McCartin | 22 McCollum Street |
| Udeme Ukutt | 65 Continental Drive |
| Kevin H. Carroll | 518 Prospect Street |
| Wael A Isa | 40 Locust Street |
| Donald A. Stevens | 230 State Road |
| William J. Hammond II | 83 Davison Road |
| Margaret P. Lupo | 17 Bob-O-Link Lane |
| Christina J. Quagliano | 700 Niagara Street |
| Sandra K. Mesler | 198 Ontario Street |

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)

4/30/19 David Huntington, Fair Director Cornell Cooperative Extension, Niagara County – request permission to erect a banner across East Avenue to promote the 2019 Niagara County Fair from July 24 thru August 4.

Referred to the Committee of the Whole.

5/9/19 Kyle and Dawn Lambalzer, Matthew and Danielle Warchocki, 2019 Lockport in Bloom Committee- request permission to hold their 15th Annual Garden Walk on July 13th and 14th. Also request permission to install a banner and signage promoting same.
Referred to the Committee of the Whole.

5/15/19 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices will be closed as follows in the month of May in observance of Memorial Day.

Monday, May 27

Garbage will be collected on the day following regularly scheduled collection that week.

Referred to the Media

Notice of Defect:

- 4/26/19 602 Willow Street - tree
- 5/2/19 423 East Avenue – trees
- 5/3/19 37 Hyde Park – trees
- 5/8/19 56 Livingston Place – tree
- 5/14/19 193 West Avenue - tree

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

051519.2

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 May 15, 2019 as follows:

General Fund	Fund A	\$ 82,534.72
Water Fund	Fund FX	\$ 20,283.25
Sewer Fund	Fund G	\$ 32,530.57
Capital Projects	Fund H	\$106,972.04
Refuse Fund	Fund CL	\$ 92,535.99
Self Insurance	Fund MS	\$140,495.10
Worker's Comp	Fund S	\$ 16.27
Payroll	Pay Date	\$

Seconded by Alderman Wohleben and adopted. Ayes 4.

051519.3

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to the residents of Howard Avenue to barricade their Street from East Avenue to E. Union Street on May 26, 2019, for a block party, 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 Eggert and adopted. Ayes 4.

051519.4

By Alderman Oates:

Resolved, that pursuant to their request, Cornell Cooperative Extension, Niagara County is hereby granted permission to erect a banner at least 17' from the ground across East Avenue at Davison Road to promote the 2019 Niagara County Fair. Banner is to be erected from July 24 thru August 4, 2019 based on a schedule approved by the City Clerk, and be it further

Resolved, that said permission is subject to Cornell Cooperative Extension, Niagara County filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to payment of \$50, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banner.

Seconded by Alderman Wohleben and adopted. Ayes 4.

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 4.

051519.5

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

ORDINANCE DATED MAY 15, 2019.

ORDINANCE REPEALING CERTAIN PREVIOUSLY ADOPTED SERIAL BOND AUTHORIZATIONS.

WHEREAS, the Common Council of the City of Lockport, Niagara County, New York, has heretofore pursuant to various bond ordinances duly adopted by said Common Council on various dates authorized financing for various capital improvements in and for said City, including incidental improvements and expenses in connection therewith, and

WHEREAS, it has now been determined that all or a portion of certain of said financing authorizations will not be required for said capital projects and it is now desired to repeal solely from said serial bond authorizations of said ordinances, the unused portion thereof; NOW, THEREFOR, BE IT

RESOLVED, 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 serial bond authorizations of the bond ordinances listed on the attached Appendix A are hereby repealed to the extent indicated therein; provided, however, such repeal shall only be effective to the extent any such authorization to be repealed has not heretofore utilized for the issuance of obligations of the City therefor.

APPENDIX A

BOND ORDINANCES SUBJECT TO REPEAL IN WHOLE OR PART

<u>ADOPTION DATE</u>	<u>CAPITAL PROJECT</u>	<u>AMOUNT AUTHORIZED</u>	<u>AMOUNT HEREBY REPEALED</u>
10/5/2011	Purchase of municipal refuse and recycling carts	\$ 860,000	\$ 25,580
4/8/2012	Parking garage demolition and surface lot construction	2,625,000	890,000
6/20/2012	Reconstruction of parks and recreation facilities	250,000	105,000
6/20/2012	Sewer Department equipment	79,200	28,200
3/20/2013	Reconstruction of islands on Chestnut Street at the Ice Arena	53,000	53,000

Section 2. This ordinance shall take effect immediately and neither publication nor posting is required.

The adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman Abbott	VOTING	Absent
Alderman Devine	VOTING	Yes
Alderman Eggert	VOTING	Yes
Alderman Farrell	VOTING	Absent
Alderman Oates	VOTING	Yes

This ordinance was thereupon declared duly adopted.

By Alderman Wohleben:

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

Seconded by Alderman Oates and adopted. Ayes 4.

051519.6

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

BOND ORDINANCE DATED MAY 15, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$276,400 BONDS OF THE CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF A CULVERT ON PLANK 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 a culvert on Plank Road, in and for the City of Lockport, Niagara County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$276,400.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$276,400 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 91 based on subdivision 4 and subdivision 20(c) each 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 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	Absent
Alderman Devine	VOTING	Yes
Alderman Eggert	VOTING	Yes
Alderman Farrell	VOTING	Absent
Alderman Oates	VOTING	Yes
Alderman Wohleben	VOTING	Yes

The ordinance was thereupon declared duly adopted.

051519.7

By Alderman Devine:

WHEREAS, the City of Lockport's (City) most recent NYSDEC SPEDES Permit (Permit) for the Wastewater Treatment Plant (WWTP) requires disinfection upgrades to be implemented by 2022; and

WHEREAS the City has evaluated options to comply with the Permit and will be taking steps to implement Ultra Violet (UV) light disinfection at the WWTP and is currently seeking funding options to support the project; and

WHEREAS, the City has completed Part 1 of the Full Environmental Assessment Form (EAF) for this project and composed a letter to interested and involved agencies requesting to be Lead Agency for this project per City Resolution 032019.13; and

WHEREAS, the required 30-day comment period has expired and no interested or involved have objected to the City as Lead Agent for this project; now, therefore, be it

RESOLVED, that the City of Lockport shall be Lead Agency for this project in order to determine the environmental significance of this project.

Seconded by Alderman Eggert and adopted. Ayes 4.

051519.8

By Alderman Devine:

WHEREAS, the City of Lockport's (City) most recent NYSDEC SPEDES Permit (Permit) for the Wastewater Treatment Plant (WWTP) requires disinfection upgrades to be implemented by 2022; and

WHEREAS, the City has evaluated options to comply with the Permit and will be taking steps to implement Ultra Violet (UV) light disinfection at the WWTP and is currently seeking funding options to support the project; and

WHEREAS, the City had previously completed Part 1 of the Full Environmental Assessment Form (EAF), performed a coordinated review with interested and involved agencies and subsequently declared itself Lead Agent for the project; and

WHEREAS, The City of Lockport has determined that the proposed action is an Unlisted action pursuant to NYCRR 617.2 (a) as defined under SEQR; and

WHEREAS, the City has caused to be prepared a Full Environmental Assessment Form to consider the significance of and potential environmental impact of the action described above; and

WHEREAS, the City has conducted a coordinated review and considered Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared for this action; now, therefore, be it

RESOLVED, the City of Lockport declares that, based on the Full Environmental Assessment Form which has been prepared and on coordinated review process, the project will result in no significant adverse environmental impacts, and, therefore, a Negative Declaration under SEQR is issued for this project; and, be it further

RESOLVED, that the Mayor is hereby authorized to sign the required SEQR documentation for this project.

Seconded by Alderman Eggert and adopted. Ayes 4.

051519.9

By Alderman Eggert:

Resolved, that pursuant to their request, permission is hereby granted the residents of Orchard Street to barricade their Street from Waterman to Locust Street and at the top of Park Place on June 22, 2019, for a block party, 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 Oates and adopted. Ayes 4.

051519.10

By Alderman Wohleben:

Resolved, that the Youth Board is hereby granted permission to conduct an Independence Day Parade on Wednesday, July 3, 2019, commencing at 7:00PM at Ida Fritz Park, east on Main Street to Washburn Street, subject to the approval of the Parade route by the Police Chief and issuance of a parade permit by the City Clerk, and be it further

Resolved, that temporary no-parking signs be placed on the south side of Main Street for the parade, 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 the area prior to the event.

Seconded by Alderman Oates and adopted. Ayes 4.

051519.11

By Alderman Eggert:

Resolved, that pursuant to their request, the Lockport in Bloom committee is hereby granted permission to conduct their 15th annual Lockport In Bloom "City Garden Tour 2019" event the weekend of Saturday, July 13th and Sunday, July 14th, 2019 from 10:00 a.m. to 4:00 p.m., and from 6:30 – 9:30 pm on Friday, July 12th, and be it further

Resolved, that permission is also granted to hang signs advertising the event on the three Historic Lockport entrance signs beginning June 30th to July 14th and to erect 18" X 24" Lockport in Bloom garden signs in Ida Fritz Park, Locust Street Park, Children’s Memorial Park and Veteran’s Memorial Park, and be it further

Resolved, that permission is hereby granted to erect a vinyl banner across East Avenue at Davison Road at least 17 feet from the ground to promote Lockport in Bloom weekend. Banners are to be erected for a minimum of two weeks prior to the event based on a schedule approved by the City Clerk, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements to erect the banner.

Seconded by Alderman Wohleben and adopted. Ayes 4.

051519.12 Waive fees, Building Inspection - WITHDRAWN

051519.13

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted the residents of Lakeview Pkwy to barricade Lakeview Pkwy on July 6, 2019, for a block party, 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 Wohleben and adopted. Ayes 4.

051519.14

By Alderman Devine:

Resolved, that the request for a special use permit made by Eula Mae Collins to utilize the existing building as a takeout restaurant located at 135 Charlotte Street, Lockport, New York situated in a R-2 Zone, be and the same is hereby approved, subject to the following provisions:

- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- No outside storage of materials.
- Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Eggert and adopted. Ayes 4.

051519.15

ADJOURNMENT

At 6:03 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, June 5, 2019.

Seconded by Alderman Wohleben and adopted. Ayes 4.

RICHELLE J. PASCERI
City Clerk