

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 21, 2016
6:30 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Abbott, Devine, Oates, O'Shaughnessy, Mullane, and Wohleben.

INVOCATION

MAYOR'S UPDATE

TREASURER'S REPORT

RECESS

Recess for public input.

092116.1

APPROVAL OF MINUTES

On motion of Alderman Wohleben, seconded by Alderman _____, the minutes of the Regular Meeting of September 7, 2016 are hereby approved as printed in the Journal of Proceedings. Ayes _____. Carried.

FROM THE MAYOR

Appointments:

9/7/16 Under and by virtue of the authority conferred on me by the Charter of the City of Lockport, I, Anne McCaffrey, Mayor of the City of Lockport, do hereby create The Ad-Hoc Citizen's Committee for Refuse and Recycling, effective today September 7, 2016, and make the following appointments:

Sue Mawhiney, 499 Hawley Street
Richelle Pasceri, 39 Lindhurst Drive
Jeff Tracy, 5 Cherry Street
Dawn Timm, 59 Park Avenue
Joe O'Shaughnessy, 8 Berkley Drive

Received and filed.

9/21/16

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS

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 Defect:

- 9/7/16 36 Lakeview Parkway – trees
 - 9/8/16 76 Morrow Avenue – trees
 - 9/9/16 76 N. Adam Street – trees
 - 9/13/16 402 Prospect Street – tree
- Referred to the Director of Streets and Parks.

Notice of Claim:

9/20/16 Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Niagara County Local 832, City of Lockport Unit 7651, PO Box 7125, Capitol Station, 143 Washington Avenue, Albany, NY
 Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

092116.2

By Alderman Wohleben:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on September 23, 2016 as follows:

General Fund	Account #001	\$ 120,659.39
Water Fund	Account #002	\$ 181,713.38
Sewer Fund	Account #003	\$ 15,833.42
Capital Projects	Account #004	\$ 171,846.54
Refuse Fund	Account #012	\$ 92,133.83
Small Cities	Account #013	\$ 67,136.00
Self Insurance	Account #015	\$ 1,388.90
Worker's Comp.	Account #020	\$ 5,650.00
Payroll	Pay Date 9/15/16	\$ 488,638.81

Seconded by Alderman _____ and adopted. Ayes _____.

092116.3

By Alderman Wohleben:

Being prepared – Rezone 15 LaGrange Street

UPDATED MINUTES – INCLUDES ADDENDUM ITEMS

092116.4

By Alderman Wohleben:

Whereas, Empire State Development is administering a Restore NY program that grants up to \$500,000 for the rehabilitation of vacant properties consistent with municipalities' local revitalization or urban development plan; and facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and where applicable, develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities; and

Whereas, the Tuscarora Club is an architecturally significant, yet vacant property located in downtown Lockport; and

Whereas, the Tuscarora Club is identified as a Master Plan project in the City of Lockport's Brownfield Opportunity Area; and

Whereas, the Greater Lockport Development Corporation has determined the property is viable as a mixed-use property; and

Whereas, the Greater Lockport Development Corporation is committed to funding the required \$100,000 match if the Tuscarora Club is awarded funding; let it therefore be

Resolved, that the Common Council does find that the revitalization of the Tuscarora Club is consistent with the City of Lockport's revitalization plan; that the Greater Lockport Development Corporation's commitment to funding the required \$100,000 match is appropriate for this project; and that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resource; and develops and enhances a blighted property that may attract or create employment opportunities.

Seconded by Alderman _____ and adopted. Ayes _____.

092116.5

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted the residents of Charles Street to barricade Charles Street from East Avenue to Chestnut Street on September 30, 2016, 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 _____ and adopted. Ayes _____.

092116.6

By Alderman Wohleben:

Resolved, that pursuant to the request of Earl P. Garlock, property owner of 133 Waterman Street, permission is hereby granted to install and maintain a fence in the City's right-of-way at 133 Waterman Street subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the fence must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman _____ and adopted. Ayes _____.

092116.7

By Alderman Abbott:

WHEREAS, the Aero Apartments Housing Development Company, Inc. ("HDFC") holds fee simple title to 294 and 415 Elmwood Avenue, being tax map parcel number 109.15-1-34.111 and a portion of 109.15-1-33, in the City of Lockport, County of Niagara and State of New York (the "Property") and Aero Apartments, L.P. ("Taxpayer") will be the beneficial owner of a to-be constructed residential building consisting of sixty (60) units of affordable housing for rent to low-income individuals and/or families located at the property upon which it being anticipated that twenty-one (21) units will be targeted towards special needs tenants; and

WHEREAS, the development of these units located on the Property (a/k/a the "Packet Boat Landing Project") is of vital public interest to the City, and

WHEREAS, Section 581-a of the New York State Real Property Tax Law provides for the assessment of Taxpayer based upon the actual net operating income versus fair market value, and

WHEREAS, under the above tax law provision Taxpayer would be paying approximately \$8,000.00 in real property taxes to the City, County and School District, and

WHEREAS, Section 577 of the New York State Private Housing Law permits housing development fund companies and local legislative bodies of a municipality to enter into PILOT agreements, and

WHEREAS, Taxpayer and Aero have agreed to pay under a PILOT agreement the amount of \$12,000.00, with a two percent (2%) annual rental escalation in satisfaction of all property taxes.

NOW THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby directed and authorized to enter into a PILOT agreement with Aero and Taxpayer as follows:

- (1) The development will be carried forward and completed in accord with the provisions of Article XI of the New York Private Housing Finance Law.
- (2) The development will be carried out in compliance with the reasonable requirements of the Planning and/or Common Council of the City of Lockport including but not limited to any special requirements which the Planning and/or Common Council of the City of Lockport may impose regarding drainage, landscaping, utilities, traffic flow, and compliance with environmental and related laws and regulations.
- (3) The payments in lieu of taxes ("PILOT") period is to commence on the Commencement Date and be concurrent with the Project's use as affordable housing for special needs tenants, but shall not exceed thirty (30) years.
- (4) that upon the commencement of the City's next taxable status date following completion of the Packet Boat Landing Project described herein as evidenced by the issuance of the certificate of occupancy/compliance (the "Commencement Date"), the Taxpayer shall make full payment in lieu of taxes to the City, the County and the School District.
- (5) that commencing with the first fiscal year following the Commencement Date and continuing through the thirtieth tax fiscal year following the Commencement Date the Taxpayer shall make annual payments in lieu of general real estate taxes on

the land and buildings constituting the Packet Boat Landing Project in the amount of \$12,000.00, with a two percent (2%) annual rental escalation in satisfaction of all property taxes.

- (6) The Taxpayer shall pay the PILOT payment to be paid to the City on or before February 15th of each year and the PILOT payment shall be allocated and distributed proportionately by the Common Council of the City of Lockport among the City, the County and the School District based upon the applicable tax rates for the year prior to the receipt of the PILOT payment within thirty (30) days following receipt of the PILOT payment. The Taxpayer will be responsible for paying all special district assessments and other assessments applicable to the Packet Boat Landing Project as required by law.

Seconded by Alderman _____ and adopted. Ayes _____.

092116.7A

By Alderman _____:

Whereas, the City approved the Lockport Locks District Gateway Signage project to be financed with grant funds approved by the Greenway Commission and by the Dormitory Authority State of New York, and

Whereas, a change order in the amount of \$3,000.00 is needed to complete the project, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval be and the same is hereby authorized and directed to sign a change order in the amount of \$3,000.00.

Seconded by Alderman _____ and adopted. Ayes _____.

092116.8

ADJOURNMENT

At _____ P.M. Alderman Wohleben moved the Common Council be adjourned until 6:30 P.M., Wednesday, October 5, 2016.

Seconded by Alderman _____ and adopted. Ayes _____.

RICHELLE J. PASCERI
City Clerk