

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

September 18, 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 Abbott, Devine, Eggert, Farrell, Oates and Wohleben.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

091819.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of September 4, 2019 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)

9/6/19 Jason Madden, Assistant Principal, Lockport High School, 250 Lincoln Avenue, Lockport, NY – request permission to conduct a Homecoming Parade on October 19, 2019. Referred to the Committee of the Whole.

9/3/19 David Kinyon, Rotary Club of Lockport – request permission to hold its first annual Community Walk & Bike Event on October 5, 2019. Referred to the Committee of the Whole.

Notice of Defect:

- 9/4/19 310 Pine Street – tree
- 9/5/19 49 Scovell Street – tree
- 9/6/19 650 Walnut Street – tree
- 9/6/19 43-45 Price Street - tree
- 9/10/19 145 Jackson Street – tree
- 9/10/19 444 Washburn Street – tree
- 9/12/19 400 Willow Street – tree limb

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

091819.2

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 September 18, 2019 as follows:

General Fund	Fund A	\$ 151,219.88
Water Fund	Fund FX	\$ 39,131.60
Sewer Fund	Fund G	\$ 40,881.98
Capital Projects	Fund H	\$ 57,455.99
Refuse Fund	Fund CL	\$ 98,230.18
Self Insurance	Fund MS	\$ 10,125.22
Worker’s Comp	Fund S	\$ 6,225.00
Community Dev.	Fund CD	\$ 20,915.00
Payroll	Pay Date 9/12	\$ 466,701.63

Seconded by Alderman Eggert and adopted. Ayes 6.

091819.3

By Alderman Eggert:

WHEREAS the CLHA negotiating committee has recommended to the Board of Commissioners of the City of Lockport Housing Authority a salary increase for its employees; and

WHEREAS the Board of Commissioners of the City of Lockport Housing Authority has by resolution approved the recommendation; and NOW THEREFORE BE IT

RESOLVED that pursuant to Section 32(1) of the NYS Public Housing Law and subject to Corporation Counsel approval, salary increases for the City of Lockport Housing Authority employees are approved as follows:

For the CSEA Local 832 union employees:

- 3% increase for the fiscal year beginning April 1, 2019
- 3% increase for the fiscal year beginning April 1, 2020
- 3% increase for the fiscal year beginning April 1, 2021
- 3% increase for the fiscal year beginning April 1, 2022

For the Management Association employees:

- 3% increase for the fiscal year beginning April 1, 2019
- 3% increase for the fiscal year beginning April 1, 2020

3% increase for the fiscal year beginning April 1, 2021
3% increase for the fiscal year beginning April 1, 2022

Seconded by Alderman Oates and adopted. Ayes 6.

091819.4

By Alderman Wohleben:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct a Homecoming Parade in the City of Lockport on Saturday, October 19, 2019, starting at 12 p.m., subject to approval of the parade route by the Police Chief and issuance of a parade permit by the City Clerk.

Seconded by Alderman Farrell and adopted. Ayes 6.

091819.5

By Alderman Wohleben:

Resolved, that pursuant to their request, the Rotary Club of Lockport is hereby granted permission to conduct their first annual Community Walk & Bike Event on Saturday, October 5, 2019 between the hours of 9:00 a.m. – 12:00 p.m. and to gather at the parking lot located at 55 Stevens Street as the starting point, traveling along Stevens Street across the Bridge to the trailhead located on State Street for the Canalway Trail, subject to approval of the walk route by the Police Chief and the Rotary Club of Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to make arrangements to deliver traffic cones on said date.

Seconded by Alderman Abbott and adopted. Ayes 6.

091819.6

By Alderman Oates:

Resolved, that pursuant to the request of Bonjour Crepes, 41 East Avenue, Lockport, NY, permission is hereby granted to erect a 2-foot by 3-foot A-Frame sign in the City's right-of-way on East Avenue 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 sign must be removed,

that the sign can only be displayed during business hours,

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 Wohleben and adopted. Ayes 6.

091819.7

By Alderman Abbott:

Whereas, the City of Lockport Police Department receives, from time to time, funds generated from forfeiture through the Drug Enforcement

Administration Task Force, which are to be used for the training, purchase, maintenance and/or replacement of capital equipment within the Police Department; and

Whereas, the City must amend its 2019 budget to properly account for the receipt and use of these funds; and

Whereas, the Lockport Police Department has identified a need to work with Lexipol in order to gain accreditation for the department, at a cost of \$24,711. This is a permissible use of such shared funds; now, therefore, be it

Resolved, that the 2019 General Fund Budget is hereby amended as follows:

Revenue:

Increase: A.3120.34389 Other Federal Public Safety \$24,711

Expense:

Increase: A.3120.54115 Computer Licenses and Software \$24,711

Seconded by Alderman Wohleben and adopted. Ayes 6.

091819.8 WITHDRAWN – Noise Ordinance

By Alderman Eggert:

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

Seconded by Alderman Farrell and adopted. Ayes 6.

091819.9

By Alderman Abbott:

WHEREAS, before the Common Council is a proposed Local Law entitled “A Local Law Establishing a Moratorium on Approvals in the RA Reserve District, for a Period of 6 Months”; and

WHEREAS, the proposed Local Law is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the City properly referred the Local Law to the County, pursuant to Section 239-m of the New York General Municipal Law; and

WHEREAS, a public hearing on the Local Law was duly held, and members of the public were heard thereon;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Lockport as follows:

1. The attached Local Law Establishing a Moratorium on Approval in the RA Reserve District, for a Period of 6 Months, is hereby adopted, and shall take effect upon filing with the New York Secretary of State.
2. This Resolution shall be effective immediately.

LOCAL LAW NO. 1 - 2019

A local law establishing a moratorium on approvals in the RA Reserve District, for a period of 6 months

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

SECTION I. LEGISLATIVE FINDINGS.

The Common Council of the City of Lockport has recently reviewed a Petition for annexation of the Town of Lockport portion of 360 Davison Road into the City. The zoning of that property was put in place by the 1984 Code adoption. In 1998, the City adopted the City of Lockport Comprehensive Plan. In regard to the RA Reserve District, the plan recommended (at p. 69) "review the RA Reserve Area (Article XIV) district regulations to ensure their fit with the completed Comprehensive Plan but retain this district as one which is clearly appropriate to the City's unique topographical and geological conditions." This has not been done and Council believes the Plan and Code should be immediately reviewed, and that the recent sale of the former County Infirmary makes time of the essence. The Council further believes the review should be a joint City-Town exercise, to ensure the values of the joint community are represented.

SECTION II APPLICABILITY

1. For a period of six months from the effective date of this Local Law, no Zoning application for an approval under Chapter 190 of the City Code for property in the RA Reserve District shall be approved by any board with appropriate authority in the City of Lockport, including but not limited to the City Council, Planning Board or Zoning Board of Appeals, nor shall any approval or permit be issued by any official of the City of Lockport.
2. During the pendency of this moratorium, any party may submit an application for any approval, and the application, including any required referrals and public hearings, shall be processed in accordance with the City Code unless the applicant agrees to delay such review during the pendency of this Moratorium, however no decision shall be rendered.
3. Nothing in this Local Law shall suspend 1) the right of any party who has obtained a building permit prior to the effective date of this Local Law from continuing with any construction allowable under said permit, or 2) the right of any party who has obtained all approvals except a building permit prior to the effective date of this Local Law from obtaining a building permit and commencing any construction allowable under said permit.

SECTION III APPEAL PROVISIONS

The City Council shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, after public hearing or notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the town. Any request for an exception or variance shall be filed with City Clerk, and shall include a fee of one hundred dollars (\$100.00) for the processing of such application. All such applications shall be promptly referred to the Planning Board for a recommendation, and shall thereafter be remanded to the City Council for a public hearing and final decision.

SECTION IV REVIEW OF THE RA RESERVE DISTRICT

The Common Council hereby directs that a review of the RA Reserve District be undertaken by the Community Development Department, with consideration of updating the Comprehensive Plan and Zoning Code as potential outcomes. Further, the Council directs that the Town of Lockport should be invited to participate in the review, as a joint review is appropriate in a district where the municipal boundary runs through the subject properties.

SECTION V PENALTIES

Any person, firm, entity or corporation that shall violate the terms and provisions of this Local Law shall be subject to a penalty in the amount of one thousand dollars (\$1000.00) for each day such violation shall exist.

SECTION VI VALIDITY

The invalidity of a word, section, clause, paragraph, sentence, or part of provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

SECTION VII EFFECTIVE DATE

This law shall take effect immediately, as provided by the law, upon filing with the Secretary of State and shall remain in force and effect for a period six months from its effective date.

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

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

The Local Law was thereupon declared duly adopted.

091819.9A

By Alderman Eggert:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Herbert Rohde, a retired City of Lockport Police Detective who recently passed away.

Seconded by Alderman Abbott and adopted. Ayes 6.

091819.9B

By Alderman Oates:

Resolved, that pursuant to their request, permission is hereby granted to Emmanuel United Methodist Church to barricade Wakeman Alley on Saturday, October 26, 2019, for a "Trunk or Treat" 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 and traffic cones to said area prior to said event.

Seconded by Alderman Farrell and adopted. Ayes 6.

091819.10

ADJOURNMENT

At 6:08 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, October 2, 2019.

Seconded by Alderman Eggert and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk