

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 4, 2020
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, Kantor, Oates, Schratz, and Van De Mark.

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

030420.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Oates, the minutes of the Regular Meeting of February 18, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing to hear and consider a Local Law amending Chapter 38 of the Lockport City Code relative to PACE financing.

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

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing to hear and consider a Local Law to adopt a Ninety (90) day moratorium on ground mounted solar panel and solar farm installations within the City.

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

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Appointments:

2/26/20 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 make the following appointments to Commissioner of Deeds for the term of two years expiring on December 31, 2021:

- Autumn R. Mattox, 373 N. Transit Street, Lockport, NY 14094
- Leah Burns, 2739 Maple Avenue, Newfane, NY 14108
- Christopher Janese, 1508 Ferry Avenue, Niagara Falls, NY 14303
- Stephanie Teichman, 100 Haines Street, Lockport, NY 14094

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)

2/13/20 Barbara A. McGaffin, 114 Niagara Street, Lockport, NY – request permission to conduct the third annual Thomas C. Rotondo Jr. Memorial Scholarship Fund Road Race on July 25, 2020.

Referred to the Committee of the Whole.

2/24/20 Taren LaGamba, Western New York Historic Parks Associates, Inc. – permission to write and submit a grant to the William G. Mayne, Jr. Grant Fund for Community enhancement.

Referred to the Committee of the Whole.

Notice of Defect:

3/3/20 108 Jackson Street - sidewalk

Referred to the Director of Streets and Parks.

MOTIONS & RESOLUTIONS

030420.2

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 March 4, 2020 as follows:

Payroll Pay Date 2/27 \$530,401.37

Seconded by Alderman Kantor and adopted. Ayes 6.

030420.3

By Alderman Vandemark:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Charles J. Morello, Jr.	25	Firefighter
Todd A. Chenez	20	Police Lieutenant Detective
Yvonne N. Prica	20	Senior Acct. Clerk
David P. Pytlik	10	Police Lieutenant
James C. Bennett	5	Sr. Water Treatment Operator

Seconded by Alderman Abbott and adopted. Ayes 6.

030420.4

By Alderman Kantor:

Resolved, that pursuant to their request, the Palace Theater is hereby granted permission to place a dumpster on Elm Street directly below their Corporate Sponsor Banner for the months of March and April 2020 for the duration of their renovation project. Said permission is subject to the Palace Theatre filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Vandemark and adopted. Ayes 5. Ald. Schratz Abstained.

030420.5

By Alderman Kantor:

Resolved, that pursuant to their request, the Thomas C. Rotondo, Jr. Scholarship Fund is hereby granted permission to conduct a fundraising event including a 5k run and 1 mile walk in the memory of former Lockport Mayor Thomas Rotondo, Jr. on Saturday, July 25, 2020 at Widewaters Marina starting at approximately 8:00 am subject to approval of the run/walk route by the Police Chief, and be it further

Resolved, that permission is granted to use the park pavilion, restrooms and place a portable stage adjacent to the west side of the restroom building at Widewaters, and also to have music for said event, subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Devine and adopted. Ayes 6.

030420.6

By Alderman Devine:

Resolved, that a public hearing be held at the Common Council Meeting of March 18, 2020 starting at 5:30 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 Silva, LLC / Joseph M. Silva, to use a portion of the building for an art/pottery business and to install three wall signs to be located at 485 Niagara Street, situated in a R-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 Schratz and adopted. Ayes 6.

By Alderman Vandemark:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

030420.7

By Alderman Abbott:

**City of Lockport
Local Law No. 2 of the year 2020**

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM
(OPEN C-PACE) IN THE CITY OF LOCKPORT**

Be it enacted by the City of Lockport (the “Municipality”) as follows:

Section 1. Chapter 38 of the Lockport City Code is hereby amended by deleting the same in its entirety and replacing it with this local law known as the “Energize NY Open C-PACE Financing Program” that shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly

Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the City of Lockport, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of

Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;

- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC,

on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

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

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes

Alderman Vandemark

VOTING

Yes

The Local Law was thereupon declared duly adopted.

030420.8

By Alderman Vandemark:

**City of Lockport
Local Law No. 3 of the year 2020**

A Local Law “Imposing a Ninety (90) Day Moratorium on Ground Mounted Solar Panel and Solar Farm Installations within the City”

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

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to amend the Code to place a ninety (90) day moratorium on the processing, permitting and/or construction of ground mounted solar panels and solar farms within the City to allow time for the drafting and adoption of amendments to the Code of the City of Lockport affecting these types of uses. These amendments, among other things, will amend the location where ground mounted solar panels and solar farms may be allowed set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the City of Lockport and its citizens.

SECTION 2. FINDINGS.

The City of Lockport Common Council does hereby find that without a temporary halt on the processing, permitting, and approvals for ground mounted solar panels and solar farms there is the potential that such uses could be located in unsuitable areas within the City and/or on particular lots without adequate dimensional regulations for, such uses would have materially adverse and irreversible impacts on the City.

The Common Council also finds that it is in need of time to perform the necessary analysis of the potential types of ground mounted solar panels and solar farms that could be located in the City. By maintaining the status quo regarding such uses the Common Council can provide for the planned orderly growth and development of the City.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY.

For the period commencing on the effective date of this Local Law, and for ninety (90) days thereafter, there shall be a moratorium on the processing, permitting, and/or construction of ground mounted solar panels and solar farms within the City of Lockport. This moratorium shall not effect an existing or proposed rooftop-mounted solar energy system that is designed and intended to generate electricity solely for use on said lot.

SECTION 4. TERM.

This moratorium shall be in effect for a period of ninety (90) consecutive days from its effective date.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

This law shall be effective upon filing with the Office of the Secretary of State.

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

Alderman Abbott	VOTING	Yes
Alderman Devine	VOTING	Yes
Alderman Kantor	VOTING	Yes
Alderman Oates	VOTING	Yes
Alderman Schratz	VOTING	Yes
Alderman Vandemark	VOTING	Yes

The Local Law was thereupon declared duly adopted.

030420.9

By Alderman Oates:

WHEREAS, the City of Lockport (City) proposes to conduct a Wastewater Engineering Planning Study to identify locations of excessive infiltration and inflow and to prioritize rehabilitation activities for the City’s wastewater collection system; and

WHEREAS, the City of Lockport prepared a successful application for a NYS Environmental Facilities Corporation (NYSEFC) Engineering Planning Competitive Grant Program to investigate sewers tributary to CSO 14 which will fund a maximum of 80% of the proposed Planning Study costs up to \$30,000, and

WHEREAS, NYSEFC requires that the City submit an executed engineering agreement in order to enter into a Grant Agreement between NYSEFC and the City; and

WHEREAS, the City’s engineering consultant Nussbaumer & Clarke, Inc. assisted the City with preparation of the grant application and submitted a proposal dated February 25, 2020 to provide engineering services related to the CSO 14 tributary evaluation; and

WHEREAS, TECsmith, Inc. submitted a proposal to the City dated February 3, 2020 for flow monitoring services required for the CSO 14 tributary evaluation and has successfully competed similar work for the City on previous such studies; NOW, THEREFORE, BE IT:

RESOLVED, that the Mayor is authorized to execute agreements for the proposal dated February 25, 2020 from Nussbaumer & Clarke, Inc. for \$17,700 and proposal dated February 3, 2020 from TECsmith for \$18,300 to complete the proposed Wastewater Planning Study; and BE IT FURTHER

RESOLVED, that no work shall commence on the project until the Grant Agreement is executed between the City and New York State Environmental Facilities Corporation.

Seconded by Alderman Abbott and adopted. Ayes 6.

030420.10

By Alderman Kantor:

Resolved, that pursuant to their request, the VFW Post 2535, organizers for a Leprechaun 5K run and Leprechaun-in-training 1 mile walk are hereby granted permission to conduct the run and walk on March 14, 2020 starting at 9:00 am, subject to the VFW filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and subject to approval of the race route by the Police Chief, and be it further

Resolved, that the Director of Streets and Parks is hereby authorized and directed to arrange for delivery of barricades to said area prior to the event.

Seconded by Alderman Devine and adopted. Ayes 6.

030420.11

By Alderman Vandemark:

Resolved, that pursuant to their request, Molinaro's Ristorante is hereby granted permission to close Pine Street from South Street to Walnut Street and to use City parking lot #5 on Sunday, August 2, 2020 from 9:00 a.m. to 9:00 p.m. to conduct an Italian Festival, and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that said permission is subject to Molinaro's 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 arrange for delivery of "street closed" signs, barricades, picnic tables and traffic cones to the area prior to the event.

Seconded by Alderman Schratz and adopted. Ayes 6.

030420.12

By Alderman Schratz:

Resolved, that pursuant to their request, permission is hereby granted to Niagara Hospice to conduct their Annual Hospice Gran Fondo Bike Ride, on Saturday, August 1, 2020 beginning at 8:00 a.m. subject to approval of the race route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kantor and adopted. Ayes 6.

030420.13

By Alderman Abbott:

Whereas, on February 26, 2020, the City received a proposal from I-Evolve to provide VMWare support to the City for a period of three years at a total amount of \$3,051.84; and

Whereas, the services provided by I-Evolve are deemed to be professional services, which are exempt from the City procurement policy; now therefore be it

Resolved, that the Mayor is authorized to enter into a contract with I-Evolve for VMWare support for three years at an amount not to exceed \$3,051.84.

Seconded by Alderman Oates and adopted. Ayes 6.

030420.13A

By Alderman Devine:

Resolved, that Taren LaGamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2020 William G. Mayne, Jr. Grant Fund for a grant to be used for community enhancement.

Seconded by Alderman Schratz and adopted. Ayes 6.

030420.13B

By Alderman Abbott:

WHEREAS, the Common Council of the City of Lockport (the "Common Council") has received the Application of Cazenovia Recovery Systems, Inc.'s ("CRS") seeking to rezone and redevelop the site of the former Niagara County Infirmity, located at 102 Davison Road, Lockport, New York for multi-family residential use (herein the "Proposed Action"); and

WHEREAS, the CRS request amounted to a request for spot zoning, and therefore, to accommodate the request the Common Council directed the Planning Board to conduct an update of the RA District while simultaneously reviewing the CRS application so as to keep the process moving; and

WHEREAS the Planning Board has completed its review and the moratorium on acting on the application has expired, and therefore the Common Council wishes to move forward with its review; and

WHEREAS, the Common Council must comply with the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (collectively, "SEQRA") in the review of such amendments; and

WHEREAS, the Common Council desires to be assume Lead Agency status to allow it to conduct a coordinated environmental review along with the potential amendments to its Comprehensive Plan and Zoning Code;

WHEREAS, the Common Council has ordered that the
NOW, THEREFORE, BE IT RESOLVED,

1. that the Proposed Action is subject to SEQRA;
2. that the Proposed Action is classified as a Type I action under SEQRA;
3. that the Common Council hereby states its intent to be Lead Agency for the Proposed Action pursuant to SEQRA regulations 6 NYCRR Part 617; and
4. that the Common Council hereby authorizes and directs that a Notice of Intent to Act as SEQRA Lead Agency be immediately circulated to all SEQRA involved and interested agencies, including those identified in the Full Environmental Assessment Form, and request their consent or objections.
5. This Resolution shall be effective immediately

Seconded by Alderman Oates and adopted. Ayes 6.

030420.14

ADJOURNMENT

At 6:01 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, March 18, 2020.

Seconded by Alderman Oates and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk

On motion of Alderman Oates, seconded by Alderman Kantor, the Common Council moved to Executive Session for personnel matters at 6:01 PM. Ayes 6. Carried.

On motion of Alderman Kantor, seconded by Alderman Schratz, the Common Council ended Executive Session at 6:24 PM. Ayes 6. Carried.