

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 19, 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.

MAYOR'S UPDATE

RECESS

Recess for public input.

081920.1

APPROVAL OF MINUTES

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of August 5, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit to utilize the existing building located at 1149 Lincoln Ave. as a medical office.

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

8/4/20 Terry Harmon, Lockport Planning and Zoning Board – the board recommends the request.

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 amending the City of Lockport Hotel Occupancy Tax Law.

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 on a proposed Partial Update of the Comprehensive Plan Relating to the RA-Reserve Area District of the City of Lockport.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed Partial Update 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 amending section 190-77 Special Uses allowed in the RA Reserve Area District.

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.

PUBLIC HEARING

The Mayor announced a public hearing on the application made by Cazenovia Recovery Systems, Inc. seeking to rezone the site of the former Niagara County Infirmary, located at 102 Davison Rd., Lockport, NY.

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

8/17-8/19/20 Received both written and electronic correspondence from the following expressing opposition to the rezoning of 102 Davison Road.

Molly Case, 34 Windermere Road
Sandra D. Scrace, 17 Alanview Drive
David & Beth Kinyon, 117 Windermere Road
Marcia Tilney, 22 Keswick Road
Margo Covell, 51 Coolidge Avenue
John Sakowski, 39 Independence Drive
Christopher Niver, 47 Windermere Road
Diane Masse-Woods, 30 Windermere Road

Connie Conley, 21 Keswick Road
Nancy Roth, 98 Ambleside Drive
Robert G. Nodine, 35 Keswick Road
Kristin Barnard, 36 Bonner Drive
Judy Thunhorst, 44 Grasmere Road
Camille & John Pasceri, 123 Grasmere Road
David & Carol Mellor, 98 Windermere Road
Steven & Jayette Sinclair, 22 Rydalmount Road
Sharon & Hans Braun, 155 Ambleside Drive
Janet Gould, 130 Ambleside Drive
Teresa Niver, 47 Windermere Road
Pamela Firkins, 102 Windermere Road
Luciana Gaskill, 40 Grasmere Road
Jean Alfonso, 1 Keswick Road
Maggie & Jim Hagenbach, 8 Grasmere Road
Pat & Shannon Kennedy, 126 Windermere Road
John & Susan Coyle, 2 Grasmere Road
Karen Kilbury-Mensch, 52 Ambleside Drive
John & Linda Kugler, 691 Davison Road
Deborah & Paul Drinkwalter, 142 Windermere Road
Mike & Carol Manning, 4 Grasmere Road
Paul & Gail Perona, 30 Rydalmount Road
Kristopher Schultz, President AnJo Summer Baseball Program
Arthur E. & Kathy Jackson, 4 Davison Road
Heather Mosher, 68 Grasmere Road
Margret Emerson, 24 Windermere Road
Demosthenes Nestoros, 64 Grasmere Road
Michael T. O'Malley, 238 Windermere Road
Henry & Linda Sperduti, 5 Desales Circle

8/19/20 Charles Grieco, Esq., with Bond, Schoeneck & King, PLLC, on behalf of Cazenovia Recovery Systems, Inc. submitted a letter of support of its application to rezone the former Niagara County Infirmary Property.

Recess for public input.

The Mayor closed the public hearing.

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)

8/13/20 Mayor Michelle M. Roman – recommendation that Anna M. Mauri be appointed as a member of the Lockport Board of Ethics.
Referred to the Committee of the Whole

Notice of Complaint:

8/4/20 109 & 119 Niagara Street – trees

8/7/20 298 Locust Street – tree
 8/10/20 2 Hoover Pkwy – tree
 8/10/20 50 Beattie Avenue – tree
 8/10/20 125 Akron Street – tree
 8/10/20 348 High Street - trees
 Referred to the Director of Streets and Parks.

Notice of Claim:

8/7/20 Teresa Swider, 24 Sunnyside Street, Lockport, NY
 Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

081920.2

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 August 20, 2020 as follows:

General Fund	Fund A	\$102,378.47
Water Fund	Fund FX	\$ 21,158.09
Sewer Fund	Fund G	\$ 31,925.94
Refuse Fund	Fund CL	\$ 718.14
Self Insurance	Fund MS	\$ 54,980.08
Payroll	Pay Date 8/13	\$470,751.62

Seconded by Alderman Abbott and adopted. Ayes 6.

By Alderman Devine:

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

Seconded by Alderman Kantor and adopted. Ayes 6.

081920.3

By Alderman Schratz:

City of Lockport

Local Law No. 4 of the year 2020

A LOCAL LAW amending Section 13 of Local Law No. 3 of the year 2019:

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

**SECTION 13
 DISPOSITON OF REVENUES**

All revenues from the imposition of the tax under this local law shall be paid into the treasury of the City of Lockport and shall be credited to and deposited in the General Fund Account of the City of Lockport. Five percent (5%) of said revenue shall be retained by the City of Lockport

for administration and collection costs. One percent (1%) of such revenue from this tax shall be dedicated to the operation of the Discover Niagara Shuttle. The disposition of the remaining net revenues shall be as follows: Twenty-five percent (25%) of the net revenue from the tax shall be used for the promotion of community and economic development in the City of Lockport; and Seventy-five percent (75%) of the net revenue shall be allocated and paid to a not-for-profit Corporation under contract with the County for the promotion of tourism in the County. The terms "economic development" and "tourism" may be defined by resolution of the Lockport City Council.

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

Seconded by Alderman Vandemark. 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.

081920.4

By Alderman Kantor:

Resolved, that the request for a special use permit made by C. E. Beney, LLC. to utilize the existing building as a medical office, located at 1149 Lincoln Avenue, situated in a B-1 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 Schratz and adopted. Ayes 6.

081920.5

By Alderman Schratz:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to host a "Saturday Sidewalk Sale" utilizing the City right of way in front of local

businesses on August 29, 2020 from 10:00 a.m. to 5:00 p.m., subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Oates and adopted. Ayes 6.

081920.6

By Alderman Abbott:

Whereas, the City has previously made an agreement with Troy and Banks Smart Solutions to perform a NYSEG pole and light audit in the fiscal year 2020, and

Whereas, Troy and Banks Smart Solutions has identified savings and has invoiced the City for their services according to their contract, but there are not enough funds in the line item to pay for their invoice, and

Whereas, the City will move funds that will no longer be required for utilities into the appropriate line item to pay for this service; now, therefore, be it

Resolved, that the 2020 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1900.54623	Utilities – Electricity	\$ 2,395.93
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Increase:

A.1010.54055	Professional Services	\$ 2,395.93
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Seconded by Alderman Schratz and adopted. Ayes 6.

081920.7

By Alderman Oates:

Whereas, Resolution 121920.16 moved \$17,000 in funding from the Treasurer to the Finance Department to be used for professional services, and

Whereas, the Finance Department has required only \$11,910 of the funding for year-end services relating to FY 2019, and

Whereas, the Common Council's FY 2020 budget for professional services does not have enough funding to pay an outstanding Lumsden and McCormick invoice for the FY 2019 audit; now, therefore, be it

Resolved, that the 2020 General Fund Budget is hereby amended as follows:

Expense:

Decrease:

A.1310.54055	Professional Services	\$ 5,000
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Increase:

A.1010.54055	Professional Services	\$ 5,000
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Seconded by Alderman Vandemark and adopted. Ayes 6.

081920.8

By Alderman Kantor:

WHEREAS, the Fire Department, through the Fire Chief's office, was authorized to apply for a Federal Emergency Management Agency (FEMA) - Assistance to Firefighters

Grant (AFG) to assist in the purchase of three new cardiac defibrillator/monitors to replace the three aged units the Fire Department currently has in use, and

WHEREAS, the Fire Chief received notification from FEMA on Wednesday August 5th, that the Department had received an award from the FEMA AFG program that would allow for the purchase of these defibrillator/monitors now has until September 4th, 2020 to accept this award, and

WHEREAS, if this grant award is accepted the Federal share of these funds will be for \$96,468.35, while the Non-Federal share of these funds will be for \$9,646.84 to complete the total funds applied for at \$116,115.94; NOW THEREFORE BE IT

RESOLVED, the Fire Chief is hereby directed and authorized to accept this FEMA AFG grant award to pay for the purchase of three new cardiac/defibrillator monitors and that the 2020 General Fund Budget is hereby amended as follows:

Revenue:		
Increase:		
	A.3410.34389 Other Federal Public Safety Aid	\$ 96,468.35
Expense:		
Increase:		
	A.3410.52070 Public Safety Equipment	\$ 96,468.35

Seconded by Alderman Abbott and adopted. Ayes 6.

081920.9

By Alderman Oates:

Resolved, that Mulvey Construction Inc. is hereby granted permission to place equipment on the sidewalk in front of 45 Main Street and along the Pine Street portion of the building if necessary, in the city right-of-way, for an exterior window project. The work will begin upon approval of this resolution.

Said permission is subject to Mulvey Construction filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Schratz and adopted. Ayes 6.

081920.10

By Alderman Devine:

Resolved, that pursuant to the recommendation of Mayor Roman, Anna M. Mauri, 57 Coolidge Avenue, Lockport, NY is hereby appointed as a member of the Board of Ethics. Said term expires on August 7, 2023.

Seconded by Alderman Kantor and adopted. Ayes 6.

081920.11

ADJOURNMENT

At 6:26 P.M. Alderman Devine moved the Common Council be adjourned until 5:30 P.M., Wednesday, September 2, 2020.

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES
City Clerk