

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

November 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, Allport, Devine, Kantor, Oates, and Schratz.

**MAYOR'S UPDATE**

**RECESS**

Recess for public input.

**110420.1**

**APPROVAL OF MINUTES**

On motion of Alderman Devine, seconded by Alderman Kantor, the minutes of the Regular Meeting of October 21, 2020 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Resignations:**

10/23/20 Kelly Van De Mark, resigned as Fourth Ward Alderman effective October 23, 2020.

10/22/20 Christopher J. Stacey, resigned as member of the Audit Committee effective October 21, 2020.

Received and filed

**Appointments:**

10/26/20 Debra R. Allport, 161 Lincoln Avenue, Lockport NY – appointed to Fourth Ward Alderman to fill the unexpired term of Kelly Van De Mark. Said term expires December 31, 2021.

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)

**Notice of Complaint:**

10/21/20 256 East Avenue - tree  
Referred to the Director of Streets and Parks.

**MOTIONS & RESOLUTIONS**

**110420.2**

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 special run October 22 and November 4, 2020 as follows:

General Fund	Fund A	\$ 92,899.10
Water Fund	Fund FX	\$ 64,222.88
Sewer Fund	Fund G	\$ 37,478.43
Capital Projects	Fund H	\$1,020,123.32
Refuse Fund	Fund CL	\$ 369.59
Community Dev.	Fund CD	\$ 28,158.00
Payroll	Pay Date 10/22	\$ 454,366.69

Seconded by Alderman Abbott and adopted. Ayes 6.

**110420.3**

By Alderman Allport:

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>
Mary Pat Filbert	25	Personnel Director

Seconded by Alderman Devine and adopted. Ayes 6.

**110420.4**

By Alderman Devine:

Resolved, that a virtual public hearing be held at the Common Council Meeting of Wednesday, November 18, 2020 starting at 5:30 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to the proposed 2021 budget, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Allport and adopted. Ayes 6.

**110420.5**

By Alderman Allport:

Resolved, that pursuant to the recommendation of Mayor Roman, Jeffrey Seekins, 37 Harding Avenue, Lockport, NY is hereby re-appointed as a member of the City of Lockport Board of Assessment Review. Said term expires on September 30, 2025.

Seconded by Alderman Schratz and adopted. Ayes 6.

## **110420.6 Public Hearing for Special Use Permit Fairfax St. driveway - WITHDRAWN**

By Alderman Devine:

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

Seconded by Alderman Schratz and adopted. Ayes 6.

## **110420.7**

By Alderman Abbott:

Whereas, applications were received by the City of Lockport for a Special Use Permit and Site Plan Review for two solar energy systems on properties located at 219 and 251 Summit Street, Lockport, New York 14094, and

Whereas, the proposed actions involve a special use permit and site plan review and are therefore actions under Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act (“SEQR”); and

Whereas, Ruhlmann Farm Acres LLC, OYA Ruhlmann A LLC and OYA Ruhlmann B LLC (“Applicants”) have applied to the City of Lockport (“City”) for a Special Use Permit and Site Plan Review for two solar energy systems on the above listed properties, and

Whereas, the proposed action is a Type I, and

Whereas, the Common Council issued a Notice of Intent to be Lead Agency in order to have a coordinated review, and no other agency has objected to the City assuming Lead Agency, the time for such comment or objection has passed, and the Common Council declared Lead Agency Status on September 17, 2020 by Resolution No. 091620.4, and

Whereas, the Common Council for the City of Lockport, in performing the lead agency function in accordance with SEQR (i) thoroughly reviewed the Long Form Environmental Assessment Form (the “Long EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review and public comments, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed actions may have a significant adverse impact on the environment, including the criteria in 6 NYCRR §617.7 (c), and (iii) completed the Long EAF, Part II:

Whereas, the Common Council for the City of Lockport identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by “SEQRA”. The Common Council for the City of Lockport compared the proposed Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

Now, Therefore, Be It Resolved as Follows:

That the Common Council for the City of Lockport has reviewed the Environmental Assessment Forms (EAF) and the criteria contained in 6 NYCRR §617.7, as well as the applications and the comments at the public hearing, and has determined that the Projects will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the Common Council for the City of Lockport has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Common Council for the City of Lockport has:
1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
  2. Reviewed the Full EAF for each of the projects, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
  3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
  4. Set forth herein its written Finding of No Significant Environmental Impact.
- C. The Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:

**(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;**

a. **Traffic Impacts**

The Project will not have a significant adverse impact upon traffic or transportation. This Action involves short-term impacts from construction period and decommissioning period traffic utilizing the existing road network. Operations period traffic is insignificant.

b. **Noise Impacts**

There will be no significant adverse noise impacts from the Project.

c. **Air Quality Impacts**

The Project will not create a significant adverse impact to air quality, the only impacts will be short-term disturbances during construction and decommissioning.

d. **Wetland Impacts**

There are no wetlands impacts.

e. **Erosion, Flooding and Drainage Impacts**

The Project will comply with all applicable state and federal laws and regulations, including compliance with the Clean Water Act and the requirement to obtain applicable permits for stormwater discharges from construction activities. The Project will comply with the submitted Stormwater Pollution Prevention Plan. There will be no impacts.

f. **Solid Waste Production**

The proposed Project will not increase solid waste production. The decommissioned system and construction waste will be disposed of in accordance with State regulations.

**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

While the site is agricultural property located in the Niagara County Agricultural and Farmland Protection Plan there will be no interference with the movement of any resident or migratory fish or wildlife species. The property is not a significant habitat area and there will be no substantial adverse impacts on any threatened or endangered species of animal or plant, or the habitat of such a species, nor other significant adverse impacts to natural resources.

**(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;**

There is no Critical Environmental Area within the Project area, thus there will be no significant adverse impacts.

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;**

The proposed Project is consistent with the Town's current plans and goals, which specifically authorizes solar projects.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

This Project will be fully screened by multiple rows of landscaping which must be maintained through the life of the Project. The Project will be located in a zone designated by the City Code as appropriate for solar, and will not negatively impact neighborhood character. The Project will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources.

**(vi) a major change in the use of either the quantity or type of energy;**

There will be no negative impacts, the Project will increase the supply of renewable energy.

**(vii) the creation of a hazard to human health;**

There will be no such impacts.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

There will be no such impacts. The proposed Project does not represent a substantial change in the use or intensity of use of land from current law, the land will be returned to agricultural use after decommissioning.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

There will be no such impacts.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

There will be no such impacts.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

There will be no such impacts.

**(xii) two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision**

And Be It Further

Resolved, that the Common Council for the City of Lockport based upon (i) its thorough review of the Long EAF, Part I, and any and all other documents prepared and submitted with respect to the proposed actions and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR (c), and (iii) its completion of the Long EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above-referenced proposed action, and determines that an Environmental Impact Statement will not be required, and be it further

Resolved, that Resolutions 102120.7 and 102120.8B be and are hereby ratified, and be it further

Resolved, that the Responsible Officer of the Common Council for the City of Lockport is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed Long EAF and determination of significance shall be incorporated by reference in this Resolution.

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Alderman Devine voted no.

#### **110420.8**

By Alderman Allport:

Whereas the Common Council at a meeting held on August 15, 2018, authorized the City to abandon a certain parcel of land running between Russell Street and Cedar Street,

commonly known as Cedar Alley, with the expectation that adjacent property owners would take title to said abandoned property; and

Whereas the subsequent transfer of the parcel in question has never been effectuated and remains on the City's assessment roll as City property; now therefore be it

Resolved, that resolution #081518.10, adopted by the Common Council at their August 15, 2018 meeting, regarding the abandonment be and the same is hereby rescinded.

Seconded by Alderman Schratz and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

#### **110420.9**

By Alderman Oates:

WHEREAS there is an alley that consists of approximately 15 feet by 323 feet running from Russell Street and Cedar Street in the City of Lockport, commonly known as Russell Alley, and that property is no longer used or needed for municipal or public purposes; and

WHEREAS, there is an L-shaped parcel located on land formerly known as Myrtle Street, south of and surrounding 390 North Adam Street, running from North Adam Street approximately 366 feet west to the southwest corner of 390 North Adam, then turning at a 90° angle for another 132 feet on McCollum Street to the northwest corner of 390 North Adam Street, being approximately 66 feet in width, and that property is no longer used or needed for municipal or public purposes; and

WHEREAS, there is a third parcel located adjacent to 33 Weld Street on land formerly known as Cedar Street, being approximately 50 feet in width and 110 feet in length, and that property is no longer used or needed for municipal or public purposes; and

WHEREAS, all three parcels are situated in City rights-of way, and subject to the provisions of §159 of the City Charter; now therefore be it

RESOLVED, that the Common Council hereby finds in accordance with §159 of the City Charter that the best interest of the public will be served by the abandonment of the aforesaid Russell Alley and portions of McCollum Street and Cedar Street, respectively; and be it further

RESOLVED, that the Mayor of the City of Lockport is authorized, if likewise in approval of the abandonment in accordance with §159 of the City Charter, to execute and deliver quitclaim deed(s) subject to all utility (municipal, telephone, electric, gas and cable) easements currently of record or required for the City or utilities to maintain their respective interests or obligations, and any and all other documents necessary to accomplish this abandonment, upon review and approval as to form by the Corporation Counsel, to the highest bidder in accordance with §279 of the City Charter.

Seconded by Alderman Devine and adopted. Ayes 5. Nays 1. Alderman Abbott voted no.

On motion of Alderman Abbott, seconded by Alderman Devine, the Common Council moved to Executive Session regarding possible litigation at 6:02 P.M. Ayes 6. Carried.

On motion of Alderman Schratz, seconded by Alderman Allport, the Common Council ended Executive Session at 6:14 P.M. Ayes 6. Carried.

**110420.10**

**ADJOURNMENT**

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

Seconded by Alderman Kantor and adopted. Ayes 6.

PAUL K. OATES  
City Clerk