

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

Lockport Municipal Building

Regular Meeting  
Official Record

February 18, 2009  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Pasceri, Alexander, McKenzie, Schrader, and Lombardi.

**RECESS**

Recess for public input.

**021809.1**

**APPROVAL OF MINUTES**

On motion of Alderman Lombardi, seconded by Alderman Kibler, the minutes of the Regular Meeting of February 4, 2009 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**FROM THE MAYOR**

**Appointments:**

2/10/09      Barbara Marcolini, 2229 Loree Circle, Niagara Falls, NY – appointed as a Commissioner of Deeds with term to expire on December 31, 2010. 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)

2/4/09      Richard P. Mullaney, City Clerk – report of bid proposals received on February 4, 2009 for Cationic Polymer-Microbead as follows:

Slack Chemical Co., Inc. Carthage, NY	\$ 2.028	per pound, 0 freight charges (55# bag)
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Clean Waters, Inc. Plessis, NY	\$ 2.50	per pound, 0 freight charges
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Polydyne Inc. no bid  
Riceboro, GA

Referred to the Committee of the Whole.

2/5/09 Peter J. Galarneau – resignation as Assessor of the City of Lockport. Referred to the Committee of the Whole.

2/11/09 Bryan W. Schubring, Lockport Family YMCA, 19 East Avenue, Lockport, NY – request for permission to conduct a Youth Flag Football League at Altro Park from April 20<sup>th</sup> through June 17<sup>th</sup>, 2009. Referred to the Committee of the Whole.

2/11/09 Paula M. Sattelberg, Director of Utilities – recommendation that the bid for cationic polymer-microbead received on February 4, 2009 be awarded to the low bidder, Slack Chemical Co., Inc., Carthage, NY. Referred to the Committee of the Whole.

1/17/09 Amy E. Fisk, Niagara County Department of Economic Development, 6311 Inducon Corporate Drive, Sanborn, NY – request for assistance in compiling data pertaining to Niagara County municipal construction permits for the year 2008 for use in the various competitive funding applications made by local and regional governmental entities. Referred to the Committee of the Whole.

1/18/09 Jeff Tracy, Race Director, Lockport Family YMCA – thanking the City of Lockport for their continued support of the 38<sup>th</sup> Annual Lockport Y-10 Open Road Race. For the first time in it's history, the Y-10 broke the 300 participant level which could not have been done without the support of the City's highway and police departments. A special thanks to Mayor Michael W. Tucker for taking a break from his busy weekend to join us at the starting line for a few words. Referred to the Committee of the Whole.

**Notice of Defect:**

2/10/09 Gooding Street, Lockport, NY - pothole  
Referred to the Highways & Parks Department.

**Notice of Claim:**

2/2/09 Chris Naugle, 24 Cherry Street, Lockport, NY  
2/10/09 Allan C. Schultz, 3926 Lockport-Olcott Road, Lockport, NY  
Referred to the Corporation Counsel.

**MOTIONS & RESOLUTIONS**

**021809.2**

By Alderman Kibler:

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 February 20, 2009.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**021809.3**

By Alderman Kibler:

Resolved, that claims authorized for payment by the Director of Community Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Alexander and adopted. Ayes 6.

**021809.4**

By Alderman Schrader:

Resolved, that pursuant to their request, the Lockport Monday Night Cruise Optimist Club is hereby granted permission to conduct Monday night car cruises in Ida Fritz Park beginning May 11 through September 7, 2009 from 6:00 p.m. to 9:00 p.m., (Memorial Day and Labor Day Super Cruise begin at 3:00 p.m.) and be it further

Resolved, that said permission includes the following:

1. to operate a market place at the park for the sale of food and drink items including alcoholic beverages, crafts, and related items
2. barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue

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 the Lockport Monday Night Cruise Optimist Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Highways & Parks Department is hereby authorized and directed to deliver barricades, traffic cones, street closed signs and extra picnic tables to the area prior to the events, and be it further

Resolved, that the City of Lockport hereby prohibits entry to Ida Fritz Park of all bicycles, skateboards, and dogs on Cruise Nights during the events due to the expected heavy pedestrian traffic.

Seconded by Alderman Kibler and adopted. Ayes 6.

**021809.5**

By Alderman Schrader:

Whereas, the City of Lockport entered into a contract with the New York State Department of State to initiate the preparation of a Local Waterfront Revitalization Program, pursuant to Article 42 of the Executive Law; and

Whereas, the Draft Local Waterfront Revitalization Program (LWRP) and related local laws have been completed in accordance with said contract, under the guidance of the City of Lockport Waterfront Advisory Committee and the Department of Community Development, with planning consultation assistance provided by Wendel Duchscherer; and

Whereas, the City of Lockport Common Council, as SEQR Lead Agency under the provisions of the State Environmental Quality Review Act, has prepared an environmental assessment form and evaluated the impacts of the proposed adoption of the LWRP in

accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law; and

Whereas, the Common Council has determined that there will be no potential adverse impacts upon the natural, institutional, economic, developmental or social resources of the City of Lockport, and have therefore, prepared and filed a negative determination of significance, now, therefore, be it

Resolved, that the City of Lockport Common Council hereby accepts the Draft Local Waterfront Revitalization Program for the City of Lockport as complete and ready for public review; and be it further

Resolved, that the City of Lockport Common Council hereby directs the Department of Community Development or appropriate designee to transmit the Draft LWRP and a copy of this resolution, to the New York State Secretary of State for 60-day review pursuant to Article 42 of the New York State Executive Law – the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Seconded by Alderman Lombardi and adopted. Ayes 6.

**021809.6**

By Alderman Schrader:

Whereas, the City of Lockport has completed a preliminary draft Local Waterfront Revitalization Program (LWRP) and LWRP Consistency Review Law in accordance with the guidelines of the New York State Department of State and the requirements of New York State Executive Law 42; and

Whereas, the Lockport City Council, as assisted by the LWRP Advisory Committee and Wendel Duchscherer, has reviewed the Local Waterfront Revitalization Program, LWRP Consistency Review Law and associated Zoning Amendments outlined in the Program;

Whereas, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the City Council has designated themselves Lead Agency and conducted a coordinated environmental review of the proposed action and has acknowledged comments received from Interested and Involved Agencies; and

Whereas, the findings of this review indicate that the adoption of the City of Lockport Local Waterfront Revitalization Program, Consistency Review Law and associated Zoning Amendments will not adversely affect the natural resources of the State and/or health, safety and welfare of the public, and is consistent with social and economic considerations; now, therefore, be it

Resolved, that the City of Lockport Common Council, acting as the lead government entity for this action, has determined that the adoption of the Local Waterfront Revitalization Program, Consistency Review Law and associated Zoning Amendments are not anticipated to result in any significant adverse effects on the environment and that a Negative Declaration is hereby issued, based on the reasons as set forth in the Negative Declaration Notice of Determination of Non-Significance; and be it further

Resolved, that the Mayor shall sign the Environmental Assessment Form and authorize Wendel Duchscherer to undertake the preparation of appropriate notices and filings.

Seconded by Alderman McKenzie and adopted. Ayes 6.

**021809.7**

By Alderman Schrader:

Resolved, that pursuant to their request, the Lockport Family Y.M.C.A. is hereby granted permission to conduct their youth flag football league at Altro Park from April 20<sup>th</sup> to June 17<sup>th</sup>, 2009 subject to approval of the schedule by the Highways & Parks Department and the Department of Youth and Recreation and to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and adherence to established rules and regulations for City parks.

Seconded by Alderman Pasceri and adopted. Ayes 6.

**021809.8**

By Alderman Schrader:

Resolved, that the bid proposal of Slack Chemical Co., Inc., Carthage, NY received on February 4, 2009 for Cationic Polymer-Microbead be accepted in the amount of \$2.028 per pound, 0 freight charges. Cost of same to be charged to account #03 8130.415.

Seconded by Alderman Alexander and adopted. Ayes 6.

By Alderman Kibler:

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

Seconded by Alderman Lombardi and adopted. Ayes 6.

**021809.9**

By Alderman Pasceri:

**NEGATIVE DECLARATION RESOLUTION**

**BE IT RESOLVED** by the City of Lockport that:

**WHEREAS**, the Common Council has duly considered the application of Lockport Ice Arena and Sports Center, Inc., to develop 67,000 SF masonry and steel building into an ice arena, which includes the development of one ice rink (approx. 17k SF), one "training ice rink" (approx. 5,000 SF), and support facilities such as seating for 700 spectators and locker rooms accommodating approx. 25 persons each on the property of Ronald Benderson, Randall Benderson, and David H. Baldauf as Trustees under a Trust Agreement dated October 14, 1985 known as the Benderson 85-1 Trust, SBL No. 109.010-2-57, 34 Chestnut Street, Lockport, New York, including the Short Form Environmental Assessment Form, the proposed Negative Declaration, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Review Act ("SEQRA") regulations, Part 360 of the Department of Environmental Conservation Regulations (Title 6 of the New York Code Rules and Regulations), and such other information deemed appropriate; and

**WHEREAS**, the Common Council has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action have been labeled an "Unlisted" action under SEQRA; and

**WHEREAS**, the Common Council is the only involved agency for the proposed action, within the meaning of SEQRA; and therefor the Common Council declares itself to be the Lead Agency for the proposed ice rink.

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

- i) Declares that the proposed ice rink will not result in any large and important impacts, and therefore, the approval of the Special Use Permit is an action which does not include the potential for any significant adverse environmental impact.
- ii) Adopts and issues the attached negative declaration under SEQRA for the proposed ice rink.
- iii) Directs the City Clerk to file the Negative Declaration with the Mayor of the City of Lockport, and any person who has requested a copy, and to maintain a file of the Negative Declaration readily accessible to the public.

PASSED AND ADOPTED this 18th day of February, 2009, by the Common Council of the City of Lockport.

**City of Lockport  
Special Use Permit Ice Rink  
Notice of Negative Declaration**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Common Council of the City of Lockport, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Ice Arena and sports complex

SEQRA Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: The proposal involves the renovation and development of 34 Chestnut Street to operate an ice arena and sports complex.

Location: Property of Ronald Benderson, Randall Benderson, and David H. Baldauf as Trustees under a Trust Agreement dated October 14, 1985 known as the Benderson 85-1 Trust, SBL No. 109.010-2-57, 34 Chestnut Street, Lockport, New York.

Reasons Supporting this Determination:

The proposed project involves the adaptive reuse of a vacant 67,000 SF masonry and steel building into an ice arena, which includes the development of one ice rink (approx. 17k SF), one "training ice rink" (approx. 5,000 SF), and support facilities such as seating for 700 spectators and locker rooms accommodating approx. 25 persons each. No reconfiguration of the parking lot or building footprint is proposed. The building's existing basement will include a "performance training center" (approx. 4,000 SF) as well as an indoor lacrosse and soccer facility. Both of these facilities will be developed within the basement's existing footprint. A food service component (approx. 2,000 SF) will be developed within the building's main concourse. Discussions have been held that an additional rink may be constructed in the future depending on the success of the first rink. The construction of a second rink would most likely require the development of a building addition (approximately 20,000 SF) to house the new rink, 300 new spectator seats, and new locker rooms. Currently, however, the only activity being proposed includes the interior renovation of the existing building to accommodate a single ice rink and support uses. Any future development of a second rink would not likely happen for two years and would require the development of a new site plan and SEQRA review at the time of application.

A detailed examination of the criteria for determining significance, set forth in DEC's regulations under SEQRA, specifically 6 N.Y.C.R.R. Sec. 617.11, demonstrates that the proposed action will not have a significant impact. The Environmental Assessment Form demonstrates that the proposed action will not have the kinds of adverse impacts that trigger the necessity of an environmental impact statement. It has also been determined that the proposed action will not have reasonably related long-term, short-term or cumulative effects, beyond those identified above.

Seconded by Alderman McKenzie and adopted. Ayes 6.

**021809.9A Withdrawn** (prepare Local Law to amend Building Construction Administration Code)

Conclusion of agenda.

**021809.10**

## **ADJOURNMENT**

At 6:14 P.M. Alderman Lombardi moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 4, 2009.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY  
City Clerk

