

**COUNCIL MEETING
MONDAY, JUNE 19, 2017
COUNCIL CHAMBERS
www.lackawannany.gov**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.

**Meeting called to order
NB: Meeting being recorded**

**Roll Call: Council: Present: Noman, Iafallo, Jerge, Surdyke, Lewis
Dept. Heads: Present: Law, Comptroller, Public Safety, Recreation
Public Works
Excused: Development**

Approval of Minutes: of regular meeting of June 6, 2017

Moved by Lewis seconded by Noman to adopt minutes as written
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #49, May 31, 2017
2. City Comptroller-A/P Check Listing #50, June 8, 2017

Moved by Lewis seconded by Iafallo receive and file departmental reports one and two
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from the Mayor:

Police Department-Insurance Check

3. To: City Council

I am requesting that \$38,913.95 the insurance recovery check for the damaged police vehicle be placed into budget code A.3120.250 Police Department, Police Cars in order to pay for this vehicle. Thank you in advance for your anticipated cooperation on this matter.

GEOFFREY M SZYMANSKI-MAYOR

Moved by Lewis seconded by Surdyke receive and file, act on ordinance
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from the Council:

1188 Ridge Road-Conversion

4. To: City Council

At council meetings on April 17, and again on May 1, I requested some information pertaining to the conversion of 1188 Ridge Road from a non-homestead property to a homestead property.

Can you please update the Council as to what has transpired regarding this situation since April 17th?

Additionally, from the City Assessor, may I know the tax dollars (to the City of Lackawanna) that would be collected at this particular parcel as a homestead property as well as the tax dollars that would be collected as a non-homestead property using this year's most recently passed budget tax rates?

JOE JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Game Changers

5. To: City Council

On the agenda for the council meeting of May 1st, of this year, I sponsored a program grant for "Game Changers". The program is used to reduce youth violence and youth drug use in neighborhoods. The program offers professional and exceptional athletic training during the most vulnerable hours and is offered to both boys and girls ages 12-18.

I was not present at that meeting due to unforeseen air travel delays but, I want you and everyone else to know that Tom Nicometo was the catalyst for this program and he deserves public acknowledgement for his work to bring the Game Changers program to Lackawanna.

JOE JERGE-3rd WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Sale of City Property-Reverter Clause

6. To: City Council

At the council meeting on June 6th, two properties were brought to the council for sale. Councilwoman Iafallo addressed a concern regarding reverter clauses for the properties.

My question to the City Assessor is, are reverter clauses standard in contracts for the sale of property in our City?

If not, would reverter clauses need to be considered on a case-by-case basis depending on proposed use/construction or would the clause be standard for each sale?

If the clause already exists, please ensure that it is noted in communications to the Council when recommending the sale of property. If it requires case-by-case consideration can you ensure any property sale proposals brought before the Council include the specifics of that particular reverter clause? If it does not exist, but can be standardized, can you please work with the Law Department to have a standard reverter clause added to contracts of sale for city owned property?

JOE JERGE-3rd WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Code Violation Notifications to Council

7. To: City Council

I have requested that going forward, the Director of Development, provide a copy of any warnings, violations, and citations of all code violations to each Council Member as they pertain to his or her Ward.

I asked that said copies be delivered to our respective mailboxes or emailed to us within 24 hours of any such instance.

It may be the Council President's desire to receive a copy of all of them. Please check with the Council President prior to our next meeting to see if he desires so.

Your cooperation in this matter will greatly enhance our ability to manage the accountability of each situation on a case-by-case basis and will increase constituents' confidence in our collective ability to see things all the way through.

JOE JERGE- 3rd WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Lobbyists Group-Regular Reports

8. To: City Council

At the regular Council Meeting on January 9, 2017, this Council unanimously approved the Lobbying and Governmental Affairs consulting services agreement between the City of Lackawanna and Masiello, Martucci, Calabrese & Associates through February 23, 2018 for a fee of \$36,000.00 plus travel expenses.

It was our understanding that this body would be receiving monthly detailed reports of all work performed by this agency on behalf of our City. To date we're not really sure what these Lobbyists are doing on our behalf, as we have not received these reports as agreed upon.

While we are not against this agreement in principle, we want to make sure that all the terms and conditions that we agreed upon are being adhered to and that the Lobbyists are continually working on projects, grants and various sources of funding that will aid the City of Lackawanna. Without receiving any documented reports we have no idea if anything is being done on our behalf.

I requested, that the Mayor, have this lobbyist group appear in person before this body prior to the regular Council meeting on June 18th, with detailed documentation as to their efforts to date that justifies the monthly expense of their services.

COUNCIL MEMBERS-ABDUL NOMAN-1st WARD, ANNETTE IAFALLO-2nd WARD

Moved by Iafallo seconded by Noman forward request to Mayor

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Business License-Sex Offenders

9. To: City Council

I have requested that the City Attorney prepare an addition to the application process for business licensing.

Can we please add a clause to our current business license application asking employers to notify the Department of Public Safety if a registered sex offender is under their employ at the time of application?

May we also request employers to notify the Department of Public Safety if a registered sex offender is hired at a later date?

We may wish to include as a part of the application process a statement to employers that failure to report registered sex offenders under their employ may result in the suspension or revocation of their business license.

JOE JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Iafallo, direct City Attorney to review the Business Registration application and recommend changes

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Panhandlers

10. To: City Council

Over the past several months I have taken numerous complaints from constituents and have personally witnessed at least three different panhandlers at the intersection of Abbott and Ridge. I have also seen panhandlers at Ridge and Electric.

Although I do not live in surrounding communities, I do not see them when I pass through other communities. I think it is fair to say that Abbott and Ridge is one of our busiest intersections and is a pass through for many commuters that live in outlying communities. In addition to the fact that it does not reflect well on our community that people are asking for money on our busiest road, it is a danger to moving vehicles as well as pedestrians when people stop to offer them money. On a recent afternoon, I called the police station and they took away one of the panhandlers but apparently there were no charges filed because we do not have clear cut laws on panhandling or solicitation.

I would like to point out an article printed in the Buffalo News on Monday, May 22 that was sent to me by a fed up constituent who wrote to me "Buffalo takes this seriously". The article states that two gentlemen holding up signs "Down on my luck" and "Homeless need help" were arrested for disorderly conduct for obstructing traffic. It was found that one of the panhandlers was wanted on a warrant in the Town of Tonawanda for grand larceny. In other words, the guy is a thief. I do not care to have thieves standing on our street corners asking hard working people for handouts. My point being these people may not be just law-abiding citizens down on their luck. We don't need them on our streets.

I have asked the City Attorney if an ordinance can be drafted to allow our police to arrest panhandlers so that we may remove them from our community.

JOE JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis, receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Garbage-People Rifling Thru Totes

11. To: City Council

On Sunday June 11th I hosted a party for my Son at my residence on South Shore. At the conclusion of the party I watched a man with a makeshift cart open my garbage tote. He was not just picking through the garbage looking for something he could take and use or refurbish, like a table or some chairs or some of the other typical things that some people like to take from the front of houses on garbage day. This guy was actually standing there ripping open my garbage bags to look for cans and bottles.

At the time he was doing this two guests remained at my homes that live in West Seneca. These guests, knowing I am a Councilman, upon arrival pointed out to me that they passed by a gentleman holding a "will work for food, drug and alcohol free, anything helps" sign at the corner of Abbott and Ridge. Now, right before they are leaving they are watching someone rip through my garbage cans, and he continued down South Shore ripping through others' garbage.

My guests chuckled and said, “Only in Lackawanna”....needless to say, it was embarrassing to say the least. Beggars on the corners and dudes ripping through our garbage in front of our homes, this is not something to be proud of.

I’ve asked for an ordinance to be prepared to make solicitation on street corners illegal. Have also asked the City Attorney if there is an ordinance today that protects citizens from people opening up their garbage cans and ripping open the trash in their front yard? If there isn’t, can one be please be prepared to address this situation?

It would be great to change the saying “only in Lackawanna” to “not in Lackawanna”.

JOE JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis, direct City Attorney to prepare applicable ordinance

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Car Show/Cruise Night

12. To: City Council

On Thursday, June 29th, Kozak Motorsports marketing will be running a car show/cruise night at the Nite Cappe Restaurant located at the corner of Abbott Road and Martin Road. The event will run between 6:00 pm and 10:00 pm, with attendees to begin arriving at 4:00 pm.

As per Mr. Kozak’s request (attached), I am requesting that Martin Road between Abbott Road and Jose Street be temporarily closed for this event to facilitate the movement of vehicles, parking and pedestrian safety. This same section of roadway was closed for this event last year without incident.

I am also requesting that the Director of Public Safety assist in the coordination of the road closing and the loading and unloading of show vehicles.

It is events like these that attract visitors to Lackawanna, the Nite Cappe in particular and surrounding businesses, which I believe is good for the community at large.

KEVIN R SURDYKE-4TH WARD COUNCIL MEMBER

Esteemed members of the Lackawanna City Council,

My name is Rob Kozak. I operate a small business called Kozak Motorsports Marketing. Kozak Motorsports Marketing specializes in the promotion of drag racing events, public relations for professional drag racing teams, and management of professional drag racing team.

One of our upcoming events is June 30 at Lancaster National Speedway and Drag Way. This event features two of the stars of the hit Discovery Channel TV show, “STREET OUTLAWS”, DOMINATOR and KAMIKAZI CHRIS.

Along with Steve Sabuda, a proprietor of the Night Cappe Restaurant, we were able to bring the two celebrities to our city for a public meet and greet on Thursday, June 29th at the Night Cappe. On this night we will also be running a car show/cruise night.

While we will fill the parking lot at the Night Cappe with show vehicles; due to the expected volume of show cars and spectator vehicle we anticipate some show vehicles and spectator to park on vehicle city streets.

A majority of these show vehicles are purpose built competition vehicles and not street legal. In order to relieve congestion in the high school parking lot we will be parking trucks and trailers at the Martin Road School.

The event will run from 6 PM to 10 PM. Attendees will begin arriving at 4 PM. Could a police presence be made available to assist in the loading and unloading of vehicles?

My request of this board is to have Martin Road closed from Abbott Rd., westward just beyond the horseshoe driveway of the high school. We could then make the entrance to the school, on the

street next to Pat's Drive Inn, our main entrance onto school property. I feel with the expected volume of people traveling back and forth from the school and the nightcap the area of the closure will help alleviate and possible issues with pedestrians and motorized vehicles traveling upon Martin Road.

Thank you for your time and consideration.

ROBERT W KOZAK

Moved by Lewis seconded by Surdyke, approve request, advice Mr. Kozak to have participants act appropriately

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

“Autistic Child Area” Sign-Colton Avenue

13. To: City Council

After a conversation with a Preventative Care Planner from Community Services for the developmentally Disabled, I have requested that the Commissioner of Public Works, have a sign erected on upper Colton Avenue, between Berry Street and Ridge Road, “Autistic Child Area”. The case planner represents one boy with the disability and knows of several other (3) in the neighborhood with the same health problem. These children are known, the case planner stated, to run out of their house into the street screaming. The families want to raise awareness too slow traffic down.

I have driven down Colton on several occasions, although it is a one-way street people use it as a race track to get to Ridge Road. There is at present a “Children at Play, Please Drive Slow” sign on the left side of Colton Avenue. If you have any questions, please feel free to contact me.

ANNETTE IAFALLO-2ND WARD COUNCIL MEMBER

Moved by Iafallo seconded by Jerge, approve request

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from Department/Division Heads:

Aggressive Panhandling-Chapter 55

14. To: City Council

Please put the attached ordinance enacting Chapter 160 Nuisance on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Noman receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Purchase Offer-303 Ridge Road

15. To: City Council

An offer was received in my office from Jeannine L. Halsey (aka G III Development) in the amount of \$1,000 to purchase the parcel located at 303 Ridge Road for purpose of creating offsite parking for the building at 305 Ridge Road.

I have attached to the application information from the Director of Development & City Treasurer's Office regarding the applicant's qualifications to purchase above mentioned property. Based on information obtained by my office, the above mentioned property is **not recommended** for sale to Jeannine L. Halsey (K G III Development).

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Lewis seconded by Noman to TABLE for study
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Retirees

16. To: City Council

Please be advised that the following employees have retired from the Fire Department on June 3, 2017: Tom Olszowy and Dean Moretti.

Additionally, John Dmchowski has retired from the Department of Public Works on May 31, 2017.

CAROLYN NICOMETO-CITY COMPTROLLER

Moved by Lewis seconded by Jerge receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Community Outreach Workshop-Food Trucks

17. To: City Council

As you are aware the City of Lackawanna has received a \$100,000.00 State Local Initiative Support Corporation (LISC Zombie) Grant to improve quality and enforcement programs, as well as, to educate homeowners on strategies for avoiding or preventing mortgage foreclosure proceedings.

This grant also forces banks that take over abandoned or dilapidated properties due to mortgage default to bring these dwellings up to code compliance so they can be sold.

The Department of Development is going to be hosting two outdoor educational community outreach workshops targeting at risk homeowners to provide them with options to prevent mortgage default foreclosure proceedings.

The first workshop is going to be held on Tuesday, July 11, 2017 at 264 Ridge Rd. from 6:00 p.m. to 8:00 p.m. and the second workshop on Tuesday, August 15, 2017 from 6:00 p.m. to 8:00 p.m. at a site to be determined in the second ward.

Our office has recruited a couple of food trucks to participate in these events so I am requesting that your Honorable Body waive the City license fee for food trucks on these two days.

Thank you in advance for your anticipated cooperation on this matter.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Iafallo seconded by Noman, approve request.

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from Citizens:

Book Barrow-Abbott Rd. Plaza

18. To: City Council

My name is Sandra Wall from Our Lady of Victory Basilica and the Legion of Mary organization. Our Legion of Mary is a world-wide Catholic apostolic organization started in 1921 in Ireland by Frank Duff. Our objective is to serve the Church and society in union with Jesus and Mary. Among our charitable deeds is the visitation of nursing homes, hospitals and prisons.

One traditional project with us is the "Book Barrow". We bring the Church out into the world in an outreach by setting up a stand or table in a busy thoroughfare as a public service to promote human development by sharing our faith. On our table will be FREE religious materials: rosaries, holy cards, books, church bulletins and other holy reminders.

The book barrow will be manned by volunteer Legion of Mary members who will invite anyone who approaches to look over the materials and take what they like to enrich themselves, their friends, and their families. We will welcome them and practice hospitality, inviting them to come to our beloved Basilica and light a candle and say a prayer, or become involved any way they wish. It is amazing how many in the local area haven't been inside. A personal invitation goes a long way and we are well received.

We want to request permission from the Lackawanna City Council to set up a book barrow on city property in the Abbott Plaza area near the sidewalk by the bus shelter. We hope to do this intermittently on Saturdays. And, we do conduct ourselves in a respectful, constructive way.

SANDRA WALL-PRESIDENT LEGION of MARY

Moved by Lewis seconded by Jerge to **TABLE** for study

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Commissioner of Deeds-Jason Surdyke

19. To: City Council

I am requesting Commissioner of Deeds status within the City of Lackawanna, New York.

I appreciate your anticipated cooperation in this matter.

JASON J SURDYKE-LMHA

Moved by Iafallo seconded by Noman to approve request

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Ordinances:

(1) Police Department-Insurance Check

AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to increase appropriations and revenue for Insurance Recovery for a Police Vehicle

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to increase by \$38,913.95 budget code A.3120.250 Police Department, Police Cars

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to increase code A..2680 Insurance recoveries by \$38,913.95

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Surdyke adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

(2) Aggressive Panhandling

AN ORDINANCE ENACTING CHAPTER 55 OF THE CODE OF THE CITY OF LACKAWANNA ENTITLED AGGRESSIVE PANHANDLING

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

Chapter 55. Aggressive Panhandling

§55-1. Legislative Intent

The City Council finds that legislation is necessary in order to protect persons from threatening, intimidating or harassing behavior, to keep public places safe and attractive for use by all members of the community and to maintain and preserve public places where all of the community can interact in a peaceful manner. This legislation is also intended to provide for the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City of Lackawanna, to promote tourism and business and preserve the quality of urban life. The City Council finds that aggressive acts associated with solicitation tend to interfere with the free flow of pedestrian and vehicular traffic and intimidate persons in public places, and can lead to disruption and disorder in public places. Aggressive acts can also cause persons to avoid public places and lead to declining patronage of commercial establishments and tourism. The City Council further finds that solicitation in certain public places is inconsistent with the use of those places, is inherently intimidating, targets persons who are captive audiences or constitutes an invasion of privacy as persons are not able to simply move on if they do not wish to speak to the person soliciting. Solicitation in proximity to bank entrances or check-cashing businesses or automated teller machines is inherently intimidating and should be restricted. This legislation is intended to promote the health, safety and welfare of the citizens and visitors to the City of Lackawanna.

§55-2. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

AGGRESSIVE MANNER

A. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, or approaching within arm's length of the person, except with the person's consent; or

B. Following the person being solicited, if that conduct is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

C. Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

D. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation; or

E. Intentionally or recklessly using words intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession or intended or likely to intimidate the person into responding affirmatively to the solicitation; or

F. Approaching the person being solicited in a manner that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession or intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation.

AUTOMATED TELLER MACHINE

A device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY

The area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

BANKING ORGANIZATION

All banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, savings and loan associations, credit unions and investment companies as defined in § 2 of the New York State Banking Law.

LICENSED CASHER OF CHECKS

Any individual, partnership, unincorporated association or corporation duly licensed by the new York State Superintendent of Banks to engage in business pursuant to the provisions of Article IX-A of the New York State Banking Law.

PARKING AREA

An off-street area used for the temporary storage of self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customer. Parking areas shall also include parking garages, parking ramps, and municipal parking lots.

PUBLIC PLACE

Any area or building owned, leased, operated or controlled by or on behalf of any government, municipality, public authority or public corporation in the City of Lackawanna which is generally accessible by the public, including but not limited to any street, including the sidewalk portion thereof, skyway, bridge, tunnel, park, playground, recreation area, cemetery, school, or school grounds, building, facility, driveway, parking lot or parking garage, and the doorways and entrances to buildings and dwellings.

SOLICIT

Shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other thing of value.

§55.3 Prohibited conduct

A. No person shall solicit in an aggressive manner in a public place

B. No person shall solicit within 20 feet of an automated teller machine or an entrance or exit of an automated teller machine facility during the time the automated teller machine is available for customers' use; or within 20 feet of an entrance or exit to a banking organization or a licensed casher of checks during its business hours.

C. No person shall solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.

D. No person shall solicit in a parking area as defined in this chapter.

E. No person on a sidewalk or alongside a roadway shall solicit from any occupant of a motor vehicle that is on a street or other public place.

§55.4. Penalties for offenses.

A violation of this chapter shall be classified as a “violation” as that term is defined in the Penal Law. A person convicted of violating this chapter shall be fined not less than \$50 nor more than \$250 and, in addition for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.

§ 55.5. Severability.

If any clause, sentence, paragraph, or part of this chapter or application thereof to any person or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Waive Rules:

Moved by Lewis seconded by Jerge to waive rules

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Moved by Jerge seconded Iafallo to approve a temporary entertainment permit to Sue Staniszewski, 246 S. Shore Blvd., for a private house party with a live band between on July 4th from 5-9 PM

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Moved by Lewis seconded by Iafallo to approve a business registration request to Muneer Al-Gahdari, DBA Crave King Restaurant, 2693 South Park Ave.

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Ordinance -Sale of Ridge Road Lots-Family Dollar

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY
PURSUANT TO MUNICIPAL CODE SECTION 12**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of 135 Ridge Road, SBL 141.43-1-11; 117-119 Ridge Road, SBL 141.43-1-7; 129-133 Ridge Road, SBL 141.43-1-10; 125-127 Ridge Road, SBL 141.43-1-9; 121-123 Ridge Road, SBL 141.43-1-8 and 113 Ridge Road, SBL 141.43-1-6 to Durban Acquisitions, LLC

SECTION 2. That the transfer is made for the sum of not less than \$90,000.00 cash payable to the City of Lackawanna. The deed shall contain a reverter clause providing for a reversion to the City in the event that the proposed redevelopment is not completed within two (2) years

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare document to be executed for the transfer of the property to include covenants by the purchaser holding the City harmless and indemnifying it from any all claims that may arise as a result of this transfer of title to this property and any subsequent transfer by the buyer.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY
ONLY AFTER THE APPROVAL AND SIGNATURE OF THE
MAYOR**

Moved by Lewis seconded by Noman adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Adjournment:

Moved by Lewis seconded by Jerge meeting adjourned

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Keith E. Lewis, Council President

Jeffrey P. DePasquale, City Clerk