

**COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 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, Surdyke, Lewis
Excused: Jerge
Dept. Heads: Present: Law, Comptroller, Public Safety, Recreation
Development, Public Works**

Approval of Minutes: of regular meeting of August 21, 2017

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

Carried 4-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #03, August 18, 2017
2. City Comptroller-A/P Check Listing #04, August 25, 2017

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

Carried 4-0

Communications from the Council:

Ridge Road-CBD-Parking

3. To: City Council

The following is an excerpt from an item I placed on the agenda on 10/13/16. I recollect we discussed this item on 10/13 and subsequently voted to have the markings placed on Ridge Road.

“As we are all aware, Ridge Road has become increasingly congested near the intersection of South Park at certain times of the day, extending sometimes all the way back to Electric. “

“Additionally, the need for on-street parking has increased on Ridge Road in the “Central Business District” and with the anticipated renovation of the building at Colton and Ridge this need will likely grow. Many of the businesses on Ridge Road in the CBD do not have a parking lot, which means they must rely on municipal lots and on-street parking. Additionally, parishioners and visitors of the Basilica often rely on street parking on Ridge Road as well as South Park. “

“At present, there are no markings on the street that designate parking spots, so cars park where they like causing congestion and traffic delays, as well as being problematic to getting more cars on the street. “

“I would like to request that markings similar to those on South Park north of Ridge be placed along the entire CBD to facilitate order.”

Further, with several restaurants and bars in the CBD, deliveries are becoming problematic to traffic as well. I would like to suggest a “no parking between signs” section in each block of Ridge (where it is necessitated) in the CBD be installed and enforced between the hours of 9AM and Noon, meaning beer trucks and larger delivery vehicles would not impede traffic flow. This may require some cooperation from businesses to inform their vendors of specific delivery times as they pertain to deliveries on Ridge Road in the CBD, but I would not foresee that as a problem because many businesses use a lot of the same vendors. “

I believe this need is still relevant and would like to once again ask that these markings be placed on Ridge Road throughout the Central Business District. I once again ask for the Council’s support on this subject and if passed, I would like to request immediate attention to this need.

JOE JERGE-3rd WARD COUNCIL MEMBER

Moved by Lewis seconded by Surdyke receive and file

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Blind Child Sign

4. To: City Council

This is a correspondence that I sent to the Director of Public Safety-

I would like to request a “blind child in area” sign or signs near the intersection of Wintergreen and Cheryl.

Additionally, I would like to request that the “dead end” sign currently located at the cul de sac on Cheryl be relocated to a prominent spot near the entrance to Cheryl.

Your anticipated cooperation is greatly appreciated

JOE JERGE-3rd WARD COUNCIL MEMBER

Moved by Lewis seconded by Iafallo to approve request

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Council Meeting Time Change

5. To: City Council

I would like to request that all future council meetings begin immediately upon the conclusion of caucus.

Any worthwhile discussion pertaining to topics on the agenda happens during the caucus and the majority of voting decisions are discussed and made during caucus. Sometimes there is little to no discussion necessary and the caucus process is completed in minutes.

Your anticipated cooperation is greatly appreciated

JOE JERGE-3rd WARD COUNCIL MEMBER

Moved by Lewis seconded by Surdyke TABLE for further study

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Communications from Department/Division Heads:

Bethlehem Steel Shoreline Trail Inter-Municipal Agreement

6. To: City Council

Please put the attached Agreement on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

FEDERAL AID LOCAL PROJECT-Inter Municipal Agreement

PROJECT NAME: The Erie County Shoreline Trail Bethlehem Steel Project-Phase 1

This agreement, dated this 26th day of July 2017 by and between the County of Erie, a New York State municipal corporation with its principal office for the transaction of business at 95 Franklin Street, Buffalo, New York 14202 (hereinafter referred to as “County”) and the City of Lackawanna, having its principal office for the transaction of business at 714 Ridge Road, Lackawanna, New York 14218 (hereinafter referred to as “City”). The County and City may be individually referred to hereafter as a “Party”, or collectively as the “Parties”.

WHEREAS, the City desires to participate in the Erie County Shoreline Trail Bethlehem Steel Project-Phase 1, PIN 5761.04 (the “Project”) sponsored by the County; and

WHEREAS, the City is the owner of public land located along the Hamburg Turnpike, access of which is required for purposes of completing the Project, as depicted on the Project Plans attached hereto as **Exhibit A**; and

WHEREAS, the County, as Project Sponsor, requires the City’s permission to access the lands on the Hamburg Turnpike as noted in the Project Plans for purposes of completing construction of a pedestrian and bicycle trail for public use, as well as site restoration and turf re-establishment.

NOW, THEREFORE in consideration of the foregoing and of the mutual covenants and promises contained herein, the receipt and sufficiency of which the parties mutually acknowledge, the Parties agree as follows:

1. Project Description

The city hereby grants permission and gives consent to the County, the County’s contractors and/or designees, to enter onto the land located along the Hamburg Turnpike, as defined in the Project Plans and on **Exhibit A**, which is attached hereto and incorporated herein, for the purposes identified below:

- a. Access to the lands along the Hamburg Turnpike for the purposes of constructing a pedestrian and bicycle trail for public use, referred to herein as the transportation facility; and
- b. Site restoration and turf re-establishment at the Project location.

2. Schedule

The work is scheduled to be performed between October, 2017 and September, 2018. The County shall contact the City if these dates change and identify a mutually agreeable date.

3. Applicant/Sponsor Acceptability

The City and the County are both acceptable project applicants and sponsors of Federal aid highway projects as determined by the New York State Department of Transportation (NYSDOT).

4. Anticipated Project Life

The transportation facility (i.e. pedestrian and bicycle trail) described in paragraph 1 are expected to have a useful life of twenty (20) years from the expected date of completion; September, 2018. This Agreement shall have a twenty (20) year term to coincide with the useful life of the transportation facility.

5. Responsibility for Local Funding Share

The county is responsible for providing any local funding shares needed in connection with the construction of this Project.

6. Ownership and Maintenance upon Substantial Completion

Ownership of the transportation facility, described herein and located within the City, shall be the responsibility of the City upon substantial completion of the Project. The location and details of the transportation facility are attached as **Exhibit A**.

Maintenance of the segment of the noted transportation facility constructed within the City and referred to herein shall be the responsibility of the County upon substantial Completion of the Project.

7. Incorporation into State/Local Agreement

This agreement will become a part of the New York State Federal Aid Local Project Agreement No. D034954 for this Project, between the County and the State of New York dated May 19, 2015.

8. Property Restoration

All property disturbed by the construction of this Project will be restored to original condition, as determined by the contract documents.

9. Indemnification

During the design and construction phases of the transportation facility, the County, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City and their members, officers, employees and agents from and against from and all liability, damages, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the County or third parties under the direction or control of the County.

Upon substantial completion of the construction of the transportation facility, the City, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the County and their members, officers, employees and agents from and against any and all liability, damages, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the City or third parties under the direction or control of the City.

10. Revocability

This Agreement and the work constructed pursuant to this Agreement and the State Local Agreement entered into with the County are non-revocable by either party, except for extenuating circumstances such as the federal funding not being available, or where the federal funds used to construct the improvements are returned to the federal government, or if federal approval is granted to discontinue this Agreement.

11. Recording

This Agreement shall be recorded in the Erie County Clerk's office, by the project sponsor, with illustration and mapping.

12. Notice

All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County: Commissioner of Environment & Planning, County of Erie,
95 Franklin Street, Room 1012, Buffalo, New York 14202

With copy to: Erie County Attorney, 95 Franklin Street, Room 1634,
Buffalo, New York 14202

To the City: Mayor Geoffrey M. Szymanski, City of Lackawanna,
714 Ridge Road, Lackawanna, New York 14218

With copy to: Lackawanna City Attorney, 714 Ridge Road, Lackawanna,
New York 14218

Or at any such other address or such other person as the Parties may designate.

13. Severability

If any provision of this Agreement proves to be illegal, invalid or unenforceable, the Remainder of the Agreement will not be affected by such finding, and each provision of This Agreement shall be valid and enforceable to the fullest extent permitted by law.

14. Governing Law

This Agreement shall be governed by and constructed in accordance with the law of the State of New York.

15. Entire Agreement

This Agreement and the Exhibits attached hereto constitute the sole and complete Agreement and understanding of the Parties with respect to the rights granted herein and supersede all prior written or oral agreements and understandings with respect to the rights granted herein.

16. Amendment

This Agreement shall not be changed, amended or altered in any way except in writing and executed by all Parties. Any change, amendment or alteration must be approved by NYSDOT.

17. Assignment

No Party shall assign this Agreement without prior written consent of all other Parties.

18. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed by their duly authorized officers and/or agents as of the day and year first set forth above.

COUNTY OF ERIE
Deputy County Executive

CITY OF LACKAWANNA
Mayor

Moved by Lewis seconded by Surdyke, approve Bethlehem Steel Shoreline Agreement, act on resolution

Yeas: Noman, Iafallo, Surdyke, Lewis Carried 4-0

Chapter 88, 5, 12, 177, 66, 63 Ordinances

7. To: City Council

Please put the attached Ordinances on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Iafallo receive and file, act on ordinances

Yeas: Noman, Iafallo, Surdyke, Lewis Carried 4-0

Lease Agreement between City and School

8. To: City Council

Please put the attached Lease Agreement on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Excerpts of Lease Agreement –Complete text on file with City Clerk

Landlord is the owner of land and improvements commonly known as Lackawanna Veteran’s Stadium, 2960 South Park Avenue, Lackawanna New York (hereinafter “Premises”).

Landlord makes available for lease the Premises consisting of a front and side parking lot and the Lackawanna Stadium premises, including football field, lighting, and concrete bleachers and all other portions of the premises, all of which are currently contained on the premises.

Terms of Lease

Tenant leasing premises for specified dates from 10:00 am until 12 midnight for football games. This lease shall end December 1, 2017 unless extended by written agreement of both Landlord and Tenant.

Landlord’s Responsibilities

The landlord shall be solely responsible for grass cutting, garbage removal, snow removal and providing electric, gas and such services and utilities used by Tenant on the premise on each day of use.

Tenant’s Responsibilities

Tenant shall be solely responsible for providing security on each day of use, which shall consist of at least four (4) off duty police officers. Tenant shall also provide it own staff to collect tickets. No alcoholic beverages allowed on stadium premises or parking facilities.

Landlord and Tenant shall each have the right from time to time to change the place notice is given under this paragraph by written notice thereof to the other party.

Moved by Lewis seconded by Noman to approve lease agreement between the City and Lackawanna Schools

Yeas: Noman, Iafallo, Surdyke, Lewis Carried 4-0

Tabled Items:

Moved by Lewis seconded by Surdyke to remove tabled item #15 from meeting of 6/19/17 regarding Jeannine Halsey purchase offer for 303 Ridge Road

Yeas: Noman, Iafallo, Surdyke, Lewis Carried 4-0

Moved by Lewis seconded by Noman to sell 303 Ridge Road to Jeannine Halsey for the sum of \$1,000.00 for the purpose of creating off-street parking for the building at 305 Ridge Road

Yeas: none
Nays: Noman, Iafallo, Surdyke, Lewis **MOTION FAILED 4-0**

Purchase Offer-303 Ridge Road

9. To: City Council

My office has received an offer from Anthony Fruci in the amount of \$1,500 to purchase the parcel located at 303 Ridge Road for purpose of addition parking for dwelling located at 12 Ingham Ave. The current lot size of 30 x 81 and has an assessed value of \$3,100.

Therefore, it is my recommendation that the City Council APPROVE the sale of 303 Ridge Rd to Anthony Fruci in the amount of \$1,500 for the additional parking.

For further information, please contact the Assessor’s Office.

FRANK E KRAKOWSKI

Moved by Lewis seconded by Surdyke to **TABLE** for further study

Yeas: Noman, Iafallo, Surdyke, Lewis Carried 4-0

Bingo Inspector Term-Amend City Code

10. To: City Council

At the regular meeting on August 21, 2017, your honorable body approved the appointments of two Bingo Inspectors. This brings our total to three, which is where we should be at.

I previously sent you correspondences regarding the term of Bingo Inspectors as per the City Code, Article IV, Municipal Bingo Inspectors, Section 31-11, appointment term; compensation.

It reads as follows: “Each municipal Bingo Inspector shall be appointed to serve for a term of

one year.” Currently, and in past practice, the City Clerk’s Office has been appointing Municipal Bingo Inspectors for a term of four years.

I am requesting the City Council to direct the Law Department to amend City Code, Article IV, Municipal Bingo Inspectors, Section 31-11, appointment; term; compensation, to read: “Each Municipal Bingo Inspector shall be appointed to serve for a term of four years.”

I am also requesting, as part of this amended section of the City Code, that a position of “Senior Bingo Inspector” be created, with an increase of \$200.00 in compensation, bringing that title’s yearly compensation to \$17,000.00. There would be one Senior Bingo Inspector, selected by the City Clerk, from the existing bingo inspectors. Their added responsibilities would include, but not necessarily limited to, verifying the accuracy of the Bingo Reports, ensuring that the Bingo Reports are submitted to the City Clerk’s Office in a timely manner, that the proper number of bingo inspections are being done and coordinating the bingo inspection process.

I think by adding a Senior Bingo Inspector, that would ensure that this office receives the reports on time, they are accurate and the bingo inspectors are rotating with their duties and responsibilities that we require.

Thank you for your anticipated cooperation with this matter.

JEFFREY P DEPASQUALE-CITY CLERK

Moved by Lewis seconded by Iafallo to direct the Law Department to amend Municipal Code, Article IV, Section 31-11 with regards to length of term and the creation of the Senior Bingo inspector position

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Advertise for Bids-Fire Department-Pumper

11. To: City Council

The fire department is in need of a new pumper to replace Engine 1, which is over 20 years old.

I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid.

If you have any questions please feel free to contact me.

RALPH GALANTI-FIRE CHIEF

Moved by Lewis seconded Noman to direct the City Clerk to advertise for bids for a new Fire Department pumper. Fire Chief asking for a 60 day confirmation of “price lock”

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Communications from Citizens:

B.O.Y.S. Association-Reimbursement

12. To: City Council

I Jeffery Ciolek, the President of the B.O.Y.S. Association of Lackawanna is submitting the names and addresses of the 96 children that live and played for Lackawanna during this past baseball/softball season (2017). If you have any questions you may contact me. Thank you for your time and consideration.

(Complete list on file with the City Clerk)

JEFFERY CIOLEK-PRESIDENT

Moved by Lewis seconded by Iafallo to authorize re-imbusement of \$576.00 to the B.O.Y.S Association

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Resolutions:

(1) Resolution #18, 2017-Bethlehem Steel Shoreline Trail

WHEREAS: the County of Erie is desirous of extending the existing Shoreline Trail from the City of Buffalo into the City of Lackawanna for the Bethlehem Steel Shoreline trail; and

WHEREAS: part of the Bethlehem Steel Shoreline Trail will be on a public roadway in the City of Lackawanna; and

WHEREAS: the County of Erie requires the City of Lackawanna's permission to access the lands on Hamburg Turnpike for the purpose of constructing a pedestrian and bicycle trail for public use;

NOW THEREFORE, BE IT

RESOLVED, that the Mayor is hereby authorized to execute an inter-municipal agreement with the County of Erie for the purpose of constructing and maintaining the Bethlehem Steel Shoreline Trail

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Surdyke to adopt resolution as amended

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Ordinances:

(1) Chapter 88-Amend Business Registration

AN ORDINANCE AMENDING CHAPTER 88, BUSINESSES, REGISTRATION OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 88-4 shall be amended to add the following:

E. A business owned and operated by an individual from their home which has no employees and whose customers are not physically present at said location at any time and which is not involved in the manufacturing or repair of goods, wares, appliances, vehicles or other merchandise on the premises shall not require a certificate of business registration.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

(2) Chapter 12-Amend City Owned Real Estate

AN ORDINANCE AMENDING CHAPTER 12, CITY OWNED REAL ESTATE, DISPOSITION OF, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 12 shall be amended to add the following:

Section 12-2. Determination by City Council to sell certain property

The City Council shall determine what City owned real estate is no longer required for Public use by the City

Section 12-6. Private Sale

The sale of all other real property purchased or held by the City for its use as distinguished from that described in § 12-4 above and including real property acquired by tax sale or foreclosure may be sold by private sale

Section 12-7. Procedures for sale of other City owned property

C. The City Council shall be provided a list of property described herein available for private sale

D. The City Assessor shall maintain and revise this list annually and by June 1st of each year send to the Council its revised list.

E. The real property included n the list shall be made available for private sale and the public may make an offer to purchase the same. The City Clerk may, from time to time, advertise in the City's official newspaper and/or in other newspapers a brief tax description of City property available for private sale and inviting the public to offer to purchase same.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Moved by Lewis seconded by Iafallo adopt ordinance as written

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

(3) Chapter 177-Amend-Rental Dwelling

**AN ORDINANCE AMENDING CHAPTER 177, CITY OF LACKAWANNA
MUNICIPAL CODE, RENTAL DWELLING UNIT REGISTRATION**

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

Section 177-4 Application for registration is hereby amended as follows:

§177-4 (1) Rescind and replace as follows:

1. Name, principal residence address, principal business address, email address and telephone number of the owner.

§177-4 (3) Rescind and replace as follows:

3. If the owner is a corporation, the principal of business of the corporation must be provided and the name, title, residence, email address and telephone address of all officers, directors, managing or general against must be included.

§177-4 (4) Rescind and replace as follows:

4. If the owner has designated an agent or managing company, then the name, principal residence address, principal business address, email address and telephone number of such agent or managing company must be included in addition to that of the owner.

§177-4 (5) Rescind and replace as follows:

5. It shall be the responsibility of the owner to provide accurate, current and valid information as set forth in Sections 1-4 above so that the owner may be contacted in a reasonable and expeditious manner and to properly register any change of address, agent or any other information which occurs after the filing of the application, and do so within 30 days of such change.

§177-4 (8) Rescind and replace as follows:

8. If the owner does not reside within the County of Erie (New York State), or if the owner leaves the County of Erie for over thirty (30) days the name, address, email address, and telephone number of a contact/agent who resides in the County of Erie (New York) must be provided.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Moved by Lewis seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

(4) Chapter 66-Amend Animals

AN ORDINANCE AMENDING CHAPTER 66, ANIMALS, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

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

Section 66-14 (B) is hereby rescinded and replaced as follows:

- B. 1. (a) For each spayed/neutered dog: \$12.00; \$10.00 for senior citizen.
(b) For each unsprayed/unneutered dog: \$20.00; \$18.00 for senior citizens.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as amended

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

(5) Chapter 63-Amend-Amusement Devices

AN ORDINANCE AMENDING CHAPTER 63, CITY OF LACKAWANNA MUNICIPAL CODE, AMUSEMENT DEVICES AND PUBLIC ENTERTAINMENT

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

Section 63-11 (c) is hereby rescinded and replaced as follows:

C. Fees. A fee of \$10.00 per year shall be established for coin-controlled devices to include: beverages, sundry, candy, cigarettes, gum, novelty, sandwiches, snacks, bowling ball cleaner machines, air-dispensing machines, car wash stalls, car wash vacuum machines, coin-operated washers/dryers, soap dispensing and any other coin-dispensing machines not categorized as amusement devices.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Waive Rules:

Moved by Lewis seconded by Iafallo to waive rules

Commissioner of Deeds

To: City Council

Wanda Turner, Drew Ortega and Joseph Geyer request to be approved as Commissioner of Deeds. If you have any additional questions or concerns feel free to contact me at your earliest convenience.

Thank you.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Iafallo to approve request for Commissioner of Deeds status

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Adjournment:

Moved by Lewis seconded by Surdyke meeting adjourned

Yeas: Noman, Iafallo, Surdyke, Lewis

Carried 4-0

Keith E. Lewis, Council President

Jeffrey P DePasquale, City Clerk