

COUNCIL MEETING
MONDAY, NOVEMBER 6, 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, Development, Recreation
Public Safety
Excused: Public Works

Approval of Minutes: of regular meeting of October 16, 2017

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

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #13, dated 10/13/2017
2. **City Comptroller** – A/P Check Listing #14, dated 10/18/2017
3. **City Comptroller** – A/P Check Listing #15, dated 10/27/2017
4. **City Comptroller** – A/P Check Listing #16, dated 10/31/2017
5. **City Treasurer** – Total Receipts Deposited to General Fund Account, for Oct. 2017
6. **City Clerk** –Monthly Revenue Report, October, 2017

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

Carried 5-0

Communications from the Mayor:

Resolution Place Holder

7. To: City Council

I am submitting a place-holder resolution, written by our engineering firm, to reserve an item on the next agenda.

My administration understands that waiving of the rules can be a sensitive issue and we are trying to prevent this with this place holder. Of course, sometimes these items cannot be clocked in, in a timely manner due to the importance of the issue and timing of information that we receive.

That being stated, the bids were opened this morning (November 1, 2017) on the Abbott Road/Ridge Road project and we will submit a proper resolution when the numbers are identified. The next step would be to make a motion to amend the place-holder resolution with the resolution with numbers; and then make a motion to approve as amended.

Thank you for understanding.

MAYOR GEOFFREY SZYMANSKI

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from Department/Division Heads:

Chapter 190 Solid Waste-Amend

8. To: City Council

Please put the attached Ordinance on the agenda for council approval.

Thank you

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Solar Panel Project-Electrical Permit Fees

9. To: City Council

I am requesting that the Electrical Permits Fees for a Solar Panel Project on City owned property at 368 and 482 Willet Roads being constructed by CIR Solar be waived because the project is saving the City money on the cost of electricity. The total cost of the Electrical Permit would be \$400.00 (\$200.00 per property) and as a good faith gesture to a company that is located within the boundaries of Lackawanna, I would like to suggest and recommend the waiver of this fee.

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

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Jerge seconded by Surdyke receive and file, act on resolution

Yeas: Noman, Iafallo, Jerge, Surdyke

Nays: Lewis

Carried 4-1

Communications from Citizens

Executive Session Report

10. To: City Council

The Buffalo Niagara Coalition for Open Government recently analyzed executive session motions for 16 local governments in Erie and Niagara County. Our study found that during the six month period reviewed (January 1, 2017 to July 1, 2017), 97% of executive session motions were not done correctly.

A copy of the report is attached. Our request is that this report be placed on your next meeting agenda for discussion. Our goal is to educate local governments in an effort to change how executive sessions are being handled. I would be happy to discuss this report with you at one of your meetings.

Many of the emails I sent bounced back to me stating the file being sent was too large. Sorry that some of you are receiving this for a second time. Attached is the 10 page report. There is also an Appendix A which lists every motion we reviewed and an Appendix B which contains opinions from the New York State Committee on Open Government. The Appendix's can be obtained at www.nyopengov.org, under News.

(Complete text on file in City Clerk's office)

PAUL WOLF, ESQ-PRESIDENT-BUFFALO NIAGARA COALITION for OPEN GOVERNMENT

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Honor Seaman Second Class Edmund Mozgowa

11. To: City Council

Nov 13 2017 will mark the 75th anniversary of the death of Seaman Second Class Edmund Mozgawa of Lackawanna who died Nov 13 1942 (one day after his 19th birthday) along with the 5 Sullivan brothers for whom the USS The Sullivans which is moored in the Buffalo Naval Park was named. Edmund's body was never recovered. Very few people know of his sacrifice other than his family and a few us us who study military history relating to the contributions of Lackawanna men & women in WW2.

There was an article in the Buffalo News in September about a ceremony at the Buffalo Naval Park honoring the only Buffalonian to be killed along with the Sullivan brothers when the USS Juneau was sunk by a Japanese torpedo costing 687 men their lives. This article was very upsetting to Edmund's sister Sophie due to lack of mention of her brother being killed also. It was also very upsetting to me a "Lackawanna Boy" aboard the Juneau that fateful day. Edmund's family never got over his death. His parents had signed the permission papers to allow him to enlist at age 17. The only recognition of Edmund's sacrifice is his name being listed on the Walls of the Missing on the memorial in the Manila American Cemetery and Memorial ion the Philippines. This link will take you his online memorial page provided by the by the American Battle Monuments Commission <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&Grid=56752971>

But this is about to change. I've been in contact with Erie County Veterans service Agency who contacted Congressman Higgins' office. They are going to expedite the process of obtaining a memorial marker for Edmund from the VA which will probably be placed in the Bath NY VA Cemetery and provide Edmund's sister with his service medals. There will also be a memorial service at the Buffalo Naval Park on Nov 10 2017 in commemoration of the 75th anniversary of sinking of the USS Juneau and the men who perished. Edmund Mozgawa will be recognized at the ceremony.

Therefore I request that Lackawanna City Council pas a resolution honoring Seaman Edmund Mozgawa on Nov 13 2017. He left Lackawanna at a young age to serve our country, paid the ultimate price and never returned home for burial. He has been forgotten for 75 years and I believe it's time he got the recognition he deserves.

KENNETH WISZ-VETERAN & EXPATRIATE of LACKAWANNA

Moved by ALL seconded by ALL receive and file, act on resolution

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Business Registration:

Kevin Weaver-DBA Weaver Pawn Shop-1281 Abbott Road

Moved by Lewis seconded by Jerge approve business registration
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Resolutions:

(1) Resolution # 21, 2017-Solar Panel Project-Waive Fees

WHEREAS, by a Power Purchase Agreement-Utility Transfer was approved by City Council on March 10, 2016 with CIR Electric to provide clean energy savings to the City of Lackawanna over a period of twenty (20) years for a proposed solar installation project at the end of Willet Road and;

WHEREAS, the City of Lackawanna Planning Board approved the Solar Panel Installation Site Plan Project proposed by CIR Electric on July 10, 2017

NOW, THEREFORE, BE IT

RESOLVED, that the City of Lackawanna hereby waives all Electrical Permit Fees associated with the installation of solar panels by CIR Electric at the end of Willet Road

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Surdyke adopt resolution as written

Yeas: Noman, Iafallo, Jerge, Surdyke

Nays: Lewis

Carried 4-1

(2) Resolution # 2017-Navy Seaman Second Class Edmund Mozgowa

Whereas, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

Whereas, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

Whereas, we owe a great debt to those who have paid the ultimate sacrifice in defense of this great nation; and

Whereas, Edmund Mozgawa, age 18, a resident of Lackawanna, County of Erie, State of New York, enlisted in the United States Navy on 11 August 1941; and

Whereas, Seaman Second Class Mozgawa, while serving on the USS Juneau during WWII, paid the ultimate sacrifice with 686 fellow sailors, when their ship was sunk by a Japanese torpedo on 13 November 1942; and

Whereas, Seaman Edmund Mozgawa left Lackawanna at a young age to serve our country, paid the ultimate sacrifice and never returned home for burial; and

Whereas, 13 November 2017 will mark the 75th anniversary of his death;

Be it further resolved, that the City of Lackawanna hereby honors the memory of Seaman Second Class Edmund Mozgawa, and posthumously thanks him and his family for his dedicated service to our country.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Moved by ALL seconded by ALL adopt resolution as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Ordinances:

Chapter 190-Solid Waste-Amend

AN ORDINANCE AMENDING CHAPTER 190 SOLID WASTE, CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 190-6, shall be amended by adding the following:

§-190-6. Owner responsibility

C. Solid waste to be collected by the City of Lackawanna shall be placed for collection no earlier than 6:00 p.m. on the day before the collection day

D. All totes and other solid waste containers shall be removed from the public right-of-way or other place of collection no later than 7:00 p.m. of the designated collection day.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Surdyke seconded by Noman adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke

Nays: Lewis

Carried 4-1

Adjournment:

Moved by Lewis seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Keith E. Lewis, Council President

Jeffrey P DePasquale, City Clerk