

**REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 21, 2019  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

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

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

**Roll Call: Council: Present: Ingram, Schultz, Moretti, Iafallo  
Excused: Surdyke**

**Dept. Heads: Present: Law, Public Works, Recreation, Public Safety  
Excused: Development and Comptroller**

**Approval of Minutes:** of regular meeting of October 7, 2019

Moved by Iafallo seconded by Schultz to adopt minutes of regular meeting as written  
Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Departmental Reports:**

1. **City Comptroller-** A/P Check Listing #8, dated October 2, 2019
2. **City Comptroller-** A/P Check Listing #9, dated October 8, 2019
3. **City Comptroller-** A/P Check Listing #10, dated October 10, 2019

Moved by Iafallo seconded by Schultz to receive and file departmental reports one thru three  
Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Communications from the Mayor:**

**CBDG Funds for 2019-2020**

4. To: City Council

I am seeking City Council approval for the attached resolution regarding projects I have proposed through the use of Community Development Block Grant (CDBG) funds for 2019-2020.

A Public Hearing was held October 17th seeking input from the community, our elected leaders and my thoughts regarding the use of these funds. The minutes of that Public Hearing have been recorded by the City Clerk and made part of the record.

Your anticipated cooperation regarding this important matter is greatly appreciated.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Iafallo seconded by Schultz to receive and file, act on resolution.  
Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**4. (A.) Resolution #19, 2019- ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS**

**WHEREAS**, following the Public Hearing of October 17, 2019, which was held at the Lackawanna City Hall for suggestions by the public for projects to be submitted for funding,

**NOW, THEREFORE BE IT RESOLVED** that the Lackawanna City Council submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2020-21 grant cycle.

1<sup>st</sup> Priority- Milling and paving of Milnor Avenue, estimated to cost \$158,972.15; and,  
2<sup>nd</sup> Priority- Milling and paving of Keever Avenue, estimated to cost \$139,822.24

**NOW THEREFORE BE IT RESOLVED BY**, that the Lackawanna City Council authorizes Mayor **Geoffrey M. Szymanski**, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG.

**AND BE IT FURTHER RESOLVED THAT**, THE City of Lackawanna will provide a \$58,972.15 match for Priority #1 from line item H.2080.401.

**AND BE IT FURTHER RESOLVED THAT**, the City of Lackawanna will provide a \$39,822.24 match Priority #2 from line item H.2080.401.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Schultz to adopt resolution as written, with cost figures to be determined by City's Engineering firm and cost figures acceptable to the City

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Communications from Department/Division Heads:**

**Budget Transfer-Holbrook Paving Project**

5. To: City Council

Please approve the transfer between the General Fund and the Capital Fund for funding of the Holbrook Paving Project approved at the September 18, 2019 council meeting.

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

**CAROLYN A. NICOMETO-CITY COMPROLLER**

Moved by Iafallo seconded Schultz to receive and file, act on ordinance

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**5. (A.) AN ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE ADOPTED JUNE 13, 2019**

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

**SECTION 1.** That the 2019-2020 Budget Ordinance adopted June 13, 2019 is hereby amended to increase appropriations for Capital Project Holbrook Avenue Paving Project.

**SECTION 2.** That the 2019-2020 Budget Ordinance is hereby amended to add \$120,245.00 to budget Code A.9000.9550 Transfer to Other Fund-Capital.

**SECTION 3.** That the 2019-2020 Budget Ordinance is hereby amended to appropriate \$120,245.00 of the City's Fund Balance.

**SECTION 4.** That the 2019-2020 Budget Ordinance is hereby amended to add \$120,245.00 to budget code H.2080.600.

**SECTION 5.** That the 2019-2020 Budget Ordinance is hereby amended to increase budget code H.0000.2545 Capital Fund Inter Fund Transfers by \$120,245.00.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Ingram to adopt ordinance as written

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Budget Transfer-Fire Department**

6. To: City Council

Please approve the inter-fund transfer in the Fire Department's budget to cover the cost training. As per Discussion with the Fire Chief Fino the funds will be necessary to complete the required training for fire personnel.

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

**CAROLYN A. NICOMETO-CITY COMPTROLLER**

Moved by Iafallo seconded by Moretti to receive and file, act on ordinance

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**6. (A.) AN ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCES ADOPTED JUNE 13, 2019**

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

**SECTION 1.** That the 2019-2020 Budget Ordinance adopted June 13, 2019 is hereby amended to increase appropriations for Fire Department-Training Schools from Fire Department-Paid Holidays.

**SECTION 2.** That the 2019-2020 Budget Ordinance is hereby amended to add \$12,000.00 to budget code A.3410.467 Fire Department-Training Schools.

**SECTION 3.** That the 2019-2020 Budget Ordinance is hereby amended to appropriate \$12,000.00 from budget code A.3410.103 Paid Holidays.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Moretti to adopt ordinance as written

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Agreement-Soccer Club**

7. To: City Council

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

(Complete Lease Agreement on file with City Clerk)

**RICHARD S. JUDA, JR-CITY ATTORNEY**

Moved by Iafallo seconded by Ingram to **TABLE** request pending additional information  
Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**STOP-DWI Resolution**

8. To: City Council

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

**RICHARD S. JUDA, JR-CITY ATTORNEY**

Moved by Iafallo seconded by Moretti to receive and file, act on resolution

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**8. (A.) RESOLUTION #20, 2019**

**WHEREAS**, the City has been engaged in the STOP-DWI program in conjunction with the County of Erie for several years; and

**WHEREAS**, the County has requested the City to enter into a formal agreement with the County setting forth the terms and conditions between the County and the City, and

**WHEREAS**, attached hereto, are copies of the proposed contracts for the period commencing January 1, 2017 and terminating December 31, 2017 and for the period commencing January 1, 2018 and terminating December 31, 2018; and

**WHEREAS**, the City Council deems it in the best interest of the City of Lackawanna to enter into said Agreements,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Mayor be and hereby is authorized and directed to execute said agreements on behalf of the City of Lackawanna; and be it further

**RESOLVED**, that the City Clerk forward certified copies of this resolution to the Mayor, Director of Public Safety, Chief of Police and the City Attorney.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Schultz to adopt resolution as written

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Dona Street Extension**

9. To: City Council

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

**RICHARD S. JUDA, JR-CITY ATTORNEY**

Moved by Iafallo seconded by Ingram to receive and file, act on resolution

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**9. (A.) RESOLUTION # 21, 2019**

**Whereas**, the Buffalo & Erie County Industrial Land Development Corp. previously acquired approximately 147 acres at the former Bethlehem Steel site, and contemplated acquiring an additional 90 acres appurtenant to Route 5 (collectively the "ILDC"), and

**Whereas**, Tecumseh Redevelopment, Inc. (hereinafter "Tecumseh") currently owns certain lands abutting And/or adjoining property now owned by the ILDC on the former Bethlehem Steel site, and

**Whereas**, the County of Erie and/or the ILDC had expended over \$6 million dollars on redeveloping the former Bethlehem Steel site including land acquisition, removal and relocation of rail lines and installation of utilities and the development of a permanent access road over a portion of the former Bethlehem property and the County of Erie continues to further develop the site, and

**Whereas**, the City of Lackawanna will be able to increase its tax base as a result of the efforts of the ILDC and the County of Erie, and

**Whereas**, the County has obtained easements over a certain portion of the former Bethlehem Steel site and has expended sums of money and worked with engineers and is in the process of developing and completing certain improvements currently known as Dona Street or an extension of Dona Street west of Route 5 and on a portion of the former Bethlehem Steel site, and

**Whereas**, the ILDC and Tecumseh, who still owns a portion of the area where the current access road is being developed, are desirous of conveying all of the right, title and interest in the land area where the Dona Street roadway or access road has been newly developed, and

**Whereas**, the County of Erie has acquired the permanent easement attached hereto as Exhibit A and B and C to construct an extension as highlighted on the attached Exhibit D (hereinafter collectively referred to as the "Easement"), and

**Whereas**, the County of Erie as part of the overall plan of conveyance, has requested that the City of Lackawanna accept an assignment of the existing Easement over the newly developed roadway, and

**Whereas**, City of Lackawanna has agreed to accept an assignment of the Easement to the newly developed Access road currently known as Dona Street,

**Now Therefore, be it**

**Resolved**, That the City Council hereby authorizes the Mayor of the City of Lackawanna to enter into such agreements, contracts, and/or memorandum of understanding in order to effectuate the assignment of the Easement necessary to that part of Dona Street which is currently being extended on the former Bethlehem Steel site and hereby authorizes the Mayor of the City of Lackawanna to enter into any such agreements, contracts, and/or memorandum of understanding that may be necessary in order to accomplish the dedication and acceptance of said access road including assignment of any existing easements, or assignment of a portion of any existing easements, or assignment of a portion of any existing easements and/or deeds of conveyance from both the County of Erie and Tecumseh as said roadway is currently laid out on the attached Memorandum of Understanding.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Moretti to adopt resolution as written  
Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

### **Communications from Citizens:**

#### **Arts on Ridge 2020-Street Closure**

10. To: City Council

This letter is to request the approval from the appropriate authority regarding closing part of Ridge Road in Lackawanna for the Annual Arts on Ridge Celebration.

We are requesting that Ridge Road be closed from traffic on September 12, 2020 from 9am-6:30pm from South Park Avenue to Franklin Street in Lackawanna. This would allow for additional space for live entertainment as well as additional vendors, and still oblige traffic to bypass this portion of Ridge Road by using Center Street heading south.

The festival will run from 12:00 PM through 5:00 PM on Saturday, 12, 2020. It will include multiple vendors including food and beverage, traditional art, artisan works, photographers, and performance artists. The goal of the festival is to bring tourists from around the WNY area and abroad to the heart of Lackawanna, as well as, provide a safe family-fun atmosphere for all Lackawanna residents to enjoy.

We ask for this approval to be in a timely fashion in order to appropriate market the festival and begin vendor applications. Please feel free to reach out to me with any questions or if you need more information to approve this request. I am happy to attend a Council meeting to discuss this request as deemed necessary.

Thank you for your consideration.

**CYNDI MATLA-EXECUTIVE DIRECTOR-SOUTHTOWNS REGIONAL CHAMBER of COMMERCE**

Moved by Iafallo seconded by Schultz to approve request, refer to Director of Public Safety and DPW Commissioner

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

#### **Lobbyist Update**

11. To: City Council

In the months since we collectively identified funding priorities for the City of Lackawanna, MMCA has been working closely with state elected officials and staff to secure maximum funding for the city.

MMCA, with the agreement of city officials, designed a funding strategy to direct various project requests to members of the state delegation that would give Lackawanna the best chance of securing funding.

Those requests were not only directed to specific elected officials, but also to various funding sources of securing funding.

Those requests were not only directed to specific elected officials, but also to various funding sources, i.e. CFA, SAM Grants and member items.

Funding requests totaled \$465,000 from New York State sources and \$207,000 from federal sources.

MMCA is pleased to report the status of our funding strategy:

- \* Assemblyman Burke has committed \$300,000 in total funding for the City of Lackawanna
- \* Senator Kennedy will be making his funding decisions in the December-January time frame. He is aware of the city's requests and needs and of the commitment from Assemblyman Burke. MMCA will continue discussions with the Senator and his staff to secure the remaining \$165,000 in funding requests.
- \* MMCA has been in contact with Congressman Higgins and his staff regarding the federal grant to replace the Lackawanna Fire Department's "Self-Contained Breathing Apparatus" back packs.

Originally, the Congressman believed the “Assistance to Fire Fighters Grant” program would open for applications in the fourth quarter of 2019. That timeline has been changed to the first quarter of 2019. That timeline has been changed to the first quarter of 2020. MMCA will remain in close contact with the Congressman’s staff to make sure Lackawanna submits a funding request as soon as the process is open.

**Next Steps:**

MMCA is in the process of setting up a meeting with Assemblyman Burke and staff and members of the City Council and administration to discuss the nature of the funds the Assemblyman has secured, timing to receive the funds, application procedures, parameters for using the funds, etc.

MMCA will keep Lackawanna officials updated as events unfold with Senator Kennedy and Congressman Higgins.

**CARL CALABRESE, MASIELLO, MARTUCCI, CALABRESE & ASSOCIATES (MMCA)**

Moved by Iafallo seconded by Schultz to receive and file

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Veterans Day Parade**

12. To: City Council

We are pleased to announce this year’s Western New York Veterans Memorial Parade on November 2, 2019 at 11:00 am. This parade crosses the cities of Buffalo and Lackawanna via the bridge on McKinley Parkway into South Park.

The Parade route is as follows: **SOUTH BUFFALO**

Starting at the roundabout on Red Jacket and McKinley Avenue, the route will follow McKinley Parkway to the Golf Course at the Botanical Gardens. This will bring the Parade through a portion of Lackawanna, NY while on the bridge on McKinley Parkway.

**Concerning Weather:**

In case of a Weather Advisory: There will be NO MARCH. Instead there will be an assembly at the parade stage (end of Route) at the Botanical Gardens with brief ceremony 11 am. Cancellations may occur with bad weather, heavy rain, winds, or snow. Call Phil Arnold for any cancellation confirmation.

We are looking for Veteran groups and marching groups who would like to be involved. Please contact John Kasmer at kasmer03@aol.com.

**PHIL ARNOLD-PRESIDENT/VAN TAYLOR-PUBLIC RELATIONS**

Moved by Iafallo seconded by Moretti to approve request, refer to Director of Public Safety

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Item for Public Comment-ACO**

13. To: City Council

Two Council meetings ago, the issue of procedure for stray dog encounter by the ACO was discussed. There are still, however, unfinished issues:

1.) Contemplating whether execution after giving up on a 30 minute dog chase is appropriate (per City of Lackawanna animal protocol), have the Mayor and Public Safety Director reconsidered firing our Animal Control Officer for incompetence? Bait and cage should have been used.

2.) Contemplating whether dumping the cadaver evidence in the garbage is appropriate (per NYS Ag & Mkts protocol-To whom did the PSD speak at NYS Ag & Mkts?), have the Mayor and Public Safety Director reconsidered firing our Animal Control Officer? Claims of possible rabies, coy-dog, T.rex with ebola, cannot

discredited due to what amounts to evidence tampering or destruction. Was the dog even checked for a microchip?

3.) Contemplating why Lackawanna PD has no report after a police firearm was discharged within City limits in order to execute the dog, have the Mayor and Public Safety Director reconsidered firing our Animal Control Officer?

*"Our local police department has investigated and said we handled things properly."-Lackawanna Mayor Geoffrey Szymanski*

Really? Then why did the Deputy City Clerk tell me, in response to my FOIL request, after consulting with the Public Safety Director, that there was *"No police report generated"*?

**JH BURNETTE**

Moved by Iafallo seconded by Ingram to receive and file

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Fall Harvest Festival**

14. To: City Council

Hello all. My name is Yakenna Burse residing at 30 Steelawanna Ave Lackawanna NY 14218.

I'm requesting the city council permission to close Steelawanna Ave between Washington St. and Pearl St, from 5 pm to 8 pm October 31<sup>st</sup> 2019 for the 5<sup>th</sup> Annual Lackawanna Fall Harvest Festival.

Respectfully.

**MRS. YAKENNA L. BURSE**

Moved by Iafallo seconded by Ingram to approve request, refer to Director of Public Safety and DPW Commissioner

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Business Registrations:**

**Amero Abdo-dba Be Fit Fitness**-(gym, machines & sauna)-605 Ridge Road Suite #4

Moved by Iafallo seconded by Schultz to approve Business Registration

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Abdulkah Ahmed Alahmadi-dba Life Travel**-(travel agency)-738 Ridge Road Suite #5

Moved by Iafallo seconded by Moretti to approve Business registration

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

**Adjournment:**

Moved by Iafallo seconded by Ingram to adjourn the meeting

Yeas: Ingram, Schultz, Moretti, Iafallo

Carried 4-0

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Annette Iafallo-Council President

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Jeffrey P. DePasquale- City Clerk