

**REGULAR COUNCIL MEETING**

**Monday, May 18, 2020**

**7:00 p.m. – Meeting**

**\*\* COVID- 19 Procedures in Effect\*\***

**Live via Facebook@<http://Facebook.com/lackawannany>**

**[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met remotely live on Facebook, Council President Frederic J. Marrano presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Frederic J. Marrano.**

**Meeting called to order.**

**NB: Meeting being recorded.**

**Roll Call: Council: Ingram, Moretti, Surdyke, Marrano**

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

**Hearings from citizens:**

**See notice at bottom. No questions/comments received.**

**Approval of Minutes: of the regular meeting of May 6, 2020.**

Moved by Marrano seconded by Ingram to adopt minutes as written.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Departmental Reports:**

1. **City Clerk** – Monthly Revenue Report for April, 2020.
2. **City Treasurer** – Total receipts deposited into the General Fund Account for April, 2020.
3. **City Comptroller** – A/P Check Listing #39, dated April 23, 2020.
4. **City Comptroller** – A/P Check Listing #40, dated April 30, 2020.
5. **City Comptroller** – A/P Check Listing #41, dated May 6, 2020.

Moved by Marrano seconded by Moretti to receive and file Departmental Reports one through five.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Communications From the Mayor:**

To: City Council

Dear Honorable Council Members-

Today I am submitting my proposed 2020-2021 budget for our City of Lackawanna. As promised in the March State of the City Address, our new administration has been working to rebuild Lackawanna's image as a City "open for business." A critical step in creating this budget was a thorough review of outdated practices that are barriers to building an economically healthy and vibrant Lackawanna – a process which should have been undertaken decades ago.

Since January, nothing has been normal, to say the least. Dealing with a pandemic virus, corresponding negative impacts to our revenue generating sources and uncertainty as to when expected aid will be received, has not been a joy – but it has brought all of us together. We have worked to cut unnecessary items from the budget including all raises other than contractual.

Due to former Mayor Szymanski's actions to purchase heavy equipment during his time in office, we have been spared those expenditures for this budget. Thank you, Geoffrey.

I plan to continue with the proposed Doggie Park to be located in the East Milnor playground. The land is significantly underutilized and has vast amount of space for dogs of all sizes. The added benefit of a \$50,000 grant provided to the City by our County Executive will help with advancing this effort. Thank you, Mark Poloncarz.

We have purchased a new police car and have appointed a new Chief of Police, Mark Packard.

We have sent five new candidates to the firefighter academy as well as appointing Andrew Kaminiski as a Captain in the Fire Department.

I am also happy to announce a new state-of-the-art Splash Pad with playground equipment will be arriving next year. We are in the process of compiling more information on this initiative.

The garbage fee will remain the same at \$254 per unit.

Health costs have increased by 2%.

The budget is under the constitutional tax limit by \$324.

I am submitting to your Honorable Body for approval, a budget with a unified rate of \$17.23 for all Lackawanna properties.

Respectfully,

**ANNETTE IAFALLO, MAYOR**

**A copy of this information may be obtained by contacting the City Clerk's office.**

Moved by Marrano seconded by Ingram to receive and file, act on ordinance and local law.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CITY OF LACKAWANNA FOR THE FISCAL YEAR 2020-2021.**

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

SECTION 1. The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10<sup>th</sup> day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2020 through July 31, 2021, showing all City expenditures and revenues and including the real property tax rate.

SECTION 2. That the sum of \$12,755,884.00, being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2020-2021 fiscal year, in accordance with the detailed statement of revenues and expenses as estimates and adopted by the City Council, be and the same is hereby levied upon all real and personal property subject to taxation upon the assessment roll of the City of Lackawanna for the 2020-2021 fiscal year.

SECTION 3. That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to him and to deliver a certified duplicate of the same, with warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified as assessed against the persons or property therein

mentioned or described with such percentage in the manner provided by law for the collection and levying of City taxes by the City Treasurer.

SECTION 4. That the following schedule be and the same is hereby adopted as the Current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2020 through July 31, 2021, along with the revenues and taxation estimated and levied herein, and that the same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of the several boards, departments and offices for the purposes enumerated therein, to wit:

Unified Tax Rate: \$17.23 of assessed valuation.

SECTION 5. That the City Clerk be and hereby directed to forward a copy of this Ordinance to the City Treasurer, Director of Administration and Finance, City Comptroller, and the City Attorney's Office.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: May 19, 2020**  
**Lackawanna, New York**

Moved by Marrano seconded by Moretti to **TABLE** budget ordinance pending adoption of Local Law #2 (including signature by Mayor).

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**LOCAL LAW NO. 1, 2020**

**A LOCAL LAW REPEALING AND AMENDING CHAPTER 201, ARTICLE IV OF THE LACKAWANNA CITY CHARTER AND KNOWN AS THE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS.**

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

1. That Chapter 201, Article IV, Section 201-16 through 201-19 of the Lackawanna City Charter, entitled Homestead and Non-Homestead Base proportions is hereby repealed in its entirety.
2. This Local Law shall take effect immediately.

**Dated: May 19, 2020**  
**Lackawanna, New York**

Moved by Marrano seconded by Ingram to adopt Local Law #1 as written.

Yeas: Ingram, Moretti, Marrano

No: Surdyke

Carried 3-1

**Communication from the Council:**

**Council Member Schultz**

7. To: Hon. Frederic J. Marrano

Dear Honorable Council President Marrano:

One of the Greatest Honors of my life has been to serve as Second Ward Councilman for the City of Lackawanna and I am proud of the contributions I have made both individually and as part of this

honorable body. That is why it is so difficult for me to inform you that after careful consideration I have made the decision to resign my position as of May 11<sup>th</sup>, 2020. At this time, I have many personal obligations and I no longer can devote the time necessary to perform my duties in a manner our residents deserve.

Thank you for your confidence in me; I am grateful for the opportunity to serve.

Very truly yours,

**RONALD W. SCHULTZ, SECOND WARD COUNCILMAN**

Moved by Marrano seconded by Moretti to receive and file, Council thanks former Councilman Schultz for his dedicated service.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Communications from Division/Department Heads:**

**Local Law to Allow City of Lackawanna to Exceed the Property Tax Cap.**

8. To: City Council

Dear Council Members:

Attached is the local law needed to allow the City of Lackawanna to exceed the Property Tax Cap for the fiscal year 2020-2021 as prescribed in General Municipal Law Section §3-c.

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

**CAROLYN A. NICOMETO, CITY COMPTROLLER**

Moved by Marrano seconded by Ingram to receive and file, act on Local Law #2.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**LOCAL LAW NO. 2, 2020**

**8(A) A LOCAL LAW AUTHORIZING A PROPERTY TAX IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.**

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

**SECTION 1. LEGISLATIVE INTENT**

It is the intent of this local law to allow the City of Lackawanna to adopt a budget for the fiscal year commencing August 1, 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

**SECTION 2. AUTHORITY**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorized a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of the local law approved by a vote of (60%) of said governing body.

**SECTION 3. TAX LIMIT LEVY OVERRIDE**

The City Council of the City of Lackawanna, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing August 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribes in the General Municipal Law §3-c.

#### SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstances is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

**Dated: May 19, 2020**  
**Lackawanna, New York**

Moved by Marrano seconded by Ingram to adopt Local Law #2 as written.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

#### **Request for Approval to Sell Fire Department Vehicle and Place Funds in Fire Department Budget.**

9. To: City Council

Dear Council Members:

I am requesting permission to sell an old Fire Department vehicle and equipment.

The vehicle to be sold is:

2002 Chevy Suburban.

This truck was recently replaced with a 2017 Ford Explorer that was a former police vehicle. The 2002 Suburban can no longer be used for Fire Department purposes because of safety issues. The driver's side floor is rotted through and the body has severe rust along with mechanical issues.

The equipment to be sold is:

Ladders that are more than 25 years old.

These vehicles and equipment no longer have any use to the Fire Department due to their age and condition. If the items listed do not sell, I am asking permission to destroy any unsold items.

I am also asking for the funds received from the sale of the listed items be placed into the Fire Department Budget under line 3410.0443 to cover current costs of maintenance on our service apparatus.

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

Sincerely,

**JAMES J. FINO, FIRE CHIEF**

Moved by Marrano seconded by Moretti to approve requests.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request to Award Bid for Galanti Park Restoration Project.**

10. To: City Council

Dear Council Members:

I am requesting your Honorable Body award the bid for Galanti Park to Occhino Corporation in the amount of \$203,193.50.

Please refer to the attachment, listing the bids that were received April 30, 2020.

Respectfully,

**ANTHONY DESANTIS, DPW COMMISSIONER**

**A copy of this information may be obtained by contacting the City Clerk's office.**

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request for Approval of Resolution Authorizing Yearly Maintenance Fee for Fire Hydrant.**

11. To: City Council

Hon. City Council:

Please see the attached correspondence from the WM Schutt Associates regarding the installation of an additional fire hydrant at 2800 Hamburg Turnpike. Please approve the attached resolution authoring the yearly maintenance fee in accordance with the City's existing Water Authority contract #WSA-014. The cost is approximately \$229.08 per year for annual maintenance fee.

Also, please rescind the prior resolution for the installation of a fire hydrant at 3904 S. Park Avenue, Lackawanna, NY.

To: Annette Iafallo, Mayor

City of Lackawanna, City Hall

714 Ridge Road

Lackawanna NY 14218

RE: Contract WSA-014

Waterline Replacement Project

Fire Hydrants

Dear Mayor Iafallo:

Please disregard my recent letter dated April 15, 2020 as it listed the wrong address for the proposed fire hydrant. Please refer to my letter dated October 18, 2019 regarding the installation of an additional fire hydrant at 2800 Hamburg Turnpike. A copy of this letter is attached. The Water Authority received bids for the project and has awarded the construction contract to E&R General Construction. The Notice to Proceed was recently issued and the construction work will commence later this month.

The additional hydrant is necessary to improve local fire protection and to comply with Erie County Health Department and Erie County Water Authority hydrant spacing requirements.

Please forward duly certified resolution authorizing the yearly maintenance fee to our attention for further processing with the Water Authority. Please contact me if you have any questions.

Very truly yours,

Richard Rosenberry, PE

**Richard S. Juda, City Attorney**

Moved by Marrano seconded by Moretti to receive and file, act on attached resolution and rescind prior resolution pertaining to the fire hydrant at 3904 South Park Avenue.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**RESOLUTION No. 10, 2020**

WHEREAS, the Erie County Water Authority has installed an additional fire hydrant at 2800 Hamburg Turnpike, Lackawanna, New York as part of its waterline replacement project, and

WHEREAS, the City currently has an agreement for the maintenance of all fire hydrants in the City of Lackawanna with the Erie County Water Authority (contract # WSA-014), and

WHEREAS, this additional fire hydrant is necessary to improve local fire protection and to comply with Eire County Health Department and Erie County Water Authority hydrant spacing requirements,

NOW THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the addition of the additional fire hydrant at 2800 Hamburg Turnpike, Lackawanna, New York to its existing Water Authority contract #WSA-014, and agrees to pay the annual maintenance fee to the Erie County Water Authority in accordance with the current contract #WSA-014.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Marrano seconded by Ingram to adopt resolution as written.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request for Approval of Ordinance Revising the City Permit Fee Schedule.**

12. To: City Council

Dear Council Members:

Please receive this communication for informational purposes.

This department over the past 2 months has been comparing the City Permit Fee schedule to other municipalities, and has also reviewed fees generated against the costs for reviewing plans internally and before our Boards, and with consultants, and thence approving plans, and inspecting properties. Based upon our review we have determined that the City fee schedule does not cover the cost of reviewing plans, and inspecting projects, and we have further determined that the City's fees schedule is substantially lower than that of surrounding municipalities.

Based upon our review, and comparisons we are requesting the Council to consider adopting the revised fee schedule set forth in the proposed Ordinance.

Respectfully submitted,

**RICHARD E. STANTON, DIRECTOR OF DEVELOPMENT**

**Copies of this fee schedule may be obtained by contacting the City Clerk's office.**

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

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**AN ORDINANCE AMENDING CHAPTER 75-16, BUILDING CODE ADMINISTRATION, OF THE CITY OF  
LACKAWANNA MUNICIPAL CODE.**

Whereas, pursuant to Chapter 75-16 of the Lackawanna Municipal Code (the Code) the City Council of this City of Lackawanna has adopted a fee schedule for Permits issued pursuant to Chapter 75 which may be amended by time to time by resolution; and

Whereas, the Department of Development has determined the City Permit Fee Schedule, and fees generated over the past four years often does not cover the cost of reviewing plans, issuing permits, inspecting work; and

Whereas, the Department of Development has been comparing the existent permit fee schedule of the City with municipalities of the Town of Hamburg, the Town of Amherst, the Town of Eden, the City of Buffalo, and other local municipalities, and based upon that review has prepared the attachment a to show a samples Comparisons; and now based upon the review of the existing fee schedule, the Department of Development's review of its budget, and a comparison of surrounding municipalities fees schedules it is hereby

Resolved the City hereby adopts the following Permit Fee Schedule to replace the existent Fee Schedule, together with the following Penalties for work performed without a permit.

**Request for Approval of Resolution Regarding City Wide Zoning Code Amendments.**

13. To: City Council

Dear Council Members:

Please receive this communication for informational purposes.

This Department over the past year has been identifying ambiguities and land use conflicts identified in the Site Plan Review process, study of the Comprehensive Plan, study of the 1<sup>st</sup> Ward Brownfield Opportunity Zone Plan, and in responding to complaints received by residents, council members, and other community stakeholders.

As a result of our review we are proposing the specific amendments identified in greater detail in the attachments to the accompanying resolution.

- a. Adopt a process and standards for the issuance of Special Use Permits within the City by amending §75 of the City Code with the provisions set forth on Attachment A; and
- b. Amend the Use Regulations for Single Family Residential Property, set forth in §230-10 of the City Code, with the changes set forth in Attachment B; and
- c. Amend the Use Regulations for Mixed Residential Property, set forth in §230-11 of the City Code with the changes set forth in Attachment C, and
- d. Amend the Use Regulations for the Neighborhood Commercial District, set forth in §230-12 of the City Code with the changes set forth in Attachment D; and
- e. Amend the Use Regulations for the Neighborhood Commercial District, set forth in §230-13 of the City Code with the changes set for the in Attachment E; and
- f. Adopt a process for the licensing and use of properties within the Central Business District and Neighborhood Commercial for Bed and Breakfast Housed by adopting amendments to the Code set for in Attachment E; and
- g. Amend the Use Regulations for the Regional Commercial District, set forth in §230-14 of the City Code with the Changes set forth in Attachment F; and
- h. Amend the Use Regulations for Mixed Commercial Industrial zoned property within the City, set forth in §230-15 of the City Code with the changes set forth in Attachment H; and



- i. Amend the Use Regulations for Open Space zoned property, set forth in §230-18 of the City Code with Changes set forth in Attachment I; and
- j. Amend the Use Regulations for Open Space zoned property, set forth in the §230-18 of the City Code with changes set forth in Attachment I; and

Because these are City wide zoning changes we will first have to initiate a review of the proposed changes by the Erie County Department of Environment and Planning pursuant to Gen. Municipal Law 239-m and we also must conduct a coordinated review under the State Environmental Quality Review Act (SEQRA). A draft SEQRA Full Environmental Assessment Form is included.

Respectfully Submitted,

**RICHARD E. STANTON, DIRECTOR OF DEVELOPMENT**

**A copy of this information may be obtained by contacting the City Clerk's office.**

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

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

### **RESOLUTION No. 11, 2020**

**Whereas**, The Lackawanna City Council is the Governing Body of the City of Lackawanna, New York (the City) with the power pursuant to New York General City Law §20, and otherwise, to regulate the use of land within the and the area restrictions of said land usage, as; and

**Whereas**, the City's Director of Development has recommended the City:

- a. Adopt a process and standards for the issuance of Special Use Permits within the City by amending §75 of the City Code with the provisions set forth on Attachment A; and
- b. Amend the Use Regulations for Single Family Residential Property, set forth in §230-10 of the City Code, with the changes set forth in Attachment B; and
- c. Amend the Use Regulations for Mixed Residential Property, set forth in §230-11 of the City Code with the changes set forth in Attachment C, and
- d. Amend the Use Regulations for the Neighborhood Commercial District, set forth in §230-12 of the City Code with the changes set forth in Attachment D; and
- e. Amend the Use Regulations for the Neighborhood Commercial District, set forth in §230-13 of the City Code with the changes set for the in Attachment E; and
- f. Adopt a process for the licensing and use of properties within the Central Business District and Neighborhood Commercial for Bed and Breakfast Housed by adopting amendments to the Code set for in Attachment E; and
- g. Amend the Use Regulations for the Regional Commercial District, set forth in §230-14 of the City Code with the Changes set forth in Attachment F; and
- h. Amend the Use Regulations for Mixed Commercial Industrial zoned property within the City, set forth in §230-15 of the City Code with the changes set forth in Attachment H; and
- i. Amend the Use Regulations for Open Space zoned property, set forth in §230-18 of the City Code with Changes set forth in Attachment I; and
- j. Amend the Use Regulations for Open Space zoned property, set forth in the §230-18 of the City Code with changes set forth in Attachment I; and
- k. Amend the Use Regulations for the Bethlehem Redevelopment Area properties, set forth in §230-17 of the City Code with the changes set forth in Attachment L; and

Whereas, prior to adopting City wide changes to their Zoning Code the City must first comply with Article 8 of the New York State Environmental Conservation Law commonly known as the State Environmental Quality Review Act (SEQRA); and

Whereas, prior to adopting City wide changes to their Zoning Code the City must further comply with 239-m of the General Municipal Law and solicit and accept review of the proposed City Code Amendments by the County of Erie Department of Environment and Planning; and it now hereby

Resolved that the Director of Development of the City is hereby directed to solicit Lead Agency status for the Review of the proposed City Code Amendments for the Common Council and circulate the Full Environmental Assessment Form, and the contents of the proposed Ordinance Amendments to all involved and interested agencies; and it is further

Resolved the Director of Development of the City is hereby directed to initiate the General Municipal Law 239-m review of the proposed ordinance.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Marrano seconded by Ingram to adopt resolution as written.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Communication from Citizens:**

**Request for Meeting with City Council to Discuss Promoting Tobacco-Free Environments and Advertising.**

14. To City Council

Hello,

My name is Amanda Hucksoil and I am a resident of Lackawanna, NY, and have been the majority of my life. I work for CAI, or Cicatelli Associates Inc.; on a NYS D.O.H. Bureau of Tobacco Control grant, as a "Reality Check Program Manager" for Erie/ Niagara Counties to promote tobacco-free communities and policies surrounding the tobacco retail environment and advertising, retailer-density regulations, tobacco-free outdoors. I am charged with developing youth programs in schools, with youth ages 13-18 to mobilize them to be leaders in their own communities, and on the state level, as this program is statewide. As I understand COVID-19 has had serious impacts on members of the community, and the community as a whole, I would not want to offer any programming amidst a health pandemic.

However, I wanted to reach out and allow the City Council to know who I am, and the work my organization and program promote. I would love to meet with the City Council when some form of normalcy can resume and discuss more. Much thanks. I look forward to your forthcoming response.

Regards,

**Amanda Hucksoil, BS**

**Program Manager of Reality Check for Erie/Niagara County**

**60 Hedley Pl. 2<sup>nd</sup> Floor**

**Buffalo, NY 14208**

**(716) 246-3006, Ext. 707**

**[ahucksoil@caiglobal.org](mailto:ahucksoil@caiglobal.org)**

Moved by Marrano seconded by Moretti to receive and file, meeting to be arranged when deemed safe to do so.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Adjournment:**

Moved by Marrano seconded by Moretti to adjourn meeting.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

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Frederic J. Marrano-Council President

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Jeffrey P. DePasquale - City Clerk

Due to the COVID-19 pandemic City Hall is closed and meetings are closed to the public. Any questions from the public related to meeting agenda must be received by email ([cityclerk@lackny.com](mailto:cityclerk@lackny.com)) or US mail by 12 p.m. the day of the meeting to be considered.