

**REGULAR COUNCIL MEETING**

**MONDAY, JUNE 15, 2020**

**7:00 pm**

**\*\* 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:**

**No questions/comments received.**

**Approval of Minutes: of the regular meeting of June 1, 2020 and special meeting of June 8, 2020.**

Moved by Marrano seconded by Ingram to adopt minutes for June 1, 2020 and June 8, 2020, as written.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Departmental Reports:**

1. **City Comptroller** – A/P Check Listing #43, dated May 21, 2020.
2. **City Comptroller** – A/P Check Listing #44, dated May 29, 2020.
3. **City Comptroller** – A/P Check Listing #45, dated June 4, 2020.
4. **City Clerk** – Monthly Revenue Report for May, 2020.
5. **City Treasurer** – Total receipts deposited into the General Fund Account for May 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 Division/Department Heads:**

**Request for Approval to Sell Police Vehicles, which were Previously Purchased Through the Federal Asset Forfeiture Statutes.**

6. To: Lackawanna City Council

Attn: Council President Frederick Marrano

Honorable Council Members:

I respectfully request permission to sell the following police vehicles, which had been previously purchased through the Federal Asset Forfeiture Funds statutes. Newer replacement vehicles will be purchased for the department under the same Federal Asset Forfeiture Fund.

a. 2003 Honda VIN #3HGCM56363G712966

b. 2005 Lexus VIN #2T2HA31U85C058966

c. 2009 Ford VIN #1FAHP32N79W162460

All proceeds from the sale of the aforementioned vehicles will be placed in the Police Department Asset Forfeiture Fund account, as required by Federal statute.

Respectfully,

**JOHN WOLF, DIRECTOR OF PUBLIC SAFETY**

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Communications from Citizens:**

**Request for Approval of Live Entertainment.**

7. To: City Clerk

Greetings,

My wife and I are moving to Florida at the end of this month. We are having a farewell party on the 27<sup>th</sup> of June, and would like to have a live band perform. We would have the band play between 4pm-7pm. Please respond at your earliest convenience as to whether this would be approved or not. I am aware of the \$25 permit fee if approved.

Thank you,

**PAUL CURRAN**

Withdrew request, no action taken.

**Request for Approval of Food Fair at Sonny Red's, 1841 Abbott Road.**

8. To: City Council

Dear Council Members,

I am requesting permission to host a Food Fair at my establishment, Sonny Red's, 1841 Abbott Road, Lackawanna, NY, 14218.

I have submitted an Outdoor Entertainment License Application with the City Clerk's Office for the following dates, some which coincide with the Food Fair:

06/19/20

06/26/20

07/17/20

07/18/20

07/19/20

I also submitted a Mobil Food Truck (MFT) application under an "umbrella agreement" with the City.

All outdoor vendors (MFT) at the Food Fair will be the responsibility of Sonny Red's, and all applicable Health Department Permits and required COVID-19 guidelines shall also be the sole responsibility of Sonny Red's.

I have personally met with the Mayor and Council President to ensure that we are on the page as the City and that this event will be run in a professional manner that ensures the safety and well-being of our residents.

Thank you for your time and consideration in this matter. Stop by and grab a bite!

Respectfully,

**JUSTIN BARENS, OWNER, SONNY RED'S**

Moved by Marrano seconded Surdyke to approve MFT and Entertainment Licenses, forward copy of citizen emails from citizen concerns.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Waive the Rules Request.**

Moved by Marrano seconded by Moretti to waive the rules.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request to Pass Home Resolution Regarding South Park Avenue and Ridge Road.**

Mayor Iafallo,

I hope you are doing well.

Can you please have the City pass home rule resolutions for the following pieces of legislation as soon as possible?

S1548 KENNEDY -- Includes part of Ridge Road in the city of Lackawanna as a state highway

S1550 KENNEDY – Designates South Park Avenue in or near Lackawanna a state highway

Everything is moving quickly this session, so if there is an opportunity to get one or both of these bills on a Senate agenda, we'd need to home rule message ready. Please let me know if this is possible and when your next meeting will be to address these bills. You can find the Home Rule Request Form here: <https://www.nysenate.gov/home-rule-form>.

Also, I was wondering if you could follow up with your staff to send along the information we discussed about your capital project priorities (Splash Pad and First Ward Pedestrian Safety).

Thanks in advance for your help. Let me know if you have any questions.

Best,

**ADAM FOGEL, CHIEF OF STAFF, SENATOR TIMOTHY M. KENNEDY, 63<sup>RD</sup> DISTRICT**

Moved by Marrano seconded by Surdyke to receive and file, act on resolutions.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**RESOLUTION NO. 13, 2020**

**WHEREAS**, State Senator Timothy Kennedy has introduced legislation to designate South Park Avenue as a state highway, attached hereto, and

**WHEREAS**, the legislation introduced is hereby designated as New York State Senate bill S01550, and

**WHEREAS**, the City Council deems it in the best interest of the City to support said legislation, and

**WHEREAS**, the City of Lackawanna does not have the power to enact such legislation by local law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Council hereby approves of and requests the enactment of the aforesaid legislation, and be it further

**RESOLVED**, that the Mayor is hereby authorized to request that the aforesaid legislation be enacted and forward said request to the State Legislature.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: June 15, 2020**

**Lackawanna, New York**

Moved by Marrano, seconded by Surdyke to adopt resolution as written, direct City Clerk to forward said resolution to the NYS Senate and NYS Assembly.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**RESOLUTION NO. 14, 2020**

**WHEREAS**, State Senator Timothy Kennedy has introduced legislation to designate Ridge Road as a state highway, attached hereto, and

**WHEREAS**, the legislation introduced is hereby designated as New York State Senate bill S01548, and

**WHEREAS**, the City Council deems it in the best interest of the City to support said legislation, and

**WHEREAS**, the City of Lackawanna does not have the power to enact such legislation by local law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Council hereby approves of and requests the enactment of the aforesaid legislation, and be it further

**RESOLVED**, that the Mayor is hereby authorized to request that the aforesaid legislation be enacted and forward said request to the State Legislature.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: June 15, 2020**

**Lackawanna, New York**

Moved by Marrano, seconded by Ingram to adopt resolution as written, direct City Clerk to forward said resolution to the NYS Senate and NYS Assembly.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request to Relocate “No Parking Here to Corner” sign on Leonard Street and Abbott Road.**

To: Honorable Council President

Honorable City Council members

Dear Colleagues,

I am asking you to support my proposal to relocate the “No Parking Here to Corner” sign on Leonard Street to a distance of 100 feet from Abbott Road – on both sides. I feel this is necessary to alleviate hazardous conditions entering and exiting the street.

If approved, please direct the Law Department to draft an ordinance dictating same.

Thank you for your time and consideration in this matter.

Respectfully,

**DEAN J. MORETTI, THIRD WARD COUNCIL MEMBER**

Moved by Marrano seconded by Moretti to approve request, refer to Law Department to draft ordinance, DPW Commissioner to relocate sign.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request for Peddler’s Permit to Sell Sparklers from Parking Lot of Family Video.**

Chris Englert, Keystone Novelties LLC requests City Council approve his request for a Peddler’s Permit to sell sparklers from the parking lot of Family Video, 954 Ridge Road. After consulting with the City Clerk’s Office and Code Enforcement, this permit has been provisionally approved by the Director of Development, pending submission of the required application documents, fees and associated background checks.

Moved by Marrano seconded by Moretti to approve Peddler’s Permit, pending compliance with the application requirements.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Request to Close Milnor Street on Saturday, July 4, 2020.**

To: City Clerk

Hi Jeff

I went around to the neighbors with a petition that they signed to close the street down July 4<sup>th</sup>. Please see below. Would this be added to the agenda for Monday June 15<sup>th</sup>?

Thanks,

**LYNN BADER**

Moved by Marrano seconded by Moretti to receive and file, deny request.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Tabled Items:**

**Request to Remove Communications # 3, 4, 5, of the Regular Meeting of June 1, 2020.**

Council President Frederic Marrano requests Communications #3, 4, 5, regarding 161 Steelawanna Avenue and all citizen communications be removed from the TABLE and acted on.

**FREDERIC J. MARRANO, COUNCIL PRESIDENT**

Moved by Marrano seconded by Ingram to remove communications # 3, 4, 5, of the regular meeting of June 1, 2020 regarding: 161 Steelawanna Avenue and all associated citizen communications, from the TABLE and act on same.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

Moved by Marrano seconded by Ingram to direct City Attorney to initiate legal proceedings to suspend or revoke the business license at 161 Steelawanna Avenue and schedule a hearing regarding their non-compliance with their agreed upon business license stipulations.

Yeas: Ingram, Moretti, Surdyke, Marrano

Carried 4-0

**Old Business:**

Council Member Surdyke inquired about the following two topics:

1. March 2, 2020 Sewer lateral ordinance.

City Attorney advises that no ordinance is required. City residents are responsible for their own sewer laterals and must repair same. Various options were discussed. Letters to affected homeowners going out.

2. Status of filling the vacant 2<sup>nd</sup> Ward Council seat. Council President Marrano advises the Council will be seeking resumes in the near future to fill the position.

**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.