

REGULAR COUNCIL MEETING
MONDAY, August 17, 2020
Senior Center, 230 Martin Road – Public invited to attend
7:00 p.m. – Caucus/ Meeting to immediately follow
**** COVID- 19 Procedures in Effect****
Live via Facebook@<http://Facebook.com/lackawannany>
www.lackawannany.gov

Attention Residents:

In an effort to get the public more involved, beginning with the August 17th regular meeting of the Lackawanna City Council, meetings will again be open to the public. The live streaming of meetings will continue. The venue has changed to the Senior Center to better comply with the CDC and NYS COVID-19 guidelines. Wearing of masks and maintaining proper social distancing are required. The City Council, Department Heads and fellow citizens appreciate your cooperation.

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Ingram, Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development, Public Works

Hearings from Citizens:

Approval of Minutes: of the regular meeting of July 20, 2020 and special meeting of August 5, 2020.

Moved by Marrano seconded by Szymanski to adopt minutes for both meetings as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #51, dated July 14, 2020.
2. **City Comptroller** – A/P Check Listing #52, dated July 23, 2020.
3. **City Comptroller** – A/P Check Listing #53, dated July 28, 2020.
4. **City Clerk** – Monthly Revenue Report for July, 2020.
5. **City Treasurer** – Total receipts deposited into the General Fund Account for July, 2020.

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Communications from the Mayor:

Requests Approval for Salary Increase for the City Attorney.

6. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please approve the attached budget amendment for the 2020-2021 Annual Budget to appropriate funds from the City's Fund Balance to increase the salary of the City Attorney.

Richard S. Juda has been performing the work which has been in the past contracted out for which has resulted in a savings for the City. His hours have increased due to this and therefore should be appropriately compensated.

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

Sincerely,

ANNETTE IAFALLO, MAYOR

Moved by Szymanski seconded by Marrano to receive and file, **TABLE** ordinance for further study.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Waiving Residency Requirement for City Assessor Position.

7. To: Honorable Council President
Honorable Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Council –

At the June 29, 2020 council meeting, your Honorable Body unanimously passed Resolution #15, to waive the residency requirement appointing David Marrano to the vacant City Assessor position.

Unfortunately, Mr. Marrano accepted employment elsewhere.

Therefore, I continue holding interviews for the position.

Respectfully,

ANNETTE IAFALLO, MAYOR

To: Honorable Council President
Honorable Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Council-

I hereby request the City Council waive the residency requirement for Michael Grifa, to be appointed as the City Assessor. As you know under Section 5-38 of the City Charter each officer and employee of the city during the period of his or her employment is to maintain his or her residence within the corporate limits of the city. Mr. Grifa is a Senior Real Estate Appraiser, and was interviewed and highly recommended by the former City Assessor, Frank Krakowski, I feel he is the best person for the position. As you know the shortage of qualified department heads within the city limits has led to previous requests for the same waiver.

Michael has agreed on a salary of \$30,000, with a start date of September 1, 2020, work schedule to be determined.

Thank you in advance for your anticipated cooperation.

Respectfully,

ANNETTE IAFALLO, MAYOR

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION # 21, 2020

WHEREAS, Michael Grifa shall be duly appointed by Mayor Annette Iafallo to the position of City Assessor, effective September 1, 2020; and
WHEREAS, the City Council is empowered to waive the requirement of residency in those instances where the employer has difficulty hiring or promoting the most qualified person because of the residency requirement;
NOW, THEREFORE BE IT RESOLVED,
that pursuant to Chapter 5-38 of the Municipal Code of the City of Lackawanna, the residency requirement for Michael Grifa, City Assessor, be and the same is hereby waived.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Dated: August 17, 2020
Lackawanna, New York

Moved by Marrano seconded by Szymanski to adopt resolution as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Council Member Ingram Submits Four Items in his Communication:

8. To: City Clerk
1. Work has stopped on the Gas Station/Convenience Store on Ridge Road in the 1st Ward. I am asking the Director of Development why the work has stopped and how long the owner has to complete this project.
 2. I am looking for an update from the City Attorney on the following items:
 - a. The store located at 161 Steelawanna.
 - b. Is the court date scheduled concerning the land located at 149 and 163 Ingham Avenue?
 - c. Has it been researched if the City employee did rent the Lackawanna Soccer Field on 3 different occasions? If so, what was the outcome? If not, why not? This is something that should be addressed immediately.
 3. I would like to make a motion that all broken playground, baseball, and soccer field signs that belong to the City be replaced with proper signage.
 4. Would the Director of Public Safety have an officer look at the parking on Steelawanna? The situation has become dangerous. People exiting Steelawanna are unable to see when making a right turn onto Ridge Road. It has also become an issue for the NFTA buses. The local business owner has trucks parked making it difficult to see and make the turn.
- Thank you for your anticipated cooperation.

Thank you,
JOHN INGRAM, 1ST WARD COUNCILMAN

Moved by Ingram seconded by Marrano to receive and file.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Council Member Szymanski is Looking to Host/Co-host a Neighborhood Cleanup on Saturday, August 22nd from 9:00 a.m. to Noon.

9. To: Mayor Annette Iafallo

RE: DPW SUPPORT FOR A NEIGHBORHOOD CLEANUP

Mayor Iafallo,

I would like to host, or possibly co-host with you and other members of the city council, a neighborhood cleanup to be scheduled for Saturday, August 22 from 9 am and to be completed by noon, with a rainout date of Saturday, August 29th.

I am looking for support from our Department of Public Works employees for collection of our bountiful harvest and I am request you grant such a request for this endeavor.

Under my former position, I would travel to clean whatever area had the least amount of volunteer support, but under my current title, I will be working somewhere and everywhere in the Second Ward.

Thank you in advance for your understanding,

GEOFFREY M. SZYMANSKI, 2ND WARD COUNCILMAN

Moved by Szymanski seconded by Moretti to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Council Member Szymanski Requests Mayor's Approval to have Street Signs Replaced.

10. To: Mayor Annette Iafallo

RE: STREET SIGNS TO BE REPLACED

Mayor Iafallo,

I am requesting a list of street signs be replaced within the second ward. Some of them are drastically sun-faded or misshaped, others have letters missing while one of them is misspelled.

I will forward a list to Commissioner DeSantis and your office for your review at this council meeting.

Thank you in advance for your understanding and cooperation.

GEOFFREY M. SZYMANSKI, 2ND WARD COUNCILMAN

Moved by Szymanski seconded by Surdyke to receive and file, forward request to Mayor and DPW Commissioner.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Council Member Szymanski Requests the Mayor and DPW Commissioner Discuss Repair Options for the North Branch Creek Bridge.

11. To: Mayor Annette Iafallo and Commissioner DeSantis

RE: NORTH BRANCH CREEK BRIDGE

Mayor Iafallo and Commissioner DeSantis,

I would like to have a conversation with you regarding any possible repairs regarding the west side of the north branch creek bridge, between Peach Street and Gibbons.

The weather has taken a drastic toll on the bridge, more on the west side of the bridge.

I would like to have an open dialog so that we can come up with possible short/medium/or long term conditions to remedy the erosion of the top of the bridge. As you are both aware, rebar is now exposed and since it would be more cost effective to repair the nominal damage than to replace the entire bridge, I believe it would be in the interest of the city and the residents to look into options to try and fix this while it is still repairable.

Thank you in advance for your understanding and cooperation.

GEOFFREY M. SZYMANSKI, 2ND WARD COUNCILMAN

Moved by Szymanski seconded by Surdyke to receive and file, forward request to Mayor and DPW Commissioner.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Authorize the Mayor to Execute the Agreement between the City of Lackawanna and the County of Erie for \$250,000.00.

12. To: Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Re: Agreement with County of Erie

Hon. City Council:

At the request of the Mayor and the recommendation of the City Attorney please authorize the Mayor to enter into the attached agreement between the City of Lackawanna and the County of Erie for \$250,000.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Moved by Szymanski seconded by Marrano to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Budget Ordinance Amendment to Appropriate Funds from the Police Court Time Account.

13. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please approve the attached budget amendment for the 2020-2021 Annual Budget to appropriate funds from the Police Court Time account which was not utilized during the Covid-19 pandemic to the Police Uniforms and Accessories line to pay for bullet proof vests.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

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 A.3120.418 Police Uniforms & Accessories and decrease line item A.3120.103 Police – Court Time.

SECTION 2. That the 2019-2020 Budget Ordinance is hereby amended to increase budget code A.3120.418 Police Uniforms & Accessories by \$23,000.00.

SECTION 3. That the 2019-2020 Budget Ordinance is hereby amended to decrease budget code A.3120.103 Police – Court Time by \$23,000.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: August 17, 2020
Lackawanna, New York

Moved by Marrano seconded by Szymanski to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Budget Ordinance Amendment to Appropriate Funds from the Police Overtime Account.

14. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please approve the attached budget amendment for the 2020-2021 Annual Budget to appropriate funds from the Police Overtime account which had an excess at year end and reserve the funds for the purchase of the “Beast” Software for Evidence Maintenance which will be purchased in the new fiscal year ended July 31, 2021.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

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 A.0000.889 Miscellaneous Reserve for Software and decrease line item A.3120.102 Police – Overtime.

SECTION 2. That the 2019-2020 Budget Ordinance is hereby amended to increase budget code A.0000.889 Miscellaneous Reserve for Software by \$12,000.00.

SECTION 3. That the 2019-2020 Budget Ordinance is hereby amended to decrease budget code A.3120.102 Police- Overtime by \$12,000.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Dated: August 17, 2020
Lackawanna, New York

Moved by Szymanski seconded by Marrano to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Firefighter Richard Gorczyca Retired July 31, 2020.

15. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please be advised that Firefighter Richard Gorczyca has retired as of July 31, 2020.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Moretti to receive and file. Council thanks Firefighter Gorczyca for his many years of selfless and dedicated service to our community.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request for Approval of Budget Ordinance Amending the 2019-2020 Budget Ordinance to Appropriate Funds from the City Comptroller to the City Treasurer.

16. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please approve the budget amendment to appropriate funds from the City Comptroller to the City Treasurer for a deficit in the Treasurer's Personal Services.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

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 A.1345.101 City Treasurer – Personal Services and decrease line item A.1315.101 Comptroller – Personal Services.

SECTION 2. That the 2019-2020 Budget Ordinance is hereby amended to increase budget code A.1345.101 City Treasurer – Personal Services by \$1,300.00.

SECTION 3. That the 2019-2020 Budget Ordinance is hereby amended to decrease budget code A.1315.101 Comptroller – Personal Services by \$1,300.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: August 17, 2020
Lackawanna, New York**

Moved by Marrano seconded by Szymanski to adopt ordinance as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request Approval of Budget Ordinance Amendment to Appropriate Funds from Fund Balance for Call-in Time for the Fire Department.

17. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members:

Please approve the attached budget amendment for the 2019-2020 Annual Budget to appropriate funds from the fund balance for Call in Time for the Fire Department. Due to the large number of trainees this year, the department was short fully trained individuals for each fire house and therefore resulted in overtime. In addition, the Fire Academy was closed which prevented the trainees to complete their training in June. To compound this, the Fire Department raised the minimum per house to prevent the contamination of crews and protect the citizens from the Covid-19 virus. Some of this will be reimbursed through FEMA.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Moretti to receive and file, act on ordinance.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCES 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 the Fire Department – Call in Time.
- SECTION 2.** That the 2019-2020 Budget Ordinance is hereby amended to add \$110,400.00 to budget Code A.3410.102 Fire Department – Call in Time.
- SECTION 3.** That the 2019-2020 Budget Ordinance is hereby amended to appropriate \$110,400.00 of the City’s Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: August 17, 2020
Lackawanna, New York**

Moved by Marrano seconded by Moretti to adopt ordinance as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution, which Reaffirms Resolution dated December 16, 2019 and the Need for a 239-m Referral to the Erie County Planning Department.

18. To: Lackawanna City Council

RE: Reaffirmation of Earlier Resolution re Special Use Permits for Wind Turbines.

Dear Councilmembers,

Enclosed please find a Resolution reaffirming your earlier Resolution dated December 16, 2019.

One of the turbine blades and/or ice throw zones came within 500 feet of a municipal border with Hamburg; bringing about the need for a 239-m referral to the County of Erie Planning Department. The response to the referral has come back, and is attached.

Respectfully submitted,

RICHARD E. STANTON, DIRECTOR OF DEVELOPMENT

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION #22, 2020

WHEREAS, Niagara Wind Power, LLC and Erie Wind, LLC, and/or its affiliated entities (the "Developer") currently operates ten (10) free standing towers supporting Wind Energy Conversion Turbines ("WECS") in the City of Lackawanna (the "City") and four (4) additional WECS in the Town of Hamburg (the "Town"), as more fully defined in the Full Environmental Assessment Form prepared by TerraForm Power LLC, dated August 2019 ("FEAF"); and

WHEREAS the Developer discovered that a majority of its WECS along the Lake Erie Shoreline in the City and Town no longer function as intended and replacement parts from the manufacturer are no longer available; and the Developer expressed an intent to replace the WECS parts, including but not limited to, the nacelles, hubs, blades, and gearboxes on two sets of WECS known as Steel Winds I and Steel Winds II (collectively the "Project"); and

WHEREAS the City currently receives approximately \$100,000 per year from the Developer on eight (8) of the ten (10) WECS pursuant to a certain Voluntary Payment Agreement dated December 2005 and set to expire on or about 2023, and the City receives approximately \$51,500 additional from the Developer on the remaining two (2) WECS pursuant to a PILOT Agreement dated July 1, 2010, with total payments to the City equaling approximately \$151,400; and

WHEREAS the Developer sought Erie County Industrial Development Agency ("ECIDA") approval for the Project, and the ECIDA, as lead agency, conducted a coordinated SEQRA Review of the Project, and worked closely with the City, the City School District, the Town, and the Town School District (collectively "Governmental Parties) to negotiate a fair schedule of PILOT payments upon a review State Wind Energy Conversation systems to discern best payment schedules; and

WHEREAS on or about November 20, 2019, the ECIDA completed its environmental review of the Project and adopted a Negative Declaration under SEQR; and

WHEREAS on or about November 20, 2019, the ECIDA approved the terms of a new 15 year PILOT Agreement with the Developer, to replace the existent PILOT Agreement and the existing Voluntary Payment Agreement as stated in paragraph three of this Resolution, and such new PILOT and Voluntary Payment Agreements require payment by developer of \$10,000 per megawatt of faceplate production capacity for years 1-10 and then increasing 10% after year 10, with said payments to equal \$250,000 per year for all the WECS within the City limits and to be split pro-rata based on existent tax rates for three taxing jurisdictions in the City, and such ECIDA PILOT approval was further condition on an additional host community payments to the City of \$1,000 per megawatt of capacity (i.e. \$25,000 per

year), thus making the total payments to the City under such new PILOT and Voluntary Payment Agreements \$153,000 per year for years 1-10 and approximately \$159,000 per year in years 11-15; and

WHEREAS the WECS are sited within the City's Local Waterfront Revitalization Plan ("LWRP") boundary, and the WECS are sited within the City's Brownfield Opportunity Area ("BOA"); and

WHEREAS, pursuant to Chapter 223 *et seq.* Waterfront Revitalization Program of the City Code, the City Council must determine the Project's consistency with the LWRP; and

WHEREAS the Project required the following approvals from City Council:

1. Determination of the Project's consistency with the City's LWRP,
2. Approval for Special Use Permits for Steel Winds II portion of the Project, identified as Turbines 9 and 14 of Figure 2 in the FEAF,
3. Authorization for the City Mayor to execute all documents necessary to rescind the existent PILOT and Voluntary Payment Agreements, effective upon the date of commencement of payments due under a new Host Community Benefit Agreement,
4. Authorization for the City Mayor to execute a Host Community Benefit Agreement with the fundamental terms in compliance with those, and subject to final approval as to the form of the Host Community Benefit agreement by the City Attorney; and

WHEREAS by Resolution No. 25 of 2019, adopted December 16, 2019, the City Council determined the Project was consistent with LWRP and found:

1. The proposed land use is both water enhanced and water dependent based upon the winds necessary to power the Project coming off the Lake,
2. The proposed land use is a productive re-use of underutilized land impacted by prior industrial uses,
3. The proposed land use will not impair the productive use of available port lands at the site, and elsewhere,
4. The existing land use does not impair coastal fish and wildlife habitats, and further has potential to reduce the emissions which could otherwise impair such resources,
5. The Project itself will not significantly impair reasonable access to coastal resources,
6. The proposed structure does not increase the likelihood of flooding in coastal zones or elsewhere,
7. The project is consistent with both the adopted zoning for the former Bethlehem site, and the applicable plan for the Brownfield Opportunity Area in which it is sited, and
8. The remaining criteria of the LWRP are not relevant to the instant repowering Project for the reasons set forth in Developer's letter to the City's Director of Development dated November 15, 2019 and otherwise; and

WHEREAS the City Council further resolved by Resolution No. 25 of 2019, adopted December 16, 2019, that the requested Special Use Permit for the Steel Winds II portion of the Project be granted; and

WHEREAS the City Council further resolved by Resolution No. 25 of 2019, adopted December 16, 2019, that the City Mayor is authorized to execute all document necessary to rescind the existing Voluntary Payment Agreement and PILOT, effective upon the date of the commencement of payments due under the new proposed Host Community Benefit Agreement; and

WHEREAS the City Council further resolved by Resolution No. 25 of 2019, adopted December 16, 2019, that the Authorization for the City Mayor to execute a Host Community Benefit Agreement with the fundamental terms in compliance with those and subject to final approval as to the form of the Host Community Benefit agreement by the City Attorney; and

WHEREAS the City Council referred a full statement of the proposed action to the Erie County Department of Environment and Planning, Planning Division (“County Planning”), pursuant to General Municipal Law § 239-m, on or about July 10, 2020, and County Planning made no recommendation and determined that action to be of local concern on or about July 23, 2020 (attached hereto as Exhibit A);

AND IT IS NOW:

DETERMINED that the findings of consistency so stated in Resolution No. 25 of 2019, adopted December 16, 2019, be so adopted and restated by this Resolution, so that the Project is consistent with the City’s LWRP for the following reasons:

1. The proposed land use is both water enhanced and water dependent based upon the winds necessary to power the Project coming off the Lake,
2. The proposed land use is a productive re-use of underutilized land impacted by prior industrial uses,
3. The proposed land use will not impair the productive use of available port lands at the site, and elsewhere,
4. The existing land use does not impair coastal fish and wildlife habitats, and further has potential to reduce the emissions which could otherwise impair such resources,
5. The Project itself will not significantly impair reasonable access to coastal resources,
6. The proposed structure does not increase the likelihood of flooding in coastal zones or elsewhere,
7. The project is consistent with both the adopted zoning for the former Bethlehem site, and the applicable plan for the Brownfield Opportunity Area in which it is sited, and
8. The remaining criteria of the LWRP are not relevant to the instant repowering Project for the reasons set forth in Developer’s letter to the City’s Director of Development dated November 15, 2019 (attached hereto as Exhibit E) and otherwise; and

RESOLVED that the Approval of the requested Special Use Permit for the Steel Winds II portion of the Project, identified as Turbines 9 and 14 of Figure 2 in the FEAF, so stated in Resolution No. 25 of 2019, adopted December 16, 2019, be adopted, approved, and authorized herein; and

RESOLVED that the Authorization granted to the City Mayor to execute all document necessary to rescind the existing Voluntary Payment Agreement and PILOT, effective upon the date of the commencement of payments due under the new proposed Host Community Benefit Agreement, so stated in Resolution No. 25 of 2019, adopted December 16, 2019, be adopted, approved, and authorized herein; and

RESOLVED that the Authorization granted to the City Mayor to execute a Host Community Benefit Agreement with the fundamental terms in compliance with those attached as Exhibit D, and subject to final approval as to the form of the Host Community Benefit agreement by the City Attorney, as so stated in Resolution No. 25 of 2019, adopted December 16, 2019, be adopted, approved, and authorized herein.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Dated: August 17, 2020
Lackawanna, New York

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Waive the Rules.

Moved by Szymanski seconded by Marrano to waive the rules.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Milling and Overlay Project for Milnor and Kever be Awarded for the Bid Price \$198,864.00.

To: Honorable Council,

I request the Council approve the Occhino Corporation for the milling and overlay project for Milnor and Kever for the BID price of \$198,864.00.

If you have any questions, please contact me.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

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

Moved by Szymanski seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

The Position Known as Computer Technician is Classified as Information Technology Specialist.

19. To: Honorable City Councilmembers

714 Ridge Road

Lackawanna, NY 14218

Councilmembers,

The position Computer Technician was listed in the Operating Budget August 1, 2020 to July 31, 2021. During the regular meeting of the Lackawanna Civil Service Commission on July 10, 2020, the position known as Computer Technician was classified as Information Technology Specialist. Now and going forward this position should be referred officially to as: Information Technology Specialist.

Please receive and file for your records

Best Wishes,

SHANNON FALBO, OFFICE PERSONNEL

Moved by Marrano seconded by Szymanski to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Citizens:

Requests Approval to Utilize Veteran's Stadium for Two (2) Events.

20. To: City Council

Dear Honorable Council Members:

First we would like to thank you for the opportunity to review our request. We at Lackawanna Sports Club Inc. would like to request that we have access to Veterans Memorial Stadium for 2 events for our club; LA Sports Club Flag Football Showcase League for adults and kids, along with our partnership for individual training with Kodex Elite Fitness Training.

We would like to request every morning from 11 am – 1 pm and every Monday, Wednesday and Friday evening from 5pm-830pm (Sunday – Sunday) for Kodex Elite Fitness training for our flag football kids who parents would like individual training and not group training for flag football due to covid-19. This training for the kids will be starting August 23, 2020 – October 25, 2020. Along with the training starting August 30 – October 25th, 2020, we would like to conduct adult flag football games for parents and coaches in the area at Veterans Stadium for the duration of this request from 3pm – 9:30 pm Sunday

evening, and every Saturday from September 19th, 2020 – October 24th, 2020 from 10am - 3pm we would like to conduct kids flag football tournament. We will have the equipment to host such event but we would like to request permission to paint the field, and upkeep from the city(cutting grass once a week for safety). Each adult team will be 18 years old and up and each child team will be between the ages of 8-14. Due to Covid-19 Guidelines each team will have a max of 15 players and only 2 teams will be at the field at once. We will have a maximum of 20 staff, ref, and security in the stadium with a max of 45 people to adhere to social distancing guidelines.

I have provided all insurance for you. We also will be providing insurance for each child that signs up and participate, as well as insurance for the field usage. Also attached is a copy of our Covid-19 Guidelines and waivers for this cause.

We truly believe that this would be something amazing for the City of Lackawanna and our kids. Thank you for your time in advance we look forward to working together for the kids.

Sincere Regards,

DARRELL GLOVER, JR., PRESIDENT LACKAWANNA SPORTS CLUB

Moved by Marrano seconded by Szymanski to approve request, refer to Director of Recreation.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Old Business:

Adjournment:

Moved by Szymanski seconded by Marrano to adjourn meeting.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk

Any questions from the public related to the meeting agenda must be done in person or received by email (cityclerk@lackny.com) or US Mail by 12:00 p.m. the day of the meeting to be considered.

All cell phones should be silenced. Gentlemen, please remove your hats. All participants shall remain respectful of each other or you will be asked to leave.