

REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 8, 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:

Wearing of masks, maintaining social distancing and adhering to any additional posted COVID guidelines 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 (Excused), Development, Public Works (Excused)

Hearings from Citizens:

Approval of Minutes: of the regular meeting of August 17, 2020.

Moved by Marrano seconded by Moretti to adopt minutes of August 17, 2020 meeting as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #1, dated August 20, 2020.
2. **City Comptroller** – A/P Check Listing #2, dated August 28, 2020.
3. **City Clerk** – Monthly Revenue Report for August, 2020.

Moved by Marrano seconded by Moretti to receive and file Departmental Reports one through three.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Request to Waive the Rules.

Moved by Marrano seconded by Surdyke to Waive the Rules.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Requests Approval of Inter-Municipal Agreement between Erie County and the City of Lackawanna.

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

Honorable Council Members –

Please waive the rules and approve the Inter-municipal Agreement between the County of Erie and the City of Lackawanna. This agreement allows for the reimbursement to the City, for necessary expenditures incurred due to COVID 19, under the CARES Act.

Thank you for your anticipated cooperation.

Respectfully,

ANNETTE IAFALLO, MAYOR

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

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Councilman Ingram Submits Four Communications.

4. To: City Clerk

1. Would the Director of Development provide an update regarding timelines that he and the planning board may have put in place for companies building in the City of Lackawanna. Also, any penalties that may be in place for not meeting the time frame.

2. Has a court date been scheduled concerning the land at 149 and 163 Ingham Avenue?

3. Please provide an update on the store located at 161 Steelawanna.

4. Regarding the problem businesses and residents are having with the parking on Steelawanna: I have spoken to the residents and businesses that are having problems with the patrons and parking in that area. They have brought to my attention the dangerousness of the situation.

Thank you,

JOHN INGRAM, 1ST WARD COUNCILMAN

Moved by Ingram seconded by Szymanski to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Questions Regarding Communication from the Mayor Regarding Appointments with Department/Division Heads.

5. To: City Clerk

I have been advised by the Mayor, going forward, Council Members have to schedule appointments with Department/Division Heads regarding any questions, issues or concerns. The Mayor has also requested to be made aware of such appointments.

I have some questions as well as major concerns about this process.

Thank you,

JOHN INGRAM, 1ST WARD COUNCILMAN

Communication Withdrawn by Councilman Ingram, No Action Taken.

Communications from Department/Division Heads:

Requests a Date to be Scheduled for a Public Hearing Regarding the Proposed Local Law and Municipal Agreement Regarding Energy Improvement Corporation.

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

Re: Energy Improvement Corporation

Hon. City Council:

Attached is information on a Property Assessed Clean Energy Program financed through the Energy Improvement Corporation. This program provides financing to commercial and non-profit building owners to make energy upgrades to their buildings. Also attached is a local law and a municipal agreement for your review. At this time on behalf of the Department of Development I am requesting that the council schedule a date for a public hearing for the local law. This agreement will not cost the city any funds but will enable property owners to benefit from another source of financing for energy improvements.

If possible can you please put this under new business for Monday's meeting.

Very truly yours,

RICHARD S. JUDA, JR. CITY ATTORNEY

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

Moved by Marrano seconded by Szymanski to receive and file, schedule a public hearing to be held on September 28, 2020 at 6:30 p.m.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Authorization for the Use of the Knights of Columbus Property, 2838 South Park Avenue for the DPW Charity Chicken Dinner.

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

Honorable Members of the City Council:

I am requesting your Honorable Body to authorize the use of the Knights of Columbus property at 2838 South Park Ave. by the Lackawanna DPW for a charity Chicken Dinner on Saturday, October 3, 2020 from 3-7PM. This event would be a drive-thru event with proceeds benefiting the annual Lackawanna DPW Toy Drive. Food services will be provided by Weidner BBQ who is providing proof of insurance.

As you all know, the Lackawanna DPW Toy Drive has been a Christmastime staple of our community for years, and this event will provide a considerable boost to its continued success. Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Szymanski seconded by Marrano to approve request, refer to City Attorney.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Authorization for the Use of Veteran’s Stadium and Memorial Field.

8. To: Honorable City Council
Honorable City Council Members
714 Ridge Road
Lackawanna, NY 14218

Honorable Members of the City Council:

I am requesting your Honorable Body to authorize the use of Veteran’s Stadium at 2960 South Park Ave. and Memorial Field on Ridge Road for use on each Tuesday between September 22, 2020 and November 10, 2020 for use by the Varsity Gay Kickball League. Varsity Gay league used these fields in the City of Lackawanna last with no issues of any sort. Healthy Buffalo will provide proof of insurance through the end of 2020 within the week. Attached is a copy of the lease agreement between the City of Lackawanna and the Varsity Gay League which is identical to last year’s agreement except for updates in dates and addresses. Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

A copy of the lease agreement may be obtained by contacting the City Clerk’s office.

Moved by Szymanski seconded by Marrano to approve request, refer to City Attorney.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

TABLED Item from March 2, 2020 Council Meeting.

9. To: Council President Marrano
Council Members

As per the Council directive on May 20, 1991, all tabled items over the ninety (90) day period and not acted upon, shall be deemed null and void and the Council shall receive and file said communications. As of September 3, 2020 the following communication(s) has been tabled at least 90-days and is considered null and void and is hereby received and filed:

Meeting of 03/2/20, Comm. #4 – Public Works – Sewer Lateral Replacement Ordinance.

Respectfully submitted,

JEFFREY P. DEPASQUALE, CITY CLERK

Moved by Marrano seconded by Szymanski to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Inter-Municipal Agreement with the Town of Hamburg to Pave Willet Road.

To: Honorable Council,

I request that the Council approve entering into an agreement with the Town of Hamburg to pave Willet Rd off of South Park Ave. The total cost of the project is \$79,114.60. The City would be responsible for paying half. Enclosed with this notice is a copy of the estimate from the contractor on this project and the agreement between the City and the Town of Hamburg.

If you have any questions, please contact me.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

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, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Assistance with Agricultural District Annual Enrollment Period.

10. To: Municipal Clerks

Chief Elected Officials c/o Municipal Clerks

Municipal Assessors c/o Municipal Clerks

From: Sarah Gatti, Senior Planner

Date: August 21, 2020

Re: AGRICULTURAL DISTRICT ANNUAL ENROLLMENT PERIOD

In 2014, the Erie County Legislature designated September 1 through September 30 each year as the annual thirty-day period which a landowner may request the inclusion of predominantly viable agricultural land into a certified agricultural district in accordance with Section 303-b of New York State Agricultural and Markets Law.

Landowners interested in agricultural assessment may also be interested in enrolling in an agricultural district at this time. We encourage you to provide this information to anyone expressing interest in this or other agricultural programs.

In order to make this information available to landowners in your municipality, we request your assistance with the following items:

- Municipal Clerks – Please post the enclosed public notice in a prominent location within the Town or Village Hall, and if possible, post on your municipality’s web site.
- Supervisors and Mayors – Please read the enclosed public notice into the meeting minutes for any Town or Village Board meetings held between now and September 30 as part of the Board’s record.
- Please provide a copy of the attached enrollment form to anyone who requests it.

A copy of this form can also be found on our website at erie.gov/agenrollment. Should any questions arise, please contact me by phone at (716) 858-6014 or by email at agriculture@erie.gov.

Thank you for your anticipated cooperation and attention to this matter.

SARAH GATTI, SENIOR PLANNER

Moved by Marrano seconded by Szymanski to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Lackawanna’s Support with the Spay and Neutering of the Cats in Lackawanna.

11. To: Council President

Council Members

Hi there. I am following up with all of you when you visited as a group our Tens Lives Club cat shelter back in February. We had discussed all the help we give our Lackawanna neighbors when they have a stray cat or personal pet problem. We further discussed the importance of TNR (trap/neuter/release) for colonies of cats in the Lackawanna area. We had stressed to you all that Lackawanna had a serious cat overpopulation problem. At that time all of you were in support of TNR in Lackawanna realizing it is a great thing that can keep the cat population at bay. Also realizing that community cats play a huge role in rodent control. Hopefully Lackawanna will support TNR and make it happen asap.

I am attaching pictures of the low cost Spay and Neuter clinics (TNR) we did for Lackawanna residents. We have been doing clinics monthly to help with feral/community cats in your area. The cats were humanely trapped by experienced volunteers, were spayed or neutered, ear tipped for universal easy identification that they have been sterilized and then released back into the Lackawanna area where caretakers continue to take care of all. We have also taken in from mother cats kittens we ended up keeping in our program and friendly personal or stray cats from your residents. Had Ten Lives Club not been able to assist, there would have been even more cat situations you may have heard about from your constituents.

At the meeting we had mentioned Ten Lives Club assisted 60 Lackawanna residents in 2019. It was briefly discuss the amount of \$50 per cat we took in for a total of \$3,000 from Lackawanna for such services we provide. We hope you will honor this request so we may continue to help and assist the Lackawanna community with their cat situations. I know your council members have changed since your visit. If any other council member or the mayor wishes to have a tour of our Ten Lives Club cat shelter to see all we offer the Lackawanna community we would be happy to arrange. We are very proud of all the assistance we provide to all of Western New York!

MARIE EDWARDS, FOUNDER & PRESIDENT

Moved by Szymanski seconded by Marrano to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests the Parking Situation on Steelawanna and Ridge Road be Addressed.

12. To: John Ingram, 1st Ward Council Member and all Members of Town Council

Hello Mr. Ingram

Let me start by thanking you for your attention to this serious matter.

Customers of the Al Sultan Restaurant located at the corner of Ridge Road and Steelawanna Avenue have no respect for parking laws. They park right on the corners and in some instances on the side walk Ridge Rd. side. They pay no attention to the street parking on Steelawanna which makes it near impossible for semi trucks to enter or exit my parking lot. In a few instances we have had to drive our forklift out to Steelawanna in order to load or unload a truck.

When my employees leave at the end of the work day (4:30) most have to make a left hand turn off of Steelawanna onto Ridge. The illegal parking by Al Sultan customers create a very large blind spot which my people cannot see around in order to look for oncoming traffic.

Because of this there have been numerous near misses. One including my sons when they were almost t-boned. It was so close that when he cannot see down Ridge to his left now he goes right and then left down a side street in order to head home.

This is a very serious issue and there will be a wreck because of this situation. God forbid if someone should be seriously hurt or worst.

Friday's are the worst days and I invite anyone on the council or anyone in city government (Police?) to come and see for yourselves. You are invited to stop at my business and talk to my employees regarding this matter and their experiences.

Let's get this serious situation corrected which is easily fixable before something tragic happens which is only a matter of time. Not if, but when.

Best Regards,

JOHN R. ANDERSON, PRESIDENT, SCREW COMPRESSOR TECHNOLOGIES, INC.

Moved by Ingram seconded by Szymanski to receive and file, refer to Director of Public Safety.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Address City Council Regarding Council Member Szymanski.

13. To: City Clerk

Good morning,

I would like to address the City Council at the upcoming meeting regarding Councilman Szymanski's numerous attempts/success at suppressing voters' right to vote by challenging, objecting, and ultimately rejecting in many cases their absentee ballots.

Please find documents attached further explaining our position and urgency to address this before the Council Board.

Thank you and best regards,

AMIRA MUFLAHI

September 3, 2020

Dear Lackawanna City Council Members,

I would appreciate if you would extend me the courtesy to add a crucial topic to next's week's meeting agenda. After submitting several Freedom of Information Requests to the Erie County Board of Elections, it was discovered that the sitting Second Ward Council Member, Geoffrey Szymanski, has targeted and subsequently challenged numerous Arab American Muslim absentee ballots, in attempts to ultimately suppress their vote. During his attempt, Councilman Szymanski knowingly falsified affidavits certifying that he was appointed as a representative by candidates who have denied appointing him.

Councilman Szymanski undoubtedly attempted to use his political influence to suppress the vote of many Arab American Muslims. Our discovery has compelled us to get CAIR-NY involved which was successful in gaining the attention of New York State Attorney General, Letitia James.

Councilman Szymanski should not be granted the privilege to continue to represent citizens of the City of Lackawanna while actively trying to suppress their vote. We demand his immediate removal or resignation from the City Council. Members of the Council should not be complicit, but rather protectors of our constitutional liberties.

Thank you for your time and consideration, I look forward to addressing the Council at the September 8, 2020 meeting. Please find supporting documents attached. Additional copies will be made available at the meeting if necessary.

Best regards,

AMIRA MUFLAHI

Copies of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Ingram, Moretti, Surdyke, Marrano

Abstained: Szymanski

Carried 5-0

New Business Registration:

David P. Hastreiter, dba The Pour House Sports Bar (bar and tavern) 2847 South Park Avenue.

Moved by Marrano seconded by Szymanski to approve Business Registration.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Shareefa Albanna, dba West End Market (grocery and hot food sales), 321 Ridge Road.

Moved by Marrano seconded by Szymanski to approve Business Registration.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by Ingram to adjourn meeting.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk