

REGULAR COUNCIL MEETING
Monday, November 16, 2020
Remote Zoom
7:00 p.m. – Caucus/ Meeting to immediately follow
Live via Facebook@<http://Facebook.com/lackawannany>

Attention Residents:

Due to the recent uptick of COVID-19 cases in WNY, and the fact that Lackawanna, NY is in the “Yellow Zone,” until further notice all Council meetings will be held via Remote Zoom, with no in-person public participation. While we realize that this is not an ideal situation, we must strive to protect all citizens, city officials and city employees from the possibility of contracting Coronavirus. Thank you for your patience and understanding. Please...STAY SAFE OUT THERE!

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

Emails from Citizens:

Approval of Minutes: of the regular meeting of November 2, 2020.

Moved by Marrano seconded by Moretti to adopt minutes of the regular meeting of November 2, 2020.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #13, dated October 29, 2020.
2. **City Comptroller** – Capital Fund A/P Check Listing – October, 2020.
3. **City Clerk** – Monthly Revenue Report, October, 2020.
4. **City Treasurer** – Total receipts deposited into the General Fund Account for October, 2020.

Moved by Marrano seconded by Szymanski to receive and file Departmental Reports one through four.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Effective Monday, November 16, 2020, City Hall will be Closed to the Public UNLESS an Appointment is Scheduled.

5. From: Mayor Annette Iafallo

Due to the increase in COVID 19 cases in Erie County-

Beginning Monday, November 16, 2020, City Hall offices will be closed to the public, UNLESS, they have scheduled an appointment.

Employee's work day remains the same 9:00 am till 4:30 pm and is to report to their office until further notice.

ANNETTE IAFALLO, MAYOR

Requests Approval of Commissioner of Deeds Status Renewal for Herself and Gail Nicholson. Term to Expire December 31, 2022.

6. To: Honorable Council President
Honorable Council Members

Dear Council Members-

Please approve Commissioner of Deeds status for myself and my secretary, Gail Nicholson.

Respectfully,

ANNETTE IAFALLO, MAYOR

Moved by Szymanski seconded by Surdyke to approve request, inclusive of items #9, 10, 11, 12, 18 and 19, terms to expire December 31, 2022.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Requests the Approval of Resolution Changing the Council Meeting Venue to Remote Zoom.

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

Dear Colleagues,

Due to the uptick of confirmed cases of COVID-19, and in the interest of the safety and well-being of the public at-large, City Officials and employee's, I am respectfully requesting your honorable Body approve the attached resolution changing our Council meeting venue from the Lackawanna Senior Center to a Remote Zoom format, until such time that it is no longer necessary.

Your anticipated cooperation is appreciated.

Respectfully,

FREDERIC J. MARRANO, COUNCIL PRESIDENT

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 26, 2020

Whereas, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates, time and location of the Lackawanna City Council; and

Whereas, the City Council is desirous of complying with the City of Lackawanna Open Meetings Law of the State of New York; and

Whereas, the resolution dated July 20, 2020 changing the City Council meeting venue to the Lackawanna Senior Center is hereby rescinded; and

Whereas, the City Council, due to the Coronavirus Pandemic, is desirous of changing the meeting venue of future Council meetings in 2020 to a Remote Zoom format, and said venue and format change shall remain in effect until resolution is rescinded; and

Be it further resolved, that a copy of this resolution be posted on the centrally located bulletin board in the Lobby of City Hall, the Council bulletin Board, the City Clerk's Office and on the official website for the City.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Dated: November 16, 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 Department/Division Heads:

Requests Approval for the Purchase of 117-95 Gallon Totes.

8. To: Honorable Council,

I request that the Council approve the purchase of 117-95 Gallon Totes, in the amount of \$5990.50. If you have any further questions please contact me.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Commissioner of Deeds Status Renewal for City Officials and Employees.

9. To: Honorable Council President

Honorable City Council Members

714 Ridge Road

Lackawanna, NY 14218

Dear Honorable Body:

I am requesting Commissioner of Deed status in the City of Lackawanna for the following City Officials and employees. Term to expire 12/31/2022.

Jeffrey P. DePasquale – City Clerk

John Ingram – 1st Ward Council Member

Geoffrey Szymanski – 2nd Ward Council Member

Kevin R. Surdyke – 4th Ward Council Member

Linda Smerka – Clerk/Vital Records

Thank you for your time and consideration.

Respectfully,

JEFFREY P. DEPASQUALE, CITY CLERK

Moved by Szymanski seconded by Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Commissioner of Deeds Status Renewal for Lackawanna Police Department Staff.

10. To: Honorable Council President Frederic Marrano

Honorable Members of the City Council

City of Lackawanna

714 Ridge Road
Lackawanna, NY 14218

RE: Commissioner of Deeds Licenses

Dear Council Members:

This letter serves to request your honorable body renew the attached listing of personnel that serve as Commissioner of Deeds for the Police Department. Joseph Leo, James McGroarty, Jr., Michelle Burke, William Kukoleca, Jr., David Darmstedter, Robert Janowski, Michael Pienta, Rodney Pietras, Aaron Brennan, Chuck Jaworski, Katie Klass, Mark Packard, Bryan Girdlestone, Kevin O'Hara, Lisa Fucina, Nicholas DeSantis, Jason Szentesy, Matthew Adams, Robert Cintron, Joseph Milkowski and Matthew Gorczyca.

The license will expire on December 31, 2020.

If you have any questions, please contact this writer. Thank you.

Yours truly,

JOHN WOLF, DIRECTOR OF PUBLIC SAFETY

Moved by Szymanski seconded by Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Commissioner of Deeds Status Renewal for Linda Zybert.

11. To: Honorable Members of the City Council:

I seek approval of Commissioner of Deeds for Youth Board Director Linda Zybert for years 2021 -2022, ending December 31, 2022.

Sincerely,

BRIAN LAKSO, DIRECTOR OF RECREATION

Moved by Szymanski seconded by Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Commissioner of Deeds Status Renewal for Staff Members.

12. To: Honorable Frederic Marrano, City Council President

Honorable Members of the City Council

Wanda Turner, Shannon Katra and Scott Hayes request to be approved as Commissioner of Deeds. If you have any additional questions or concerns feel free to contact me at your earliest convenience.

Thank you,

RICHARD E. STANTON, DIRECTOR OF DEVELOPMENT

Moved by Szymanski seconded by Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Resolution Establishing Property Addresses Along Dona Street Extension.

13. To: Common Council of the City of Lackawanna

Over the course of the summer the Dona Street extension on to the Bethlehem Steel Site was completed.

The extension now allows direct access to Welded Tube (previously accessed circuitously through a former Plant Site access at Ridge Road. It also provides access to the new TMP Facility.

The County now intends to close the Ridge Road Gate to protect the remediated but not developed areas of the site.

In order to facilitate mail delivery to Welded Tube, and TMP new Dona Street property addresses are required. The changing or establishment of street addresses is a function of the City Council to Chapter 194-7 of our Code.

A draft Resolution assigning 2 Dona Street to Welded Tube, and 6 Dona Street to TMP is attached.

RICHARD E. STANTON, DIRECTOR OF DEVELOPMENT

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 27, 2020

Whereas, Pursuant to Chapter 194-7 of the Lackawanna City Code all changes to Street Address in the City of Lackawanna are to be approved by the City Council; and

Whereas, the County of Erie has recently completed the extension of Dona Street in westerly direction from Route 5 into the former Bethlehem Steel Site; and

Whereas, as a result of continuing redevelopment of the site, and the opening of Dona Street, several businesses who were operating with businesses addresses on portions of 2023, 2537, and 2539 Hamburg Turnpike now have their frontage, and property access through new Dona Street; and

Whereas, in order to get mail delivered to the locations closest to the existent and developing businesses it is now hereby

Resolved that;

1. The parcels of land formerly known as a portion of 2303 Hamburg Turnpike, and currently owned by Time Release Properties and bearing SBL numbers 141-15-1-4, and 141.11-1-52 is hereinafter renamed and renumbered to be 6 Dona Street; and

2. The parcels of land formerly known as portions of 2537 Hamburg Turnpike and 2539 Hamburg Turnpike, and currently owned by Welded Tube USA, LLC and bearing SBL numbers 141-15-1-1, and 141.11-1-2 is hereinafter renamed and renumbered to be 2 Dona Street; and

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Dated: November 19, 2020

Lackawanna, New York

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution of City Determination of LWRP and BOA and Issuance of SUP for Sucro Real Estate New York LLC.

14. To: Common Council of the City of Lackawanna

Sucro Sourcing currently imports and distributes Sugar form Gateway Metroport on the former Bethlehem Steel Property.

There subsidiary, Sucro Real Estate NY, has a purchase contract with an early occupancy agreement to establish a permanent sugar warehouse at another portion of the Bethlehem Site which is 2303 Hamburg Turnpike (SBL 141.11-1-48.12).

The warehouse would be established in an existing structure (Blowing Engine House #3) and would up to two freighters of sugar in the former Blowing Engine House at Bethlehem Site.

As set forth in the accompanying Site Plan Application Cover Letter dated November 20th, 2020, there are other contemplated uses, however the warehouse is definite, and not speculative, and has

independent utility, and the establishment of the use in the existing structure does not appear to pre-determine any other uses.

A Site Plan describing the Project with a detailed Narrative set forth in the cover letter, and an Environmental Assessment Form are also attached.

Because the warehousing use is moving forward with independent utility it triggers a Special Use Permit from this honorable body. Because it is in the LWRP it also requires a Coastal Zone Consistency.

Because the approvals are "Actions" under SEQRA you will first need to determine if the Project poses any significant Adverse Impacts under the Environment.

Attached is a Resolution for your consideration containing the necessary determinations, and resolves if the Project is to be approved at this juncture.

RICHARD E. STANTON, DIRECTOR OF DEVELOPMENT

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 28, 2020

Whereas, Sucro Sourcing USA LLC currently utilizes a temporary structure constructed along the deep water port on the former Bethlehem Steel Site to import and distribute sugar through the United States. The temporary facility is on property operated as Gateway Metroport facility at 1951 Hamburg Turnpike; and

Whereas Sucro Real Estate NY LLC, a subsidiary of Sucro Sourcing USA LLC is a contract vendee for the purchase of just over 12 acres of Land bearing an address of 2303 Hamburg Turnpike and having SBL # 141.11-1-48.12 (hereinafter referred to as the Parcel); and

Whereas Sucro Real Estate NY LLC has submitted a Site Plan application, together with the attached Environmental Assessment Form, to establish a permanent warehouse to facilitate its existing operations of distributing imported sugar across the United States; and

Whereas "warehousing" is allowed as a primary use in the Bethlehem Redevelopment Medium Industrial zone provided a Special Use Permit is issued by this honorable body; and

Whereas the Parcel is also situated in the City of Lackawanna's Local Waterfront Revitalization Program Area (LWRPA) and within the City's Brownfield Opportunity Area ("BOA"); and

Whereas, pursuant to Chapter 223 *et seq.* of our City Code, the City Council prior to issuing an approval for redevelopment within the LWRPA must first determine the Project's consistency with the LWRP; it is now

Determined that:

1. The proposed land use is a productive re-use of underutilized land impacted by prior industrial uses; and
2. The proposed land use will not impair, and in fact enhances, the productive use of available port lands at the site, and elsewhere; and
3. The existing land use does not impair coastal fish and wildlife habitats; and
4. The Project itself will not significantly impair reasonable access to coastal resources; and
5. The proposed structure does not increase the likelihood of flooding in coastal zones or elsewhere; and
6. 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
7. The proposed establishment of a warehouse use for the import of sugar by freighter, and thence intermodal distribution of the product by rail and truck proposed by Sucro Real

Estate NY is a water enhanced and water dependent use consistent with the City of Lackawanna's LWRP; and

8. The remaining criteria of the LWRP are not relevant to the instant application; and
9. The proposed establishment of a warehouse use for the import of sugar by freighter, and thence intermodal distribution of the product by rail and truck proposed by Sucro is a use consistent with the City of Lackawanna's relevant Brownfield Opportunity Area Plan; and it is further

Determined that;

1. The proposed Sugar warehouse has independent utility from other phased contemplated uses of the site, and considering the environmental impacts of the warehouse separately is no less protective of the environment because it does not predetermine future uses of the Site, does not overburden existing resources, and would only pose *deminimus* impacts on the site because it is a pre-use of an existing building, and the existent infrastructure is overbuilt and has sufficient capacity to handle the projected commercial and vehicular traffic identified in the Environmental Assessment Form; and
2. The proposed Negative Declaration determining the Project poses no significant adverse impacts on the environment is adopted; and it is now

Resolved that the Approval of the requested Special Use Permit for the establishment of a lawful warehouse use at the Parcel is hereby approved with the conditions that:

1. The approved warehouse use is for the storage of agricultural commodities in raw or finished form; and
2. No toxic substances regulated by the New York State Department of Environmental Conservation, or the United States Environmental Agency are permitted; and
3. Any further expansion of the warehousing use of the structure (former Blowing Engine House #3) is not permitted unless the proposed further use is reviewed by this Honorable Body.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Dated: November 19, 2020
Lackawanna, New York

Moved by Marrano seconded by Szymanski to adopt resolution as amended.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance to Fund Balance Due for the Galanti Park Trail Project.

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

Dear Council Members:

Please approve the attached ordinance to fund the remaining balance due for the Galanti Park Scenic Trail Project. This project is wrapping up and we require the funds to pay the remaining balance. Once

this project's payment has been submitted, the City will request final reimbursement for this grant. Upon receipt, the funds will be reimbursed to Fund Balance.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED JUNE 9, 2020.

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

- SECTION 1. That the 2020-2021 Budget ordinance adopted June 9, 2020 is hereby amended to transfer funds to account code H.2080.256 Galanti Park Scenic Trail from the General Fund Balance.
- SECTION 2. That the 2020-2021 Budget ordinance is hereby amended to increase budget code H.2080.256 – Galanti Park Scenic Trail by \$93,193.50.
- SECTION 3. That the 2020-2021 Budget Ordinance is hereby amended to increase budget code H.0000.5013 Interfund Transfer by \$93,193.50.
- SECTION 4. That the 2020-2021 Budget Ordinance is hereby amended to increase budget code A.9000.9550 Transfer to Capital Account by \$93,193.50.
- SECTION 5. That the 2020-2021 Budget Ordinance is hereby amended to appropriate \$93,193.50 of the City's Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Dated: November 19, 2020

Lackawanna, New York

Moved by Surdyke seconded by Moretti to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Approve 2018 STOP-DWI Contract.

16. To: Jeffrey DePasquale, City Clerk
714 Ridge Road
Lackawanna, New York 14218

Dear Mr. DePasquale:

Please put the attached contract on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR. CITY ATTORNEY

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

Moved by Marrano seconded by Szymanski to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Waive the Rules.

Moved by Marrano seconded by Szymanski to waive the rules.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request Approval of the Contract Between the City of Lackawanna and the Fire Chief.

To: Jeffrey DePasquale, City Clerk

714 Ridge Road

Lackawanna, New York 14218

Re: Fire Chief Contract

Dear Mr. DePasquale:

Please put the attached contract on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Moved by Marrano seconded by et al to approve request; with thanks for the job the Chief does for our residents and community.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Request to Appear in Front of City Council to Meet Constituents.

17. To: John Ingram

Good afternoon,

My name is Alyssa Zbock and I just recently took over the position of Community Liaison at Assemblyman Pat Burke's office. I was hoping to come in to the next City Council meeting November 2nd to give a face to the name for those constituents in attendance. Do you hold physical meetings or conduct them via zoom?

I look forward to working with you all, if you or any constituents have questions or need assistance from our office please don't hesitate to extend my contact information, which I have provided below.

Thank you,

ALYSSA A. ZBOCK, COMMUNITY LIAISON, ASSEMBLYMAN PAT BURKE'S OFFICE

zbocka@nyassembly.gov, (716) 608-6099

1074 Union Rd. West Seneca NY 14224

Moved by Szymanski seconded by Marrano to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Commissioner of Deeds Status Renewal.

18. To: Honorable Frederic J. Marrano, Council President

Lackawanna City Council

714 Ridge Road

Lackawanna, NY 14218

Re: Commissioner of Deeds

To Your Honorable Body,

I hereby request an appointment as a Commissioner of Deeds for 2021-2022. This appointment would be used solely for my duties at the Lackawanna Municipal Housing Authority.

Sincerely,

BRANDON FALBO, LACKAWANNA MUNICIPAL HOUSING AUTHORITY

Moved by Szymanski seconded by Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Commissioner of Deeds Status Renewal for Self and Staff.

19. To: Frederic J Marrano

Council President

Lackawanna City Hall

714 Ridge Road

Lackawanna, New York 14218

Dear Honorable Frederic J. Marrano:

I am requesting the following individuals reappointment as Commissioner of Deeds, by the City of Lackawanna:

Mr. Dawan D. Jones, Board of Trustees Chairman

Mr. Tracy L. McGee, CEO

Ms. Vanessa J. Huff-Brown, Administrative Assistant

Ms. Gwen Conway, District Data Coordinator

Ms. Karen Y. Perez, DDC Assistant/Receptionist

These individuals are officers and staff of Global Concepts Charter School Administrative Building.

The purpose of these reappointments is for the following reason:

- To carry out the business functions of Global Concepts Charter School

Your consideration to this request will be deeply appreciated.

Respectfully submitted,

DAWAN D. JONES, CHAIRMAN, BOARD OF TRUSTEES

Moved by Szymanski seconded by Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by et al seconded by et al to adjourn meeting in memory of David Olivieri.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk

Any items to be placed on the agenda must be received by noon on the Wednesday before the scheduled meeting to be considered. Any public comments made at the meeting **MUST** be related to topics already on the agenda.

www.lackawannany.gov

