

**Regular Council Meeting**  
**MONDAY, FEBRUARY 22, 2021**  
**7:00 p.m. – Caucus/ Meeting to immediately follow**  
**REMOTE ZOOM**  
**\*\*COVID-19 procedures in effect\*\***  
**Live via Facebook@http//Facebook.com/lackawannany**

**Attention Residents:**

The Remote Zoom format will remain in effect as long as it is authorized by Executive Order from the Governor, and until such time as the City Council resolution authorizing same is rescinded.

**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 (E), Development,**  
**Public Works, Public Information**

**Approval of Minutes:** of the regular meeting of February 1, 2021.

Moved by Marrano seconded by Surdyke to adopt minutes of the regular meeting of February 1, 2021 as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Departmental Reports:**

1. **City Comptroller** – Capital Fund H Checking Account – January, 2021.
2. **City Comptroller** – A/P Check Listing #26, dated February 1, 2021.
3. **City Comptroller** – A/P Check Listing #27, dated February 3, 2021.
4. **City Comptroller** – A/P Check Listing #28, dated February 10, 2021.
5. **City Clerk** - Monthly Revenue Report for January, 2021.
6. **City Treasurer** – Total receipts deposited into the General Fund Account for January, 2021.

Moved by Marrano seconded by Ingram to receive and file Departmental Reports one through six.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from the Mayor:**

**Requests the Time of the March 1, 2021 Council Meeting to be Changed to 4:00 p.m.**

7. To: Honorable Council President  
Honorable Council Members

Dear Council –

Thank you for adjusting the start time of your March 1<sup>st</sup> Council meeting and allowing me to present the State of the City, via zoom, at 4:00 PM.

Please contact me if you have any questions.

Respectfully,

**ANNETTE IAFALLO, MAYOR**

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

Yeas: Ingram, Moretti, Surdyke, Marrano

Nays: Szymanski

Carried 4-1

### **RESOLUTION NO. 7, 2021**

**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 City Council is desirous of changing the meeting time of the March 1<sup>st</sup>, 2021 regular meeting to 4:00 p.m., 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: February 22, 2021**

**Lackawanna, New York**

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

Yeas: Ingram, Moretti, Surdyke, Marrano

Nays: Szymanski

Carried 4-1

### **Communications from Department/Division Heads:**

#### **Requests City Clerk to Advertise for Bids for Lawn Mowing and Landscaping Services for 2021.**

8. To: Honorable Members of City Council:

I am requesting your Honorable Body to authorize the City Clerk to advertise for lawn mowing and landscaping of various recreational public property areas in the City of Lackawanna for the 2021 calendar year.

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

Sincerely,

**BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION**

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

Moved by Marrano seconded by Szymanski to approve request, direct City clerk to advertise for bids.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

### **Requests City Council Review the Updated Copy of City Owned Real Estate.**

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

Dear City Council,

I have recently updated the list of City owned real estate. The available properties primarily remained the same with the exception of the ones removed due to sale. The purpose of providing for the sale of property on this list is to restore real property to the tax rolls to be revenue producing. According to Chapter 12-7 of our Code, the City Council shall be provided a list of real property available for private sale annually.

I have attached the revised list for your Honorable Body to review.

Thank you for your time.

Respectfully,

**MICHAEL GRIFA, CITY ASSESSOR**

**A copy of the list may be obtained by contacting the City Assessor's office.**

Moved by Marrano seconded by Ingram to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Ordinance to Account for Funds Receivable from FEMA for Firefighter Overtime.**

10. 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 account for funds receivable from FEMA for the reimbursement of Firefighter Overtime as a result of the COVID-19 pandemic.

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 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 increase account code A.3410.102 Personal Services – Call in Time and FEMA Reimbursement by \$129,960.00.

**SECTION 2.** That the 2020-2021 Budget Ordinance is hereby amended to add \$129,960.00 to budget code A.3410.102 Personal Services – Call in Time.

**SECTION 3.** That the 2020-21 Budget Ordinance is hereby amended to add \$129,960.00 to budget code A.0000.4960 FEMA Reimbursement.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: February 22, 2021  
Lackawanna, New York**

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

Carried 5-0

**Police Officer Anthony R. Catuzza has Retired Effective January 29, 2021.**

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

Dear Council Members:

Please be advised that Police Officer Anthony R. Catuzza has retired as of January 29, 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.  
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Account Clerk Typist, Leslie Palczewski Retired Effective January 30, 2021.**

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

Dear Council Members:

Please be advised Account Clerk Typist, Leslie Palczewski, has retired as of January 30, 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.  
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Ordinance to Transfer Funds for the Newly Negotiated Police Contract.**

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

Dear Council Members:

Please approve the attached ordinance to transfer funds for the newly negotiated police contract as approved by council on November 2, 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, 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 increase Police Budget for Negotiated Police Contract.
- SECTION 2. That the 2020-2021 Budget Ordinance is hereby amended to add \$593,000.00 to budget code A.3120.101 Police Department – Personal Services.
- SECTION 3. That the 2020-2021 Budget Ordinance is hereby amended to add \$12,300.00 to budget code A.3120.102 Police Department – Overtime.
- SECTION 4. That the 2020-21 Budget Ordinance is hereby amended to add \$5,000.00 to budget code A.3120.103 Police Department – Court Time.
- SECTION 5. That the 2020-21 Budget Ordinance is hereby amended to add \$44,004.00 To budget code A.3120.104 Police Department – Differential & Contractual.
- SECTION 6. That the 2020-21 Budget Ordinance is hereby amended to decrease \$516.00 to budget code A.3120.105 Police Department – Paid Holidays.
- SECTION 7. That the 2020-2021 Budget Ordinance is hereby amended to appropriate \$40,000 of the City’s Employee Benefit Reserve account A.0000.912.
- SECTION 8. That the 2020-2021 Budget Ordinance is hereby amended to appropriate \$613,788.00 of the City’s Fund Balance account A.0000.5990.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: February 23, 2021**  
**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 Transfers for the Fiscal Year Ended July 31, 2020.**

14. 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 budget transfers for the fiscal year ended July 31, 2020.

These budget transfers are required to cover accruals and accounts with shortfalls. No funds are required to be transferred from fund balance.

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

Sincerely,

**CAROLYN A. NICOMETO, CITY COMPTROLLER**

Moved by Marrano seconded by Ingram to approve request as amended.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of the City of Lackawanna's Audited Financial Statements for the Fiscal Year End July 31, 2020.**

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

Dear Council Members:

Attached are official copies of the City of Lackawanna's Audited Financial Statements for the fiscal year end July 31, 2020 for your review.

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

Sincerely,

**CAROLYN A. NICOMETO, CITY COMPTROLLER**

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

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of STOP-DWI Agreement Between the City and the County.**

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

Re: STOP-DWI Agreement between the City and County

Dear Mr. DePasquale:

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

Very truly yours,

**RICHARD S. JUDA, JR., CITY ATTORNEY**

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**RESOLUTION NO. 8, 2021**

**WHEREAS**, the City has been engaged in the STOP-DWI program in conjunction with the County of Erie for several years; and

**WHEREAS**, the County has requested the City to enter into a formal agreement with the County setting forth the terms and conditions between the County and the City; and

**WHEREAS**, attached hereto, is a copy of the proposal contract for the period commencing January 1, 2021 and terminating December 31, 2021; and

**WHEREAS**, the City Council deems it in the best interest of the City of Lackawanna to enter into said agreement,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Mayor be and hereby is authorized and directed to execute said agreement on behalf of the City of Lackawanna; and be it further

**RESOLVED**, that the City Clerk forward certified copies of this resolution to the Mayor, Director of Public Safety, Chief of Police and the City Attorney.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: February 22, 2021  
Lackawanna, New York**

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

Carried 5-0

**Requests Establishment of Property Address for 4 ½ South Fisher Street.**

17. To: Common Council of the City Of Lackawanna  
North Fisher Properties, LLC, the owner of SBL #142.20-2-9.1 is seeking an assignment of a property address at said parcel so that they may receive mail at their property.  
The entrance of the parcel is between 4 and 6 South Fisher Road. Due to a lack of a whole even integer between those two addresses we ask that you assign "4 ½ South Fisher Road" as the address for SBL# 142.20-2-9.1.

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

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

Carried 5-0

**RESOLUTION NO. 9, 2021**

**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**, North Fisher Properties, LLC owns the parcels of land in Lackawanna bearing SBL # 142.20-2-9.1, and are now seeking a street address for said parcel so that they may receive mail at their property; and

**Whereas**, the entranceway to the parcel bearing SBL # 142.20-2-9.1, is situated on the western side of South Fisher Road, between parcel bearing addresses of 4 and 6 South Fisher Road; accordingly it is now hereby

**Resolved** that;

1. The Parcel of land bearing SBL # 142.20-2-9.1 is hereafter named and numbered to be 4 ½ South Fisher Road;

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

**Dated: February 22, 2021**  
**Lackawanna, New York**

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Authorization for Mayor to Enter into Final Agreement with C & S Companies for Design and Installation of Splash Pad at 560 Ridge Road.**

18. To: Common Council of the City of Lackawanna

Re: Award of Contract for Engineering Services for Design and Installation of Playgrounds, Splash Pad, and Pump House/Changing Facility at Memorial Field – 560 Ridge Road.

In July 2020 we solicited RFP's to full service engineering firms for design and installation of a Splash Pad at 560 Ridge Road.

We received qualified responses from C & S Companies, and Foit Albert Associates. Based upon most recent similar Splash Pad experience, and very comparable hourly rate schedules C & S was chosen for the initial design, which is attached.

We have now secured commitments of funding of \$325,000 in CDBG funding from the County of Erie, \$360,000 FROM Assemblyman Burke's Office, and a representation that we will receive an additional \$260,000 from Assemblyman Burke's Office. The City has also committed \$30,000 as matching funds to bring the Total Budget for the Project to \$975,000 which does match the cost estimates.

We are now requesting authorization that the Mayor be authorized to enter into a final agreement with C & S Companies for an amount not exceed \$126,000, based upon the hourly rates contained in the attached RFP response.

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

**A copy of this agreement 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

**Requests Changes to Zoning Code Pertaining to Bethlehem Redevelopment Area.**

19. To: Common Council of the City of Lackawanna

Attached please find proposed changes to §230-17 of our City Code which are the land use and area restrictions pertaining to the Bethlehem Redevelopment Area.

Prior to any action on the items we will need to:

1. Hold a Public Hearing; and
2. Determine if the changes pose any significant adverse impacts upon the environment as required under the State Environmental Quality Review Act; and



3. Submit the proposed changes to the Erie County Department of Environment and Planning for their review pursuant to §230-m of the General Municipal Review.

If the Council would set the public hearing for about 4 weeks out I will commence the interagency review process.

The only expansion of uses in the proposed amendments is the expansion of the height limitation of structures in the Light Industrial District of Bethlehem Redevelopment Area (BRA) from 36 feet to 45 feet.

Other changes of note are:

1. elimination of Telecommunication Towers, and non-rooftop solar panel systems, as as-of-right use in the Light and Medium intensity use sections of the BRA, and to limit non roof top energy generating systems to no more than 5% of the land of the heavy industrial land use areas; and
2. Elimination of certain potentially noxious uses from the category of as-of-right uses on the Heavy Industrial BRA land.

Moved by Marrano seconded by Ingram to receive and file, set Public Hearing date as March 22, 2021 (4 weeks out) at 6:30 p.m..

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

#### **Business Registrations:**

Lisa Guerra, dba Ladies and Gents Hair Co. (Salon/Barber Shop), 1572 Abbott Road.

Moved by Marrano seconded by Moretti to approve Business Registration.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Siobhan Cooley, dba Remedy (Hair Salon), 1254 Ridge Road.

Moved by Marrano seconded by Moretti to approve Business Registration pending approval of Planning and Development Board..

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

#### **Entertainment Licenses:**

##### **Class I – Live Music and/or Mechanical Reproduction:**

Curly's Grill, 647 Ridge Road

L City Restaurant & Drinkery, 3167 South Park Avenue

Moved by Marrano seconded by Szymanski to approve Class II Entertainment License.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

##### **Class II – Coin Operated Mechanical Reproduction:**

The Pour House Sports Bar, 2847 South Park Avenue

Moved by Marrano seconded by Moretti to approve Class II Entertainment License.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Tabled Items:**

**Old Business:** Work session scheduled for 6:00 p.m. on March 22, 2021 regarding Warsaw Street bridge.

**Adjournment:**

Moved by Szymanski seconded by Ingram to adjourn meeting in memory of Captain Michael Stump, Code Enforcement Officer Joseph Geyer and Willow Sobaszek.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

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Frederic J. Marrano-Council President

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Jeffrey P. DePasquale - City Clerk

Any items to be placed on the agenda must be received by the City Clerk's Office by noon on the Wednesday before the scheduled meeting to be considered. Any public comments normally in person at the meeting during "Hearing from Citizens" MUST be related to topics already on the agenda and received by the City Clerk's Office no later than noon on the scheduled day of the meeting. Comments are accepted via US Mail Service, Fax @ 716-827-6453 or email at [cityclerk@lackny.com](mailto:cityclerk@lackny.com).

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