

Regular Council Meeting
Tuesday, September 27, 2021
6:30 p.m. – Caucus/ 7:00 p.m. Meeting
Council Chambers
Live via Facebook@http://Facebook.com/lackawannany

Attention Residents:

Meetings have returned to City Hall – Council Chambers, 2nd Floor. They are open to the public. As a courtesy, we ask unvaccinated citizens to please wear a mask and maintain social distancing. Thank you for your anticipated 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 (E), Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of September 7, 2021.

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #5, dated September 2, 2021.
2. **City Comptroller** – A/P Check Listing #6, dated September 8, 2021.
3. **City Comptroller** – A/P check Listing #7, dated September 15, 2021.
4. **City Comptroller** – Cash Reconciliation, Revenue Report and Statement of Condition of Appropriations as of May 31, 2021.
5. **City Comptroller** – Cash Reconciliation, Revenue Report and Statement of Condition of Appropriations as of June 30, 2021.

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Councilman John Ingram Submits a Communication to the Council for Discussion.

6. To: City Clerk

From: John Ingram, 1st Ward Councilman

Re: Items for September 27, 2021 Council Meeting

I would like to discuss 3 items that residents and businesses have brought to my attention.

1. There have been numerous complaints from citizens in the first, second and even third ward, as well as from our Code Enforcement officials regarding the Islamic Mosque located at 154 Wilkesbarre St. and the violation of the noise ordinance in the City of Lackawanna. On more than one occasion discussions have taken place with a representative of the Mosque regarding this issue. We were assured they would comply with this rule, but continue to disregard it showing a lack of respect for the citizens of this community.

2. On Friday, September 17, 2021 people driving on Ridge Road in the area of the Alsultan Restaurant were placed in a dangerous situation due to the parking in that area. Mr. Michael Zbock (Owner of Diversified Recycling Services) along with Mr. Ken White (Manager of Quikrete Concrete) and NFTA buses along with others driving traveling on Ridge Road were unable to make turns and maneuver around the parked cars.

3. Glover Garden apartment complex also has a dangerous parking situation going on. People are driving on the sidewalks as well as parking cars on the sidewalks. The Municipal Housing Authority is requesting help with this problem before a child or citizen is terribly hurt.

Thank you for your time.

JOHN INGRAM, 1ST WARD COUNCILMAN

Moved by Marrano seconded by Moretti to receive and file, refer to Director of Public Safety.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Council is Advised of the Retirement Days of Various City Employees.

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

Dear Council Members:

Please be advised of the following retirements in the City of Lackawanna:

Building Maintenance Supervisor, John Gambino has retired effective March 25, 2021.

DPW Chief Auto Mechanic, Robert Bure has retired effective March 20, 2021.

Police Officer, John Hruby has retired effective May 24, 2021.

DPW Laborer, David Koch has retired effective July 31, 2021.

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.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Form RS 2417- Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

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

Dear Council Members:

Please approve Form RS 2417- Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Daniel Hawrylczak. This form establishes the standard working hours reported for individuals on a monthly basis for the New York State and Local Retirement System.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Szymanski to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution for the City Council to Revert Back to Remote Zoom Council Meetings.

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

Dear City Council Members:

Due to the emergence of the Delta Variance of COVID-19, Governor Kathy Hochul has signed a bill authorizing municipal boards and Councils to return to remote zoom meetings through January 15, 2022.

If your honorable body wishes to revert back to remote zoom then I am requesting you approve the attached resolution authorizing such change through December 31, 2021. As you know, said resolution can be rescinded at any time the Council desires.

Respectfully,

JEFFREY P. DEPASQUALE, CITY CLERK

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

Yeas: Szymanski, Moretti, Surdyke, Marrano

Nay: Ingram

Carried 4-1

RESOLUTION NO. 27, 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 sensitive to the health, safety and welfare of our citizens and public officials with regards to the Delta variant of the COVID-19 virus; and

Whereas, the City Council is desirous of changing the meeting location and format of future council meetings for the safety and well-being of our citizens and public officials, effective with the regular meeting of October 4, 2021 and inclusive of any regular and special meetings through December 31, 2021, such meetings will be conducted utilizing the remote zoom format.

Be it Resolved, that City Council meetings previously scheduled for Council Chambers are hereby changed to remote zoom format, effective Monday, October 4, 2021 through December 31, 2021, or until such time this resolution is rescinded by this honorable body.

Be it further resolved, that the start time of regular City Council meetings shall begin immediately after the caucus, scheduled before each meeting at 6:30 p.m. A copy of this resolution shall be posted on the bulletin board in the main 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: September 27, 2021
Lackawanna, New York**

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

Yeas: Szymanski, Moretti, Surdyke, Marrano

Nay: Ingram

Carried 4-1

Submission of a Proposal for a Fireworks Display Permit Application.

10. To: Honorable Council President
Honorable Council Members
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members,

Attached you will find a proposed Fireworks Display Permit for your consideration. It has come to my attention that despite the City and other entities hiring fireworks contractors, there is not currently a process in place to properly vet these companies to make sure that they are licensed, certified, insured and qualified to handle pyrotechnics.

I have had conversations with reputable fireworks contractors who recommend that the City institute a permit process to ensure that any company hired to perform a show is educated and qualified to put on a safe fireworks display and not some "fly-by-night" company looking to make a quick profit at the expense of safety. After checking with other municipalities, most have a fireworks display permit in place, and charge anywhere from \$0 and \$100 for said permit. Furthermore, another advantage to the permit process is that when a permit is applied for and approved, our Fire and Police Departments would be aware of an upcoming fireworks show and can prepare for the same.

In closing, I would suggest that any fireworks display permit be for commercial entities only, including the City, and not private residents. However, the Council and Law Department can work out those details.

Thank you for your time and consideration.

Respectfully,

JEFFREY P. DEPASQUALE, CITY CLERK

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

Moved by Marrano seconded by Szymanski to **TABLE**, refer to Law Department for opinion.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Transfer of "1" Albright Court for the Flexlume Headquarters.

12. To: Common Council of the City of Lackawanna

The City of Lackawanna has received an offer to purchase 1 Albright Court for \$100,000 from Curtis Martin, on behalf of 1 Albright Court, LLC to relocate and expand his local business, Flexlume, to Lackawanna.

The parcel of land is approximately 3.93 acres. It was historically used as residential property; however, based upon environmental investigations, it appears that due to the site's proximity to historic heavy industrial use, some soil management will be required. Flexlume has retained an environmental engineering firm (Benchmark Environmental) to assist in responsible soil management at the site. The purchaser is an existent business looking to move their headquarters to Lackawanna. They currently have 20 employees and are looking to add 10 more employees. The corporate leadership represents their business has grown by a factor of 7 since they took over in 2015. A company brochure identifying their product is also attached.

The size of the facility planned is about 20,000 square feet. Proposed profiles are attached. The final design, and siting of the building is subject to site plan review.

The property has been advertised as available on our website, and was recently advertised in Business First.

The price per acre was determined based upon recent sales of shovel ready property at Renaissance Commerce Park (f/k/a the Bethlehem Site).

We do submit the price is reasonable taking into account sales of other development parcels requiring soils management. The project is anticipated to add approximately \$2,000,000 to our tax base.

The proposed use does include manufacturing.

Establishment of the use will be subject to Site Plan Approval by the Planning Board.

The request is to consider adoption of the Negative Declaration and authorize the Mayor to execute the attached proposed Sales Agreement.

Sincerely,

MICHAEL GRIFA, CITY ASSESSOR AND RICHARD STANTON, DIRECTOR OF DEVELOPMENT

Copy of this information may be obtained by contacting the City Clerk's Office.

Moved by Marrano seconded by Ingram to approve contract of sale, terms and conditions per City Attorney, price not less than \$100,000.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests use of 1 LYDS Drive for a One Day Craft and Vendor Event by Lackawanna Youth Diamond Sports.

13. To: Lackawanna City Council
Lackawanna City Hall
714 Ridge Road
Lackawanna, NY 14218

Dear Lackawanna City Council:

Lackawanna Youth Diamond Sports is seeking the council's permission to host a one-day craft and vendor event from 10am – 4pm on October 9th, 2021 on the baseball field located at 1 LYDS Dr. in Lackawanna, NY.

Please feel free to contact me with any questions or concerns.

Sincerely,

MICHAEL KINGSLEY, TRUSTEE

Moved by Marrano seconded by Ingram to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Permission to Speak Before the City Council.

14. To: Honorable Lackawanna City Council

Upcoming Council Agenda

Dear Honorable Lackawanna City Council,

Lackawanna Historical Association has some very exciting events planned for OUR historic Carnegie Library.

We seek permission to speak before your honorable body at the next council meeting to share the exciting plans with you all.

Thank you,

Respectfully,

JAMES SCHICHEL, SANDY FALSIONI, ANDREA HAXTON, LHA BOARD OF TRUSTEE MEMBERS

Moved by Marrano seconded by Szymanski to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Szymanski seconded by Marrano to adjourn meeting in memory of Patrick McCusker and Kristine Kowalski.

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 the City Clerk's Office by noon on the Wednesday before the scheduled meeting to be considered. Any comments made at the meeting are restricted to agenda items only. It is requested that gentlemen remove their hats and that all cell phones be placed in silent mode so as to not disturb the proceedings. Proper decorum and respect towards fellow citizens, Council Members and City Officials must be adhered to or you will be asked to leave the Council Chambers. There is no input from the public during the caucus portion of the meeting. Thank you.

www.lackawannany.gov