

**Regular Council Meeting**  
**MONDAY, November 8, 2021**  
**6:30 p.m. – Caucus/ Meeting to immediately follow**  
**REMOTE ZOOM**  
**\*\*COVID-19 procedures in effect\*\***  
**Live via Facebook@<http://Facebook.com/lackawannany>**

**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, Public Information**

**Hearings from Citizens:** None received.

**Approval of Minutes:** of the regular meeting of October 25, 2021.

Moved by Marrano seconded by Moretti to adopt minutes of the regular meeting of October 25, 2021 as written.

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

**Departmental Reports:**

1. **City Comptroller** – A/P Check Listing #13, dated October 25, 2021.

Moved by Marrano seconded by Ingram to receive and file Departmental Report #1.

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

**Communications from Division/Department Heads:**

**Requests Approval for the Appointment of Susan Brockenshire as Bingo Inspector.**

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

Dear Honorable Body,

I am looking to fill the last vacancy for the Bingo Inspector in the City of Lackawanna. I am requesting the City Council approve the appointment of Susan Brockenshire, 146 Millhurst Road, Lackawanna NY 14218 to a term not to exceed four years, annual salary shall be \$1,500.00. Term to expire December 31, 2024.

Thank you for your time and consideration in this matter.

Respectfully,

**JEFFREY P. DEPASQUALE, CITY CLERK**

Moved by Marrano seconded by Szymanski to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of the Easement Regarding Gardenville-Dunkirk 141-142 Transmission Rebuild Project.**

3. To: City of Lackawanna

714 Ridge Road

Lackawanna, New York 14218

Re: Gardenville-Dunkirk 141/142 Transmission Rebuild Project

Dear City of Lackawanna:

As you are aware, Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”) operates the 115kV electric transmission lines upon the right-of-way (“ROW”) it owns (or controls by easement) adjacent to your property. National Grid acquired this ROW many years ago. The electric lines are proposed to be rebuilt via the Gardenville-Dunkirk 141/142 Transmission Rebuild Project (the “Project”). In preparation for the Project, National Grid has reviewed its existing property rights to determine whether additional property rights may be needed to meet current, utility industry ROW standards. These standards support the safe and reliable operation of the 115kV electric transmission lines. During this review process, we identified numerous properties along the ROW – including yours – where such additional rights are required.

Specifically, with respect to your property, National Grid requires an easement that will allow it to build, operate, and maintain new electric facilities, and to access your property in furtherance of such activities. All work will be done in accordance with applicable utility industry standards and practices. To be clear, the easement will not limit your use of your property in any manner otherwise allowed.

Included with this letter is the standard easement that National Grid uses for this purpose, which will be filed with the Erie County Clerk’s office once signed. Additionally, a map depicting the limits of the proposed easement area to be used as an exhibit to the easement is enclosed, along with an aerial map of your property depicting the same, for your reference.

We estimate that the fair market value of the enclosed easement is **\$8,675.00**. We arrived at this value after reviewing the property values in your area.

Please review the easement document and accompanying information. A National Grid Real Estate team member will contact you within the next few weeks to confirm that you received the materials and to answer any questions you may have. You may also contact me by email or phone using the contact information listed below.

If the enclosed documents are acceptable to you, please sign the easement where indicated (as your name appears on your deed), in the presence of a Notary Public who should complete the Acknowledgemnt on the reverse side. Please complete the TP-584 form, including your Social Security or Federal EIN number, and sign on all three lines where indicated. Please return all executed (signed) documents to me in the postage-paid envelope provided and when I receive the fully executed and notarized Easement and TP-584 form, I will order a check that I will forward to you as soon as possible. If you wish to have an attorney review this, please feel free to do so.

In terms of timelines, the Project is estimated to begin in early 2021. To learn more, please visit our website at: **[www.GardenvilleDunkirkTransmission.com](http://www.GardenvilleDunkirkTransmission.com)**.

To: Jeffrey DePasquale, City Clerk

714 Ridge Road

Lackawanna, New York 14218

Re: Gardenville-Dunkirk 141-142 Transmission Rebuild Project

Dear Mr. DePasquale:

Please put the attached easement on the agenda for review and action.

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 Surdyke to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval and Authorization for Mayor to Sign the Agreement Between the City and the Unified Court System.**

4. To: Lackawanna City Council

714 Ridge Road

Lackawanna, New York 14218

Re: Agreement with Unified Court System

Hon. City Council:

Attached please find renewal contract from the Unified Court System for the use of City Hall courtrooms and offices. City Attorney requests council approval and authorization for the Mayor to sign this agreement.

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 Ingram to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Ordinance to Purchase 117 – Ninety-Five Gallon Totes.**

5. To: Honorable Council,

I request that the Council approve the purchase of 117- 95 Gallon Totes, in the amount of \$9,890.90.

The pricing of the totes went up significantly from last year. A single tote cost with shipping last year at this time cost \$51.41. The cost for a single tote with shipping currently is \$84.54. We are currently charging residents \$55.00 for a 95 – gallon tote. Council will need to determine if the amount we charge residents per tote will need to be updated based on the new pricing.

Attached is the budget ordinance for the request and the proposal from Rehrig. If you have any further questions, please contact me.

Thank you,

**ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS**

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 2021-2022 BUDGET ORDINANCE ADOPTED MAY 8, 2021.**

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

SECTION 1. That the 2021-2022 Budget Ordinance adopted May 18, 2021 is hereby amended to increase appropriations for Garbage and Refuse – Garbage Totes.

SECTION 2. That the 2021-2022 Budget Ordinance is hereby amended to increase \$9,890.90 to budget code CL.8160.202 Garbage and Refuse – Garbage Totes.

SECTION 3. That the 2021-2022 Budget Ordinance is hereby amended to decrease \$9,890.90 Appropriated Fund Balance – Special Revenue Fund.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: November 8, 2021  
Lackawanna, New York**

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Business Registrations:**

Anitra R. Huff, dba Your Decoration Destination, 2741-C, South Park Avenue.

Moved by Marrano seconded by Ingram to approve Business Registration.

Yeas: Ingram, Moretti, Surdyke, Marrano

Nay: Szymanski

Carried 4-1

Ivelisse Trujillo, dba Just Plan on IT, 727 Ridge Road.

Moved by Marrano seconded by Szymanski to approve Business Registration.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Tabled Items:**

**Request to Remove TABLED Item Communication #9, meeting of October 25, 2021.**

Moved by Szymanski seconded by Marrano to remove TABLED Communication #9 from the regular meeting of October 25, 2021 and act on same.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Contract Between the City of Lackawanna and Small Wireless Communications.**

To: Lackawanna City Council

714 Ridge Road

Lackawanna, New York 14218

Re: Verizon Wireless Communications Facilities Contract

Hon. City Council:

This memo is in follow-up to my correspondence to the Council dated October 14, 2021 regarding the Verizon Wireless Communications Facilities Contract. Questions came up concerning ownership of poles located in the City right-of-way. I point out that this agreement grants Verizon use of our right-of-way for the installation and maintenance of Verizon 5G Wireless network. Specifically it applies to the City owned poles but also authorizes Verizon the right to use our right-of-way if indeed enters into any agreements with the owners of any poles privately owned or owned by other utilities. We are only

responsibly for maintaining our own poles. A responsibility which we already have. I trust the above answers any questions the Council may have.

Very truly yours,

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

Moved by Marrano seconded by Ingram to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Request to Waive the Rules:**

Moved by Marrano seconded by Moretti to waive the rules.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Resolution to Waive the Residency Requirement for Appointment of the City Assessor Position.**

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

Dear Honorable Body-

I hereby request the City Council "waive the rules" at the November 8<sup>th</sup> Council Meeting and vote to waive the residency requirement for Deborah Skulski-Wakelam, to be appointed as the City Assessor. Per 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. As you know the shortage of qualified department heads within the City limits has led to previous requests for the same waiver.

I apologize for the short notice, but, our current Assessor is resigning. Mr. grifa has participated in the interview and is willing to help Deborah acclimate herself as the City Assessor.

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 NO. 29, 2021**

**WHEREAS**, Deborah Skulski-Wakelam shall be duly appointed by Mayor Annette Iafallo to the position of City Assessor, effective November 9, 2021; 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 Deborah Skulski-Wakelam, City Assessor, be and the same is hereby waived.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

**Dated: November 8, 2021**  
**Lackawanna, New York**

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

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

**Old Business:**

**Adjournment:**

Moved by Marrano seconded et al. to adjourn in memory of Clifton Miles.

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