

Regular Council Meeting
Wednesday, December 8, 2021
6:30 p.m. – Caucus/ Meeting to immediately follow
REMOTE ZOOM
Live via Facebook@http://Facebook.com/lackawannany

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Ingram (E), Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development,
Public Works, Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of November 22, 2021 and special meeting of December 2, 2021.

Moved by Marrano seconded by Moretti to receive and file, adopt minutes of both meetings as written.
Yeas: Szymanski, Moretti, Surdyke, Marrano Carried 4-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #16, dated November 18, 2021.
2. **City Comptroller** – A/P Check Listing #17, dated November 19, 2021.

Moved by Marrano seconded by Szymanski to receive and file Departmental Reports one and two.
Yeas: Szymanski, Moretti, Surdyke, Marrano Carried 4-0

Communications from Division/Department Heads:

Requests Approval of Standard Work Day Resolution.

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

Dear Council Members:

Please approve Form RS 2418 – Standard Work Day Resolution for Employees which establishes the standard work day hours for the City of Lackawanna's employees. The prior RS2418 omitted the assessor position and this fulfills the City's obligation to the NYSLRS.

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

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Moretti to approve request.

Yeas: Szymanski, Moretti, Surdyke, Marrano

Carried 4-0

Requests Approval Ordinance to Transfer Funds for the Purchase of 2019 Freightliner Dump Truck.

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

Dear Council Members:

Please approve the Transfer of \$20,000.00 for the Purchase of the 2019 Freightliner Dump Truck as approved at the Council meeting on November 22, 2021. The original estimate budgeted to purchase the truck was \$200,000.00. The actual cost was \$220,000.00, which was \$20,000.00 higher than initial estimate.

If you have any questions please feel free to contact Anthony DeSantis or myself.

Sincerely,

CAROLYN NICOMETO, CITY COMPTROLLER

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

Yeas: Szymanski, Moretti, Surdyke, Marrano

Carried 4-0

ORDINANCE

AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE ADOPTED MAY 18, 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 budget code A.5110.0201 Streets Dump Truck from the General Fund Balance.

SECTION 2: That the 2021-2022 Budget Ordinance is hereby amended to increase budget code A.5110.201 Streets – Dump Truck by \$20,000.00.

SECTION 3: That the 2021 – 2022 Budget Ordinance is hereby amended to appropriate \$20,000.00 of the City’s Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: December 8, 2023
Lackawanna, New York

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

Yeas: Szymanski, Moretti, Surdyke, Marrano

Carried 4-0

Request to Waive the Rules:

Moved by Szymanski seconded by Marrano to waive the rules.

Yeas: Szymanski, Moretti, Marrano

Nay: Surdyke

Carried 3-1

Requests Waive the Rules and Approval of Bond Ordinance Authorizing the Acquisition of a New Fire Truck for the City.

To: Lackawanna City Council

714 Ridge Road

Lackawanna, NY 14218

Re: Bonding For Ladder Truck Ordinance

Hon. City Council:

I am requesting that your honorable body waive the rules to pass the above-referred Bond Ordinance. As you know no action was taken on this item at the last meeting. Carolyn Nicometo will be available at the next meeting to discuss any questions regarding the bond financing. Jim Fino will also be available to answer questions regarding the purchase process and the fire department needs. As you know I will also be available to discuss the bidding process or any other questions the Council may have.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Yeas: Szymanski, Moretti, Surdyke, Marrano

Carried 4-0

ORDINANCE

BOND ORDINANCE OF THE CITY OF LACKAWANNA, NEW YORK, ADOPTED DECEMBER 8, 2021, AUTHORIZING FINANCING FOR ACQUISITION OF A NEW FIRE TRUCK FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,200,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,200,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Lackawanna, Erie County, New York (herein called the "City"), is hereby authorized to finance the cost of acquisition of a new fire truck for the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,200,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$1,200,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$1,200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of

the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$1,200,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 27 of the Law, is twenty (20) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This Refunding Bond Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a notice in substantially the form prescribed by §81.00 of the Law in "*Buffalo Business First*," the official newspaper of said City for such publication.

Dated: December 8, 2021
Lackawanna, New York

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

Yeas: Szymanski, Moretti, Surdyke, Marrano

Carried 4-0

Adjournment:

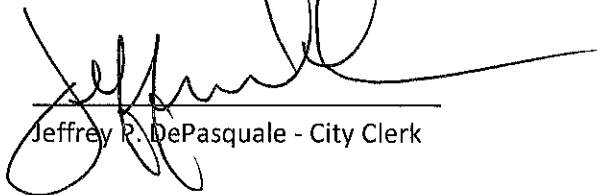
Moved by Marrano seconded et al. to adjourn meeting in memory of Eginio DeSantis, Jeffrey Such and Chester Bednarz.

Yeas: Szymanski, Moretti, Surdyke, Marrano

Carried 4-0



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.

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