

**COUNCIL MEETING
WEDNESDAY, MAY 4, 2016
COUNCIL CHAMBERS
www.lackawannany.gov**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.

**Meeting called to order
NB: Meeting being recorded**

**Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge, DePasquale
Dept. Heads: Present: Compt., Dev., Public Works, Law, Recreation
Excused: Public Safety**

Approval of Minutes: of regular meeting of April 18, 2016

Moved by Lewis seconded by Iafallo to adopt minutes of regular meeting of April 18, 2016 as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #37, April 14, 2016
2. City Comptroller-A/P Check Listing #38, April 20, 2016

Moved by Jerge seconded by Lewis to receive and file departmental reports one and two

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

Communications from the Mayor:

Budget Transfer-Comptroller-Personnel

3. To: City Council

I am requesting your Honorable Body allocate funds in the amount of \$26,250 to retain the services of R.A. Mercer & Co. PC. This will be for a period of seven weeks to handle the duties of our Comptroller Mrs. Bigaj-Sobol while she is out due to surgery. I did reach out to several persons to fill the position temporarily and asked:

- The New York State Comptroller's Office
- City of Buffalo Comptroller Mark Schroder
- Former Comptroller Bob Marciniak and,
- Former Assistant Comptroller Jason Surdyke

to see if they would be able to handle these responsibilities, all said no.

We also interviewed two other individuals who were recommended to us, and the comptroller and myself felt that R.A. Mercer & Co. PC has the most complete team to handle our fiduciary duties in the comptroller's absence.

Thank you in advance for your anticipated cooperation in this matter.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Lewis seconded by Noman to **TABLE** for study

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from the Council:

Mobile Homes-Placement of

4. To: City Council

I request the Council direct the City Attorney to prepare an ordinance which makes changes to the Municipal Code, Chapter 154-6 regarding the placement of mobile homes and housing within the City. I have attached a copy of sections proposed in this change and also a copy of the current chapter.

Any questions or concerns, please contact me.

JEFFREY DEPASQUALE-COUNCIL MEMBER 4TH WARD

Moved by Lewis seconded by DePasquale to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registration-Court Imposed Fines

5. To: City Council

I requested that the Director of Development provide a list of all City businesses that have been found to be in operation without a Business Registration, over the past 12 months, and any fines that were imposed by the City Court.

JOE JERGE-COUNCIL MEMBER 3RD WARD

Moved by Jerge seconded by Lewis to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Department/Division Heads:

Barclay Damon-Compact Disc Fee

6. To: City Council

Attached please find a final bill from Barclay Damon for costs of compact discs. The amount of the funds owing is \$60.00. Please direct the City Attorney to prepare an ordinance transferring this amount to budget code A1010.465 City Council, Outside Counsel.

JACQUELINE CAFERRO-CITY CLERK

Moved by Lewis seconded by Noman to approve request, City Comptroller to prepare ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

DPW NYS DOT-Shared Service Agreement

7. To: City Council

I am requesting permission for the City of Lackawanna to enter into a contract with the NYS DOT for a Shared Services Agreement. This agreement will last up to four years. (Agreement on file with City Clerk)

If you have any additional questions or concerns feel free to contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Jerge seconded by Lewis to grant request

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Tabled Items-90 Days

8. To: City Council

As per Council directive of May 20, 1991, all tabled items not acted upon and are over the ninety (90) day period are to be considered void and are to be received and filed by the City Council. These items can be reintroduced by the Council in the future and does **not** signify that they are null and void. The following tabled items over ninety days:

<u>Meeting of</u>	<u>Regarding:</u>	<u>Submitted by:</u>
February 1, 2016	Final payment to Barclay Damon	Council Member Lewis
February 1, 2016	Request for Crosswalk-Library	Council Member Iafallo

Respectfully submitted.

JACQUELINE A. CAFERRO-CITY CLERK

Moved by Lewis seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Mobile Homes-Placement

9. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by DePasquale to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Comprehensive Plan 2016

10. To: City Council

Attached for your perusal please find a copy of the Draft Comprehensive Plan funded through a grant provided by the New York State Energy Research and Development Authority (“NYSERDA”).

This document represents the culmination of the outstanding efforts of residents, consultants and City representatives working together to develop a blueprint for the future of the City of Lackawanna. Commencing with the June 18th, 2015 Public Visioning Workshop at the Martin Road Senior Center we have held several public information meetings as well as presented the plan for input and approval to our Comprehensive Plan Steering Committee.

The City is required to present the document to the City Council for comments, suggestions, input and approval. Tonight we are fulfilling the first step in that process. In order to maintain the process the next steps will be as follows:

1. The Council will have two (2) weeks to review and submit their comments (Wednesday, May 18th);
2. The remarks, comments and modifications will be inserted to the document and presented back to the City Council at the meeting scheduled for June 6, 2016;
3. At the Council meeting of June 6th there will be presented a resolution for adoption identify the Council as the Lead Agency in compliance with the State Environmental Quality Review Act (“SEQR”) and the scheduling of a Public Hearing for a date and time within a two (2) week period;
4. The next day, Tuesday, June 7, 2016 will represent the commencement of the thirty (30) day Public Comment Period. We are prepared to post the Comprehensive Plan on the City Webpage, send a mailing to identified stakeholders, deliver copies to the Public Library and other venues directing interested parties to submit their comments and suggestions.
5. At the conclusion of the thirty (30) Public Comment Period the document will be presented back to the Council for final adoption of the Comprehensive Plan

Accordingly, this Honorable Body is hereby requested to accept the Draft Comprehensive Plan for review and comments to be delivered no later than Wednesday, May 18, 2016.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by DePasquale seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Citizens:

Missing Children Annual Bike Ride

11. To: City Council

On Friday May 20th, the National Center for Missing and Exploited Children (NCMEC) will hold its 10th Annual Ride for Missing Children. Sponsored by NCMEC/NY, the Ride for Missing Children is a 100 mile, 2x2 paced and police escorted bike ride throughout Erie County, beginning and ending at Ralph Wilson Stadium. Our purpose is to remember all missing children and to raise funds to support local prevention education programs in our schools and community. We anticipate approximately 100 riders to participate in the event.

We would like to ask the town for use of its roads. I have included the tentative route map along with approximate times the riders will be in Lackawanna. If there is a special form that needs to be completed please sent it to my attention at the address below, or fax it to 716.842.6334. If you have additional questions, please contact me directly.

Thank you for your anticipated cooperation.

KATHLEEN GUST-PROGRAM DIRECTOR

Moved by Lewis seconded by Jerge to approve request for use of South Park Avenue on May 20, 2016 for the 10th Annual Ride for Missing Children

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registration:

(1) Kevin P. Judge- DBA Scoop Dogs- 1125 Ridge Rd- restaurant

Moved by Lewis seconded by Jerge to approve business registration

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ordinances:

(1) An ordinance amending the budget, transferring \$26,250 from the City's fund balance to Code A1315.469, Comptroller, Consultant Fees **TABLED**

(2) An ordinance amending Chapter 154-6 of the Municipal Code regarding placement of mobile homes and housing

AN ORDINANCE AMENDING CHAPTER 154 OF THE CODE OF THE CITY OF LACKAWANNA ENTITLED MOBILE HOMES AND MOBILE HOME COURTS

BE IT ENACTED by the City Council of the City of Lackawanna, New York that the following section of Chapter 154 shall be rescinded and replaced as follows:

S 154-6. Placement of mobile homes and housing.

- A. No mobile homes or housing shall be placed anywhere in the City of Lackawanna except in a mobile home court as defined herein.
- B. No recreational vehicles, coaches, house trailers (travel or vacation), boat or boat and trailer combination may be parked on City streets, stored or left standing in the front yard of any lot containing a one-family or multifamily residence in the City of Lackawanna.
- C. Notwithstanding subsection B above, recreational vehicles, coaches, house trailers (travel or vacation), boat or boat and trailer combination may be allowed to be parked within the driveway of any lot containing a one or multi-family residence in the City of Lackawanna between May 1st and October 31st. Furthermore, any of the aforementioned vehicles described in this subsection must be in good working order and legally registered in accordance with NYS DMV regulations to remain so parked.
- D. No recreational vehicles, coaches, house trailers (travel or vacation) boat or boat and trailer combination may be allowed to be parked or stored within lots containing a one family or multifamily residence in the City of Lackawanna between November 1st and April 30th, except in accordance with Subsection E below.
- E. This section does not apply to the rear portion of any lot described herein, provided that said boat, trailer, or other vehicles described in Subsection B above are parked or stored more than 10 feet from any one-family or multifamily residence in the City of Lackawanna.
- F. At no time shall any person live or sleep permanently or temporarily in any of the aforementioned vehicles in Subsection B while they are parked or stored within any portion of the lot or driveway.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Waive Rules:

Moved by Lewis seconded by Iafallo waive rules
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Local Waterfront Revitalization Program-Solar Energy Production Facility

To: City Council

Please be advised that this Honorable Body is required to pass a resolution regarding the Coastal Zone Consistency Determination.

Accordingly, attached for your consideration please find a Resolution pursuant the LWRP concerning the Determination of Consistency for the Solar Energy Production Facility proposed by Steel Sun 2, LLC. Which this Honorable Body is hereby requested to approve so that this previously approved project can move forward.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

RESOLUTION #14, 2016

**RESOLUTION OF THE CITY OF LACKAWANNA COUNCIL
PURSUANT TO
THE LOCAL WATERFRONT REVITALIZATION PROGRAM CONSISTENCY LAW
FOR THE CITY OF LACKAWANNA
CONCERNING THE DETERMINATION OF CONSISTENCY
FOR THE SOLAR ENERGY PRODUCTION FACILITY
PROPOSED BY STEEL SUN 2 LLC**

Project Name: Steel Sun 2 LLC Proposed Photovoltaic Solar Energy Production Facility.

Project Description: BQ Energy, LLC and its affiliate, Steel Sun 2 LLC (collectively, “Applicant”) proposes to install and operate a solar energy production facility (“Project”) at 2303 Hamburg Turnpike, Lackawanna, New York. The Project will be located on approximately 39.2 acres of land within the 149-acre Phase III Business Park Area, on parcels III-2, III-3, III-4 and III-9. (“Site”) The Site consists of two separated areas: one portion is located south of Smokes Creek and Steel Sun 1, and the other is located north of the Welded Tube facility. The Project consists of approximately 27,054 solar panels on 1500 arrays connected to an existing onsite electrical substation. The Project will be capable of generating approximately 8.5 Megawatts (“MW”) DC or 6 MW AC of power annually.

Location: Tecumseh Phase III Business Park, Sub-Parcels III-2, III-3, III-4 and III-9
2303 Hamburg Turnpike, Lackawanna, New York (“Site”).

WHEREAS, on August 12, 2015, Applicant submitted a Letter of Intent with supporting documentation to the City of Lackawanna requesting a Special Use Permit and Site Plan Approval from the Planning and Development Board (“Planning Board”) and certain area variances from the City of Lackawanna (“City”) Zoning Board of Appeals (“ZBA”) for the Project proposed on approximately 39.2 acres and denoted as parcels III-2, III-3, III-4 and III-9 in the City of Lackawanna, New York (“Application”). The Site consists of two separated areas: one portion is located south of Smokes Creek and Steel Sun 1, and the other is located north of Welded Tube; and

WHEREAS, the Council is authorized and required by Section 223-1 of the Code of the City of Lackawanna (“Code”) to review any actions classified as Type 1 or Unlisted under Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as (“SEQR”) that would be directly undertaken, approved or funded by the City of Lackawanna (“City”) for consistency with the City of Lackawanna Local Waterfront Revitalization Plan (“LWRP”); and

WHEREAS, the Project is an Unlisted action for purposes of SEQR; and

WHEREAS, per Section 223-1 of the Code, a coastal zone consistency determination is required for an Unlisted action for which the City must grant any approvals; and

WHEREAS, in the Application, Steel Sun submitted Parts 1, 2 and 3 of the Full Environmental Assessment Form and a Coastal Assessment Form pursuant to Section 223-7 of the Code; and

WHEREAS, the Council has considered the full scope of the Application, including the Coastal Assessment Form; and

WHEREAS, the Project is consistent with the policies and purposes of the LWRP and the Project will not substantially hinder achieving the policies and purposes of the LWRP;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS;

Based upon the EAF and the CAF, the Council’s knowledge of the area surrounding the Site and the foregoing investigations of the potential coastal impacts of Project, the Council makes the following determinations with respect to the Project;

The Project is consistent with the policies and purposes of the LWRP and the Project will not substantially hinder achieving the policies and purposes of the LWRP.

The reasons supporting this determination are as follows:

1. The low profile, green technology and private investment associated with the Project is consistent with the guidelines in the LWRP document pertaining to future redevelopment of the Tecumseh Business Park.
2. The project will improve the deteriorated and vacant condition of the Site, which is consistent with the goals of the LWRP.

3. The Project is compatible with the character of the area, as wind energy production facilities are located nearby, as it is the approved location for another solar energy production facility, Steel Sun 1.
4. Considering all of the above, the Project is consistent with the policies and purposes of the LWRP and the Project will not substantially hinder achieving the policies and purposes of the LWRP.

Supporting Documentation:

1. Environmental Assessment Form including the Coastal Assessment Form and all exhibits attached thereto.
2. City of Lackawanna Local Waterfront Revitalization Program adopted June 1989.

Moved by Lewis seconded by Jerge to adopt resolution as written
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Executive Session:

Moved by Jerge seconded by DePasquale to enter into executive session at 7:14 PM to discuss litigation and personnel

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Meeting reconvened at 8:33 PM

Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge, DePasquale

Adjournment:

Moved by Lewis seconded by Jerge, meeting is adjourned

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Keith E. Lewis, Council President

Jacqueline A Caferro, City Clerk