

REORGANIZATIONAL/REGULAR MEETING
JANUARY 5, 2015
COUNCIL CHAMBERS
www.lackawannany.gov

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

Meeting called to order
NB: Meeting being recorded

Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis, Pirowski
Dept. Heads: Present: Law, Development, Public Works, Recreation,
Public Safety, Comptroller

Moved by Pirowski, seconded by Lewis to move to executive session at 7:20 PM
Meeting reconvened at 7:37 PM

Roll Call: Present: Noman, Iafallo, Jerge, Lewis, Pirowski

Approval of Minutes: of regular meeting of December 15, 2014

Moved by Pirowski, seconded by Lewis to adopt minutes of regular meeting of December 15, 2014 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Departmental Reports:

1. City Comptroller-Statement of Cond. Of Approp. as of November 30, 2014
2. City Comptroller-A/P Check Listing #17-dated December 2, 2014
3. City Comptroller-A/P Check Listing #18-dated December 4, 2014
4. City Comptroller-A/P Check Listing #19, dated December 9, 2014
5. City Comptroller-A/P Check Listing #20, dated December 10, 2014
6. City Comptroller-A/P Check Listing #21, dated December 15, 2014
7. City Comptroller-A/P Check Listing #22, dated December 18, 2014
8. City Comptroller-A/P Check Listing #23, dated December 22, 2014
9. City Clerk-Monthly Report for December, 2014

Moved by Pirowski seconded by Iafallo to receive and file departmental reports one thru nine

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from the Council:

Police Dept. - Police Chief Payroll

10. To: City Council

Several weeks ago, I provided several letters from our former public Safety Director pertaining to alleged misappropriation of sick time and payroll. As well as the purchasing of ammo that is not currently being used in our Police Department. As of this date, I have not received any communication from our Police Chief in response to these alleged abuses.

At our previous meeting, our Public Safety Director stated he would seek a response from our Chief in writing. May the citizens and the City Council please see this response? It was also stated that the alleged over allotment of sick and vacation time was cleared up. Can we please have a formal response in writing, explaining exactly how? These are serious allegations concerning an estimated over 45 thousand dollars in pay with even more in additional funds being paid out for sick and vacation time at the Chief's retirement that will go into pension.

At a time when we have already laid off two policemen, as well as additional personnel, the citizens deserve to know if these allegations are true and at the very least be given an explanation.

Thank you for your cooperation in advance.

COUNCIL PRESIDENT PIROWSKI

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Ridge Road (622)

11. To: City Council

I am requesting that the Council agree to honor the timeline for the demolition of 622 Ridge Road, that was granted to Rosemary Scahill.

As per the attachment, on 5/7/13, the Council approved the ordinance for the sale of the property. But it wasn't until 3/14/14 that the City issued her the building permit. The permit that was issued indicates the expiration date as March 13, 2015.

Feel free to contact me with any questions.

2ND WARD COUNCILWOMAN IAFALLO

Moved by Iafallo seconded by Noman, to approve the timeline of March 13, 2015 for completion of the project

Yeas: Noman, Iafallo, Lewis

Nays: Jerge, Pirowski

Carried 3-2

Traffic - "No Left Turn"-Lehigh @ Ridge

12. To: City Council

I am requesting that the sign on Centennial Bridge, indicating a "No Left Hand Turn" onto Lehigh Avenue, be removed.

The sign has caused an inconvenience for the citizens who live on Lehigh Avenue and people attending St. Anthony's Church. I see no need for the sign and I am asking for your support of

an ordinance to reverse the existing Traffic Ordinance that prohibits “left hand turns” onto Lehigh, westbound onto Ridge Road.

Thank you in advance for your anticipated support.

1ST WARD COUNCILMAN NOMAN

Moved by Pirowski seconded by Noman to refer to Traffic Safety Advisory Board, table for study

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

DPW-Compensation Snowstorm

13. To: City Council

I would like the City of Lackawanna to compensate the Commissioner and the two foreman of the Department of Public Works for the extreme amount of time worked during the November “snow disaster”. The amount of time worked by each individual was well above the normal scope of work for their positions. By being compensated, I would like you to understand that this is a one-time occurrence and these employees do not expect to be compensated for other holidays, weekends, or snow storms in the future. The Federal Government declared this a “snow disaster”, therefore, I think that this is a legitimate request as to why these individuals should be compensated for the additional time. If you have any questions or concerns feel free to contact me at your earliest convenience.

1ST WARD COUNCILMAN NOMAN

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Department/Division Heads:

Contract-NOCO-2052 Abbott Road

14. To: City Council

Please be advised that the department of Development has undertaken the process for the negotiation of the sale and redevelopment of a City owned parcel commonly known as 2052 Abbott Road (the “Property”). The sale and conveyance was completed in accordance with the Council Meeting of October 6, 2014 (the “Council Item”) which authorized the sale predicated upon receipt of an appraisal.

The appraisal was completed by Emminger, Newton, Pigeon, Magyar, Inc. on November 12, 2014 which established the sale price of \$7,500.00 (the “Appraisal”).

Accordingly, permission to enter into a contract of sale with NOCO Property Management, LLC (other entity to be formed) is hereby requested.

Thank you.

FRED HEINLE-DIRECTOR OF DEVELOPMENT

Moved by Pirowski seconded by Jerge to receive and file, act on ordinance

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

Purchase Offer-1-9 Cooke St

15. To: City Council

I have received a new purchase offer from Evan & Jordan Chase in the amount of \$1,000. Evan & Jordan Chase would like to purchase the property which is approximately 104 frontage on Cooke St. to be used in the construction of a single family home.

It is my recommendation that the City Council sell the parcel to Evan & Jordan Chase in the amount of \$1,000.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Pirowski seconded by Noman to receive and file, act on ordinance

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

Development Dept. - "ABOUT FACE" Program

16. To: City Council

Attached for your perusal please find a brief agenda of proposed activities to be undertaken by the Department of Development in 2015.

Please keep in mind that the department will continue its aggressive approach to code enforcement while seeking to develop new and innovative tools in the effort to rebuild our neighborhoods.

Once again, I remain humbled by the good fortune I have received by being granted this opportunity to serve the City of Lackawanna and look forward to achieving great success working together with the Council in 2015.

(Full content located after Ordinances)

FRED K HEINLE-DIRECTOR OF DEVELOPMENT

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

Advertise for Bids-Ridge/Rosary Bridge Reconstruction

17. To: City Council

I am requesting your Honorable Body to authorize the City Clerk to advertise for the Ridge Road Bridge over Buffalo & Pittsburgh Reconstruction Project (BIN2260270). As you are aware this project is going to be funded with part of the bond that as floated by the City several years for this purpose. It is the intent to begin demolition of the structure in the early spring of 2015.

If you have any questions, please contact me.

ANTHONY DESANTIS-COMMISSIONER OF PUBLIC WORKS

Moved by Pirowski seconded by Jerge to direct City Clerk to advertise for bids

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

Business Licenses:

(1) Sukhwinder Atwal-10 Spruceland Terrace, Lancaster-Lil Stop N Shop-697 Ridge Rd

Moved by Pirowski seconded by lafallo to approve business license

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

(2) Akram Monssar-22 Parkview Ave, Lackawanna-Sav Rite Pharmacy-1234 Abbott Rd.

Moved by Pirowski seconded by Jerge to approve business license
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Resolutions:

(1) Resolution #1, 2015- Council Meeting Dates

WHEREAS, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council, and

WHEREAS, the City Council is desirous of complying with the charter of the City of Lackawanna and the Open Meetings Law of the State of New York:

BE IT RESOLVED, the following meeting dates for the City Council meetings for the year 2015 shall be as follows:

Monday, January 5 (Reorg. & Reg. meeting)
Tuesday, January 20
Monday, February 2
Tuesday, February 17
Monday, March 2
Monday, March 16
Monday, April 6
Monday, April 20
Monday, May 4
Monday, May 18
Monday, June 1

Monday, June 15
Tuesday, July 7
Monday, August 3
Tuesday, September 8
Monday, September 21
Monday, October 5
Monday, October 19
Monday, November 2
Monday, November 16
Monday, December 7
Monday, December 21

BE IT FURTHER RESOLVED, that all Council meeting shall be held in Lackawanna City Hall unless otherwise deemed by the City Council; and

BE IT FINALLY RESOLVED, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, on the Council bulletin board and in the City Clerk's Office.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(2) Resolution #2, 2015- Council President Pro Tempore for 2015

Whereas, Chapter 3, Section 3.5 provides that the Council may select from its members, a Council President Pro-Tempore who shall serve in place of the Council President in the event the Council President's absence or disability; and

Whereas, the Council President Pro-Tempore, selected by the City Council shall serve as Council President Pro Tempore for a term of one year, expiring December 31, 2015; and

Now therefore be it resolved, that Council Member Keith Lewis of the Fourth Ward, be and hereby is selected and appointed to be Council President Pro Tempore for the year 2015.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Noman seconded by Iafallo to appoint Lewis as Council President Pro-Tempore for 2015

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Abstained: Lewis

Carried 4-0

(3) Resolution #3, 2015 Official Newspaper for 2015

Whereas, Chapter 2, Section 2.9 of the City Charter of Lackawanna by resolution, designates a newspaper having general circulation and published within the City to serve as the "Official Newspaper" of the City.

Now therefore be it resolved that the Front Page Newspaper, 2703 South Park Avenue, Lackawanna, New York is hereby designated as the official newspaper of the City of Lackawanna.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Jerge to adopt resolution as written

Yeas: Noman Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Ordinances:

(1) Sale of Property-1-9 Cooke St

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107

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

SECTION 1. That the City Council hereby approves of the transfer pat of property known as SBL 142.45-1-1.1 (1-9 Cooke St) a parcel approximately 104 x 500 Irregular, to Evan & Jordan Chase

SECTION 2. That transfer is made for the sum of \$1,000 in cash to the City of Lackawanna

SECTION 3. That the purchaser/transferee shall be responsible fop expenses related to the transfer other than those specifically belonging to the City of Lackawanna

SECTION 4. That the Law Department shall prepare document to be executed for the transfer of the property

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Noman to adopt ordinance as written
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Tabled items:

Moved by Pirowski seconded by Jerge to remove communication #5, meeting of December 15, 2014 from the table
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Moved by Pirowski seconded by Jerge to approve the hiring of 3 seasonal workers in the DPW Department at \$12.00 per hour
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Ordinances:

(1) DPW Seasonal Workers Ordinance

AN ORDINANCE AMENDING THE 2014-2015 BUDGET ORDINANCE ADOPTED JULY 14, 2014

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

SECTION 1. That the 2014-2015 Budget Ordinance adopted July 14, 2014 is hereby amended to transfer appropriations for seasonal employees in the Streets Department.

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to transfer \$17,700.00 to budget code A.5110.104 Maintenance of Streets, Seasonal Laborers.

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to transfer \$17,700.00 from budget code A.1900.1990 Contingent Account.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Lewis to adopt ordinance as written
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Waive Rules:

Moved by Pirowski seconded by Jerge to waive rules
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Ordinances:

(1) Billboards Ordinance

AN ORDINANCE AMENDING CHAPTER 230, ZONING OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 230-41 (I) be rescinded and replaced as follows:

I. BILLBOARDS

1. Billboards are not permitted and shall not be erected unless approved by the City Council
2. This section shall not apply to billboards existing at the time of the enactment of this section
3. **(A)** Billboards which are abandoned or not maintained in the manner set forth in this Chapter shall be removed by the property owner or the owner of the billboard
(B) Upon removal of a billboard pursuant to this section the owner of the sign or property owner shall not be permitted to erect a billboard on the property unless approved by the City Council
(C) This section shall not apply to the removal of a billboard which is removed in order to be replaced

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Lewis to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

(2) Sale of Property-NOCO Ordinance

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107

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

SECTION 1. That the City Council hereby approves of the transfer of part of the property known as SBL 151.08-2-31.13 (2052 Abbott Road) containing 0.62 acres to NOCO Properties Management, LLC.

SECTION 2. That transfer is made for the sum of \$7,500 in cash to the City of Lackawanna

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Lewis to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

(3) Demolitions (Emergency) -Transfer of Funds Ordinance

AN ORDINANCE AMENDING THE 2014-2015 BUDGET ORDINANCE ADOPTED JULY 14, 2014

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

SECTION 1. That the 2014-2015 Budget Ordinance adopted July 14, 2014 is hereby amended to increase appropriations for Emergency Demolition

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to add \$18,000 to budget code A.3620.466 Development, Demolition of Buildings

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to appropriate \$18,000 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Lewis to make the proposed activities to be undertaken by the Development Department part of the official minutes

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Lackawanna-About FACE-2015

The more that people invest in their own community, the more ties they develop with others and the more jobs that are created. It is about creating a genuine sense of community. Upstate communities in general and Lackawanna in particular remain in an economically depressed state. The good paying middle income jobs have all but disappeared, and many of the residents suffer from wither unemployment or underemployment. It is far beyond the time that we refocus our efforts to change people's perspective of Lackawanna. This transformation must begin at home, starting with our residents and the existing business community; if we want outsiders to change their perception of Lackawanna it is utmost importance that all of us change our attitudes about our great City as well.

It is about the "FACE" that we project and how we feel about ourselves. Lackawanna has a great opportunity at hand in developing its future by creating programs and initiatives that will provide for a more resilient community for all residents and a thriving business community. The New Year provides the opportunity from the department of development to engage in and provide the leadership for three (3) very important initiatives.

- 1.) Brownfield Opportunity Area ("BOA")
- 2.) NYSEDA Comprehensive Plan
- 3.) Local Waterfront Revitalization Program ("LWRP")

These initiatives will provide the vision and the basis for the future stabilization and growth for all aspects of the Lackawanna community. It is incumbent upon us to keep in mind that plans, programs and initiatives are only as good as our ability to implement them and remain committed on the long term goals and benefits. However, with broad citizen involvement we can create a sense of community focused directly upon a more resilient future.

Our goals for the New Year and beyond include the redoubling of our efforts to attract and secure new investment throughout all four wards of the City of Lackawanna. Investments that add to our tax base, create long-term job opportunities and that build upon existing strengths within the broader community providing the business community.

Plan for 2015:

1. Broad public involvement with the development of programs, policies & initiatives associated with the BOA, Comp Plan & LWRP.
2. About FACE-Food Programs & Initiatives; Arts Programs & Initiatives Cultural Programs & Initiatives; Programs & Initiatives for Education, Entrepreneurship, Economics, Employment.. Establish a broad marketing initiative based upon the concepts associated with About FACE.
 - a. Tee shirts, signs press releases, events & public out reach
 - b. Real estate Brokers Day-selling the City with tours, information, & meet & greet
 - c. Developers Day-promoting development opportunities within Lackawanna with tours, information & meet & greet
3. Continued programs & initiatives in conjunction with the Lackawanna Chamber of Commerce in support of existing small business, home based occupations, as well as new start-ups;
 - a. Creation of a “virtual” incubator program
 - b. race 4 the space program
 - c. a small business fair...
4. Establishment of a Central Business District Association (“CBDA”) which provides resources for the growth and stabilization of the district.
5. Neighborhood revitalization, stabilization and improvements:
 - a. Establishment of a homeowners rehab program-working together with Lackawanna Housing Development Corporation (:LHDC”), the Erie County Department of Environment and Planning (“EC”) as well as local and regional banks and lending institutions (“Banks”)
 - b. Establishment of a rental rehab program-working together with LHDC, EC as well as the Banks.
 - c. Landlord training working with our local court system.
 - d. Greater reliance upon targeted code enforcement to establish broader control of neighborhoods facing growing abandonment and decline.
 - e. City wide Grass Roots Garden program-utilizing existing vacant properties and creating as sense of community within the neighborhoods.
6. City wide Recycling Program-focused within the schools to develop a more sustainable community. Data has shown that broad recycling programs have reduced municipal cost associated with refuse handling.
- 7. Thorough review and modification of out of date and/or inappropriate & ineffective codes. Creation of new and revised codes to assist in achieving the goals and programs developed through the Comp Plan, BOA and LWRP.**
 - a. All aspects of code enforcement**
 - b. Demolition process**
 - c. Business Licensing Process**
 - d. Vacant Property registration-attacking the growing problem of “Zombie” property created when banks & lending institutions force people from their homes and fail to take title**

e. TBD as we move our City forward

Please note that the above list is not intended to be a complete and exhaustive list of all activities to be undertaken by the Department of Development, however a snap shot of proposals that will be addressed in the New Year. It is intended that the Department of Development, while proceeding to address the important issues presented herein will remain adaptable to circumstances that appear throughout the year.

It remains with tremendous and humble anticipation that I cherish the opportunity of working together with the City Council to achieve a more prosperous and resilient Lackawanna that all residents and our business community so richly deserve.

Adjournment

Moved by Pirowski seconded by Noman, Iafallo, Jerge and Lewis to adjourn in memory of Officer Dan Wilson and Dean Blattenberger

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk