

**REGULAR MEETING
APRIL 20, 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, Comptroller, Public Safety, Recreation

Approval of Minutes: of regular meeting of April 13, 2015

Moved by Pirowski seconded by Noman to adopt minutes of regular meeting of April 13, 2015 as written

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

Departmental Reports:

1. City Comptroller-A/P Check Listing #39, April 9, 2015
2. City Comptroller-A/P Check Listing #40, April 13, 2015

Moved by Pirowski seconded by Iafallo to receive and file departmental reports one & two

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

Communications from Department/Division Heads:

Sunnking Electronic Recycling Contract

3. To: City Council

I am asking you to please adopt the resolution to join the Erie County contract with Sunnking Electronic Recycling. If you have any questions or concerns feel free to contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER OF PUBLIC WORKS

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

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

Funding for DPW-Part Time Workers

4. To: City Council

The attached information is the ordinance funding the line for the (3) seasonal DPW employees, which was approved at the previous meeting. The workers will begin May 4, 2015 and finish July 24, 2015. If you have any additional questions or concerns please contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER OF PUBLIC WORKS

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Volleyball Season

5. To: City Council

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

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Citizens:

“Taste of Lackawanna”

6. To: City Council

The Lackawanna Youth Empowerment Program Inc. will be hosting its 8th annual “Taste of Lackawanna”.

This event will be held Saturday, June 6, 2015. Set up begins at 9 am but the actual event is held at 12 n-8 pm.

We are requesting permission to block off O’dell Street (between Ingham Ave, and Wilmuth St.) between the hours of 10 am-10 pm.

Any further details you may need, please contact our President at the number listed below.

We thank you in advance for your continued support.

WADE TURNER SR.,-PRESIDENT

Moved by Jerge seconded by Noman to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Resolutions:

Resolution #8, 2015-Recycling Electronic Waste-Sunnking

WHEREAS, on January 19, 2015 the Legislature of the County of Erie passed a resolution retaining Sunnking Electronics recycling to provide recycling services associated with the collection and recycling of residentially generated electronic waste; and

WHEREAS, on February 6, 2015 the County of Erie and Sunnking Electronics Recycling entered into an agreement to provide for the collection and recycling of residential generated electronic waste; and

WHEREAS, said contract provides that Sunnking Electronics recycling shall make its services and pricing available to municipalities with Erie County; and

NOW, THEREFORE, BE IT

RESOLVED, that the City Council hereby authorizes the Mayor to enter into an agreement with Sunnking Electronics Recycling pursuant to the aforesaid resolution of the Erie County Legislature and the terms of the agreement between the County of Erie and Sunnking Electronics Recycling for the collection and recycling of Residential generated electronic waste; and it is further

RESOLVED, the costs and reimbursements for the collection and recycling of residentially generated electronic waste shall be under the terms set forth in the Agreement between the County of Erie and Sunnking Electronics Recycling dated February 6, 2015; and it is further

RESOLVED, that the Mayor be and hereby is authorized to sign any and all related documents necessary to implement the terms of this agreement.

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) An Ordinance appropriating funding for the hiring of three (3) seasonal workers in the Department of Public Works

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 \$11,500.00 to budget code A.5110.104 Maintenance of Streets, Seasonal Laborers

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to transfer \$11,500.00 from budget code A.1620.443, Buildings, Repairs and Replacements

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

(2) An ordinance establishing the volleyball playing season from May to September

AN ORDINANCE AMENDING CHAPTER 219, VOLLEYBALL GAME PLAYING, 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 219.7 (C), shall be rescinded and replaced with the following:

- C. A license may not allow any volleyball game playing except during the months of May, June, July, August and September

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Jerge 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

Resolution #9, 2015- Sunset Builders

WHEREAS, the City Council had previously approved a proposal from Sunset Builders to market and sell lots owned by the City of Lackawanna in the Michelle Drive Subdivision with homes to be built by Sunset Custom Homes, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor is authorized to convey lots in the Michelle Drive Subdivision to Sunset Custom Homes, Inc., and be it further

RESOLVED, that the Mayor is hereby authorized to execute any and all documents necessary to convey said lots

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

Resolution #10, 2015-User Fee

RESOLUTION: Compliance with New York State Law Regarding Budget and Szymanski Garbage Tax Enterprise Fund

Whereas, Mayor Geoffrey Szymanski proposed to the City Council for the 2014-2015 fiscal year the creation of the “*the Garbage Fee*” and an Enterprise Fund as a means of charging taxpayers for sanitation services previously funded through regular tax revenue with less than 30 days required for adoption and the passage of a formal budget, and

Whereas, Mayor Geoffrey Szymanski made this proposal without a pre-existing local law or sufficient time for independent public hearings on this issue OR alternatively providing a balanced budget proposal that did not rely on the “*the Garbage Fee*” and the creation of this fund and these additional fees on Lackawanna homeowners and businesses, as required by law, and

Whereas, the Enterprise Fund and “*the Garbage Fee*” as created by Mayor Geoffrey Szymanski will expire on July 31, 2015 and

Whereas, proper adoption of a “*local law*” with all mandated hearings, submissions, notices, waiting periods and filings, thereby creating an Enterprise Fund and authorizing a “*Garbage Fee*” is a prerequisite to its inclusion in a budget proposal, and

Furthermore,

Whereas, New York State law sets forth various laws, rules, regulations and standards relative to the administration and accounting for Enterprise Funds, and

Whereas, Mayor Geoffrey Szymanski has not provided the City Council with any reports or accounting relative to the Enterprise Fund, and

Whereas, the City Council cannot determine the propriety, usefulness, value and efficiency of the “*Garbage Fee*” and Enterprise Fund until provided with full administrative reports and comprehensive formal accounting relative to the funds generated and expended from August of 2014 until the present,

Whereas, the City Council seeks to comply with the New York State Constitution, the Laws, Rules and Regulations of the State of New York, and

Wherefore, Be, it resolved that....

The City Attorney is hereby directed to immediately advise the City Council and the Mayor of all legal requirements with respect to the required timeliness of the submission by the Mayor to the City Council of a proposed budget and also advise relative to sanctions for failure to meet said legal deadlines.

The City Attorney is hereby directed to immediately advise the City Council and the Mayor of all legal requirements with respect to the passage of an appropriate *local law* including any public hearing and time requirements for the extension/creation of an Enterprise Fund and the authorization of a “*Garbage Fee*”

The City Attorney is hereby directed to advise the City Council and the Mayor of all laws, rules and regulations regarding mandated accounting for Enterprise Funds and all rights of the City Council and the general public access to those records,

The Mayor is hereby directed to provide the City Council with a complete administrative report and full accounting relative to the enterprise Fund created pursuant to his proposal in May of 2014 and funded by the “*Garbage Fee*” including accurate amounts for revenue collected and expenditures and in compliance with all legal requirements as set forth by the City Attorney.

The Mayor is also hereby directed to initiate proper proceedings for the adoption of a local law, as set forth by the City Attorney, *if it is his intention* to create an Enterprise Fund for the fiscal year 2015-2016

The Mayor is hereby advised that this City Council will take all legally appropriate measures in response to the failure to submit a timely budget for the fiscal year 2015-2016

Finally, failure to comply with the mandates of this resolution will require the City Council to seek redress through the office of the New York State Attorney General and the New York State Comptroller.

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

Tabled Item:

Moved by Iafallo seconded by Noman to remove from table Communication #13 from April 13, 2015 meeting regarding sale of 128 Milnor

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Iafallo seconded by Jerge to approve ordinance for sale of property

Yeas: Noman, Iafallo, Jerge, Lewis

Abstain: Pirowski

Carried 4-1

Adjournment:

Moved by Pirowski seconded by Iafallo, meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk