

**REGULAR MEETING
TUESDAY, JUNE 2, 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, Public Works, Comptroller, Public Safety,
Recreation, Development**

Resolution 11, 2015:

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 City of Lackawanna Open Meetings Law of New York State; and

Whereas, the City Council is desirous of changing the meeting date of Monday, June 1, 2015 to be rescheduled for Tuesday, June 2, 2015, and the meeting date of Monday, June 15, 2015 to be rescheduled for Tuesday, June 16, 2015; and

Be it resolved, that the City Council meeting previously scheduled for Monday, June 1, 2015 is hereby changed to Tuesday, June 2, 2015 and the meeting previously scheduled for Monday, June 15, 2015 is hereby changed to Tuesday, June 16, 2015.

Be it further resolved, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, the council bulletin board, the City Clerk's Office and the official website for the City.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Noman, to adopt resolution as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Approval of Minutes: of regular meeting of Monday, May 18, 2015

Moved by Pirowski seconded by Iafallo to adopt minutes as written

Yeas: Noman, Iafallo, Jerge Lewis, Pirowski

Carried 5-0

Departmental Reports:

1. City Comptroller-Statement of Condition of Appropriations as of April 30, 2015

Moved by Pirowski seconded by Noman to receive and file departmental report

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from the Mayor:

Mayor's Proposed Budget-Reductions-Property Tax Cap

2. To: City Council

I am pleased to let you know that the Retirement Budget Lines in my proposed May 11, 2015 Budget can be reduced. It was noticed that the projected salaries, for both the Employee's Retirement System (ERS) and the Police & Fire Retirement System (PFRS), utilized by New York State in their projection statement of the City's Retirement costs for 2016 were over-estimated. Based on phone conversations with the State Retirement System we were able to utilize the actual salaries incurred along with the State's projections factors and 2016 plan rates to calculate a more accurate estimate of the retirement expenditures to the City for 2016. In addition, we calculated a credit due to the City as a result of the 2015 retirement payment also due to the salaries being over-estimated in the projection. Therefore, I feel that the budget line A.9000.9010 ERS Retirement can be reduced by \$58,131.00, budget line CL.9000.9010 ERS Retirement can be reduced by \$30,000.00 and budget line A.9000.9015 PFRS Retirement can be reduced by \$700,000.00. As a result of these reductions, my proposed budget would be under the property Tax Cap alleviating the need to override the Tax Cap.

If you have any questions about this or anything in my proposed budget you may contact me at my office.

MAYOR GEOFFREY SZYMANSKI

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from the Council:

Stop Sign-Wilson & Holland

3. To: City Council

I am asking for the Council's support in obtaining a stop sign to be erected at the corner of Wilson and Holland.

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

ABDUSALAM NOMAN-1ST WARD COUNCILMAN

Moved by Pirowski seconded by Noman to grant request, City Attorney to prepare ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Bingo Inspector Appointment

4. To: City Council

I am requesting that the Council appoint Sandra Easley, of 47 Gates, for the position of bingo Inspector.

Thank you in advance for your support.

ABDUSALAM NOMAN-1ST WARD COUNCILMAN

Moved by Pirowski seconded by Jerge to table for study

Yeas: Iafallo, Jerge, Lewis, Pirowski

Nays: Noman

Carried 4-1

Police Presence-Ridge and Abbott Roads

5. To: City Council

I have requested occasional police presence on ridge at Abbott, to enforce the “right turn only” lane on the westbound side of Ridge at Abbott.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCILMAN

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Right Turn Only-Striping of Roadway

6. To: City Council

I have requested that the Commissioner of Public Works and Director of Public Safety arrange for the painting/striping of an arrow indicating “right turn only” on the westbound side of Ridge at Abbott.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCILMAN

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

City Hall Parking Lot-Quote for Paving

7. To: City Council

I have requested for the Commissioner of Public Works obtain a quote for the repaving of the parking lot at City Hall.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCILMAN

Moved by Jerge seconded by Iafallo to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Ridgewood Village-Extra Police Patrols

8. To: City Council

I have requested that the Police Chief and Director of Public Safety arrange for additional police patrols in Ridgewood Village, specifically the playground.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCILMAN

Moved by Jerge seconded by Pirowski to receive and file
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Forensic Audit of Computer Usage

9. To: City Council

I have requested that the Director of Purchasing obtain a quote for a forensic audit of internet use on all City owned computers.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCILMAN

Moved by Jerge seconded by Iafallo to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Grass Mowing-South Shore & Ridge Road Lot

10. To: City Council

I requested that the Director of Development, ask the code enforcement officers to monitor the high grass in the lot on the corner of South Shore and Ridge. This was a problem last year, and I am fielding complaints again this year.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCILMAN

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Department/Division Heads:

Transfer of Funds

11. To: City Council

Submitted for your review and approval is an ordinance to amend the 2014-15 Budget to transfer money to the Special Revenue Fund-Refuse and Garbage from the General Fund for payroll and social security taxes. This transfer is needed due to personnel from the General Fund-Streets department being needed to work in Sanitation throughout the fiscal year.

PEGGY BIGAJ-SOBOL-CITY COMPTROLLER

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Mobile Food Truck Ordinances

12. To: City Council

Please put the attached ordinances on the agenda for council approval.

Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Ordinances:

(1) An Ordinance for Transfer of Funds-DPW

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 Sanitation payroll from the General Fund to the Special Revenue-Refuse and Garbage Fund

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to transfer \$167,934.00 to budget code A.9000.9551 Transfer to Special Revenue Fund

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to transfer \$156,000.00 from budget code A.5110.101 Maintenance of Streets, Personal Services and \$11,934.00 from budget code A.9000.9030 Employee Benefits, Social Security

SECTION 4. That the 2014-2015 Budget Ordinance is hereby amended to increase budget code CL.0000.5031 Special Revenue Fund-Garbage and Refuse Interfund Transfers by \$167,934.00

SECTION 5. That the 2014-2015 Budget ordinance is hereby amended to increase budget code CL8160.101 Special Revenue Fund-Garbage and Refuse Personal Services by \$156,000.00 and budget code CL9000.9030 Special Revenue Fund-Garbage and Refuse Social Security by \$11,934.00

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 to Include Mobile Food Truck

AN ORDINANCE AMENDING CHAPTER 168, PEDDLERS AND SOLICITORS, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

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

Chapter 168-2. Definitions shall be amended to include the following:

MOBILE FOOD TRUCK

A commercially manufactured, self-contained, motorized food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

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

(3) An Ordinance Pertaining to Mobile Food Truck License Fee

AN ORDINANCE AMENDING CHAPTER 168, PEDDLERS AND SOLICITORS, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

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

Chapter 168-13. License Fees shall be amended to include the following:

- F. A license fee for a temporary mobile food truck license in the amount of \$75.00, per event, shall be required. Mobile food trucks may only operate at events approved by Director of Development.

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

An Ordinance Pertaining to Mobile Food Truck Locations

AN ORDINANCE AMENDING CHAPTER 168, PEDDLERS AND SOLICITORS, 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 168-5(11), shall be rescinded and replaced with the following:

168-5(11) Any mobile vehicle used to sell food and/or beverages to the public in the City of Lackawanna must first be approved by the Erie County Health Department and the NYS Sales Tax Division of the Department of Taxation and Finance and may only operate at times and locations approved by the Director of Development or his designee.

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

Award Contract- Resurfacing of South Park/Ridge Rd

To: City Council

KHEOPS Architecture, Engineering & Surveying DPC (KHEOPS) has reviewed the bids as submitted and opened today at 11:00 AM at the City of Lackawanna Council Chambers, 714 Ridge Road, Lackawanna, NY, for the above-referenced project. The summary of the individual bids is attached and the results are as follows:

Amherst Paving, Incorporated	\$2,105,610.00
CATCO Corporation	\$2,152,815.00
Occhino Corporation	\$2,580,119.70
Yarussi Construction, Incorporated	\$2,792,460.00

KHEOPS has successfully worked with Amherst Paving, Incorporated on similar type projects in the City of Lackawanna, and the work was completed satisfactorily. We therefore, recommend that the City of Lackawanna award the above referenced project to Amherst Paving, Incorporated at their unit price bid for Items 1 through 11, with a total cost of \$2,105,610.00.

If you have any questions or comments, please contact me at your earliest convenience.

(Items 1-11 on file with City Clerk)

KENNETH J STRELL, SR-KHEOPS SENIOR PROJECT MANAGER

Moved by Pirowski seconded by Jerge to award contract to Amherst Paving for the low bid of \$2,105,610

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

Executive Session

Moved by Pirowski seconded by Jerge to enter into executive session at 7:40 PM regarding personnel

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

Meeting reconvened at 9:16 PM

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

Special Council Meeting

Moved by Pirowski seconded by Iafallo to schedule a special council meeting for Tuesday, June 9, 2015 at 8:00 PM

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

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