

**REGULAR MEETING  
WEDNESDAY, JULY 22, 2015  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://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, Public Safety,  
Recreation, Development  
Excused: Comptroller**

**RESOLUTION # 13 , 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, July 20, 2015 to be rescheduled for Wednesday, July 22, 2015 at 11:00 a.m. and;

**BE IT RESOLVED**, that the City Council meeting previously scheduled for Monday, July 20, 2015 is hereby changed to Wednesday, July 22, 2015 at 11:00 a.m.

**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 on the official website for the City.

**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

**Approval of Minutes:** of special meeting of Tuesday, June 9, 2015 and regular meeting of June 16, 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-A/P Check Listing #49, June 4, 2015
2. City Comptroller-A/P Check Listing #50, June 11, 2015
3. City Comptroller-A/P Check Listing #51, June 18, 2015
4. City Comptroller-A/P Check Listing #52, June 25, 2015
5. City Comptroller-A/P Check Listing #53, June 30, 2015
6. City Comptroller-A/P Check Listing #54, July 3, 2015
7. City Treasurer-Receipts deposited into general fund-June 2015
8. City Clerk-Monthly report June 2015
9. City Comptroller-State of Conditions of Appropriations as of June 30, 2015

Moved by Pirowski seconded by Lewis to receive and file departmental reports one thru nine  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Communications from the Mayor:**

**Lackawanna Recreational Trail**

10. To: City Council

I respectfully request that your Honorable Body pass the attached resolution to apply for a grant through the NYS Office of Parks, Recreation and Historic Preservation. The grant would provide the monies to rehabilitate and restore the recreational trail behind the Senior Citizens Center which has deteriorated over the past several years.

If implemented, the grant would restore the trail in such a manner that it would provide a safe and reliable surface transportation route for pedestrians, bicyclists, and other recreational travelers.

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

**GEOFFREY M SZYMANSKI-MAYOR**

Moved by Pirowski seconded by Jerge to receive and file, act on resolution  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Communications from the Council:**

**Principal Clerk/Sr. Clerk Positions**

11. To: City Council

I requested that the City Attorney advise the Council, if the action by the Council at the July 16, 2015 special meeting, creates a new position. I asked for a written response with a simple yes or no.

**HENRY R PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Police Patrols on Bell Street**

12. To: City Council

I requested the Public Safety Director assign police patrols for Bell Street. It seems that there are many speeding commercial vehicles using this thoroughfare to avoid the signal at Ridge and Abbott. This is creating a safety factor for the residents of the area.

**HENRY R PIROWSKI, JR-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**User Fees-LMHA**

13. To: City Council

I asked that the City Attorney inform the Council as to whether residents of the Lackawanna Municipal Housing Authority consisting of 490 units, have paid their garbage fees.

**HENRY R PIROWSKI, JR-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Relich Street-Downed Fence**

14. To: City Council

I requested the Director of Development advice me on the status of the downed fence at the end of Relich Street and what if anything is being done by Code Enforcement regarding same.

**HENRY R PIROWSKI, JR-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Engineering Dept.-Fees Collected**

15. To: City Council

As I understand it, the Clerk's Office and the Treasurer's Office are the only offices in City Hall with bonded employees. I asked that the Mayor confirm this or correct me. I also presumed they are fidelity bonds, which offer the City protection against fraudulent acts by specified individuals and/or misplacement of funds.

I also understand that at the present time, building permits and fees generated for additional totes are taken at the Engineering Office. I do not believe we have any bonded employees in that office. If I am correct, may I suggest we move the taking of any monies for any of the aforementioned permits/totes to the Clerk's Office or the Treasurer's Office.

It may be an option to bond employees in the Engineering Office but I believe the fewer places we take money, the less the opportunity for mistakes.

**JOE JERGE-3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Curb Replacement –Estimate of Cost**

16. To: City Council

As we are all very aware, both before and after the November storm, many curbs in our City are badly damaged or are simply gone. Obviously, this affects the entire City and not just the Third Ward.

I asked that the Commissioner of Public Works provide a quote per linear for curb replacement for both traditional curbs as well as drainage curbs. I realize this is not a budgeted item but I believe it is important to get an idea of what the cost would be to replace curbs so that we may begin to explore the idea of replacing curbs beginning with the streets that need them and the expense associated with such.

**JOE JERGE-3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Softball-Revenues Collected**

17. To: City Council

I requested that the Recreation Director inform the Council as to how much revenue has been generated from “out of town” player fees in softball for the last three years, indicating how much specifically for 2013, 2014, and the current year.

Additionally, I requested the number of teams that have participated in each specific “league” since 2010.

**JOE JERGE-3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Lackawanna Festival-Expense Report**

18. To: City Council

I requested that the Director of Recreation submit an expense report from the last three years for expenses incurred from softball and the Lackawanna Festival, broken down stream by stream.

**JOE JERGE-3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ridgewood Circle (330-336)-Demolition**

19. To: City Council

I would like to request the demolition of 330-336 Ridgewood in Ridgewood Village.

This property poses a safety threat to children, and has been home to numerous “squatters”, and neighbors report finding used needles around the property indicating drug use which is another potential health/safety hazard. This property has been a problematic eyesore for far too long.

Thank you for your consideration.

**JOE JERGE-3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Grass Cutting-Garbage Pickup-Penalties**

20. To: City Council

I asked the Director of Development, if a vacant property is in violation of grass cutting and/or garbage ordinances, does the City send a crew to cut the grass and/or pick up the garbage at these vacant properties. I understand the process is similar when we need to board up a property.

I also asked that he confirm that the cost of these services is added to the taxes for the property owner.

If this is the process, I asked that the Council be informed as to how much was billed on the last two years tax rolls, which properties were billed and how much was recovered.

**JOE JERGE-3<sup>rd</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Bethlehem Park-Speed Limit**

21. To: City Council

At the behest of a large number of constituents, I am requesting the Council's support in reducing the speed limit inside the perimeter of Bethlehem Park be changed from 30 MPH to 20 MPH.

In February of 2014, I made a similar request inside the perimeter of Ridgewood Village. Although it has not eradicated the problem of people speeding through neighborhood streets, it certainly has created a greater sense of awareness for the people that live there.

Based on this request, I would like to ask that signs be erected at the following intersections indicating a 20 MPH speed limit:

- \* Walnut and Madison Eastbound
- \* Jackson and Walnut Eastbound
- \* Spruce and Madison Southbound
- \* Madison and Spruce both Southbound and Northbound

Your anticipated cooperation is greatly appreciated.

**JOE JERGE-3<sup>rd</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Noman that the City Attorney prepare a traffic ordinance reducing the speed limit in Bethlehem Park from 30 MPH to 20 MPH

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Lackawanna Festival-Cost for Police/Fire Security**

22. To: City Council

I requested the Director of Public Safety submit an expense report from the last three years for expense incurred from the Lackawanna Festival as they pertain to security and safety (police and fire).

I asked that the report be broken down separately for police and fire.

**JOE JERGE-3<sup>rd</sup> 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:**

**Stop Signs Holland Avenue**

23. 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 Noman to receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Contract-Demolition of Buildings**

24. To: City Council

Please be advised that the Department of Development duly advertised for bids associated with the demolition of three (3) City owned properties. The bids were opened in accordance with applicable City Codes and procedures on Friday, May 29, 2015 at 11:00 AM in the Council Chambers.

Accordingly, request is hereby presented to this Honorable Body for approval to enter into contracts for the demolitions as follows:

<u>Property Address</u>	<u>Contractor</u>	<u>Bid Amount</u>
1. 36 Wood Street	Regional Environmental	\$19,500.00
2. 48 Steelawanna	Regional Environmental	\$26,600.00
3. 1653 Electric Avenue	Empire Diagnostics	\$14,670.00

Thank you in advance for cooperation in this matter. In the event there are any questions I encourage you to contact me.

**FRED K HEINLE-DIRECTOR OF DEVELOPMENT**

Moved by Pirowski seconded by Iafallo to award bid to low/qualified bidders, Regional Environmental and Empire Diagnostics

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Animals-Dog Impoundment**

25. To: City Council

I have been in conversation with the NYS Department of Agriculture and Markets regarding the change in the number of days a dog can be impounded.

NYS Law allows five (5) days for impoundment and is currently submitting into Law to change the days to three (3).

As per Chapter 118 of the NYS Agriculture and Markets Law section 8:

The redemption periods set forth above in this section notwithstanding, any municipality may establish the duration of such periods by local law or ordinance, provided that no such period shall be less than three days, except that whether notice to the owner is given by mail, no such period shall be less than seven days.

If this recommendation is passed into Law, I am asking your Honorable Body that the City of Lackawanna adopt the new Law as part of Chapter 66.

**FRED GRASSO-ANIMAL CONTROL OFFICER**

Moved by Pirowski seconded by Lewis, city attorney to prepare ordinance regarding Chapter 66-Animals to reflect change in number of days dogs can be impounded. Correct section of Agriculture and Markets Law is found in Section 117, Article #9, Paragraph #8.

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**CDBG Paving Replacement Project**

26. To: City Council

I respectfully request that your Honorable Body allow the City Clerk to advertise for bids for the above referenced project. The project involves the repaving of Electric Avenue from Kirby north to Electric Avenue. It also involves the repaving of Kane, Olcott and Wilson Streets in the 1<sup>st</sup> ward of the City. The City received a grant in the amount of \$100,000.00 from the Community Block Grant Program and the remainder of the project will be funded through available CHIPS funds. Since the bid opening will be scheduled after the July Council Meeting, I am requesting that the City Council authorize the award of this contract contingent on the following items:

- \* Our engineering consultant reviews all bids to make sure they are mathematically correct and that the low bidder is competent to complete the work in a manner that is satisfactory to the City of Lackawanna. This will be determined by projects previously completed for the City by the low bidder, or a detailed reference check of similar projects completed for similar work in other municipalities.

If everything checks out, this will allow us to commence construction prior to the next City Council meeting. This will be more convenient for the general public and shorten the duration and will also reduce impact on school buses and the like as a fair amount of work should be completed prior to school starting. If you have any questions, please contact me at your earliest convenience.

**ANTHONY DESANTIS-COMMISSIONER OF PUBLIC WORKS**

Moved by Pirowski seconded by Iafallo, to direct the City Clerk to advertise for bids to include Wilkesbarre Avenue in bidding, permission to award contract to lowest/qualified bidder

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

**Adjusted Base Proportions-School & City Tax**

27. To: City Council

Pursuant to Article 19 of the New York State Real Property Tax Law and New York State Office of Real Property Services Rules, NYCRR-186-10, the legislative body of the City of Lackawanna must establish current and adjusted base proportions.

Attached are forms EA6701 and EA6703 with computations of the Current Base Proportions and Adjusted Base Proportions for the City of Lackawanna and Lackawanna School District portions of the 2015-2016 assessment roll. Please direct the City Clerk to certify these forms with the 25% Shift and forward them to the New York State Office of Real Property Services.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

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

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis Carried 4-1

**Communication #28- Removed- Duplicate of Communication #24**

**Energy Efficient Audit**

29. To: City Council

Please be advised that the Department of Development duly advertised for bids associated an RFP from qualified participants to perform a Performance Based Self Funded Energy Efficiency Improvements Audit (hereinafter referred to as the “Audit”) associated with City of Lackawanna structures and street lighting.

Accordingly, request is hereby presented to this Honorable Body for approval to enter into contract with John W. Danforth Company in accordance with the attached agreement and as described within the attached report. (complete report on file in City Clerk's office)

Please note that there are no upfront costs for the Audit, as it will be self funded through the savings generated by the implementation for the recommendations put forth by the Audit. In the event the City of Lackawanna does not proceed with the proposed recommendations the City would be liable for a portion of the \$25,000 cost of the Audit not reimbursed through the NYSERDA Flex Tech Program (generally 50%).

Thank you in advance for cooperation in this matter. In the event there are any questions I encourage you to contact me.

**FRED K HEINLE-DIRECTOR OF DEVELOPMENT**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Business Licenses:**

Ahmed F. Ahmed-Metro PCS Dealer-2719 South Park Avenue

Moved by Pirowski seconded by Iafallo to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Entertainment Licenses:**

Our Lady of Victory Basilica-Pennies to Heaven-5 day permit-\$25

Moved by Pirowski seconded by Jerge to approve license for Pennies to Heaven-5 day permit

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Resolutions:**

**(1) Resolution #14, 2015-Adjusted Base Proportions-School District**

**A resolution establishing the adjusted base proportions of the NYS Real Property Tax Law for the Lackawanna School District for fiscal years 2015-2016**

**WHEREAS,** The City of Lackawanna may adopt locally adjusted base proportions pursuant to Local Law No. 3, 1993 and Section 1903.4 of the New York State Real Property Tax Law,

NOW THEREFORE, BE IT

**RESOLVED,** that for the Lackawanna School District tax levies for fiscal year 2015-2016, it is hereby established:

That the Council hereby adopts a 25% shift of its adjusted base Proportions resulting in the following *locally adjusted base proportions*:



<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
25%	52.83830	47.16170

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt resolution as written

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

**(2) Resolution #15, 2015-Adjusted Base Proportions-City**

**A resolution establishing the adjusted base proportions of the NYS real Property Tax Law for the City of Lackawanna for fiscal years 2015-2016**

**WHEREAS,** The City of Lackawanna may adopt locally adjusted base proportions pursuant to Local Law No. 3, 1993 and Section 1903.4 of the New York State Real Property Tax Law,

NOW THEREFORE, BE IT

**RESOLVED,** that for the City of Lackawanna tax levies for fiscal year 2015-2016, it is hereby established:

That the Council hereby adopts a 25% shift of its adjusted base proportions Resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
25%	53.10107	46.89893

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt resolution as written

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

**(3) Resolution #16, 2015-Recreational Trail**

**A resolution authorizing and directing the Mayor to apply for funding through the NYS Office of Parks, Recreation and Historic Preservation to rehabilitate the recreational trail behind the Senior Citizens Center**

**WHEREAS,** the City of Lackawanna, herein called the “City”, after thorough consideration of the various aspects of the problem and study of available date, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and,

**WHEREAS,** the City is proposing improvements to the recreational trail corridor behind the Senior Center in order to continue to provide a safe and reliable surface transportation routes to pedestrians, bicyclists, and other recreational travelers within the corridor and,

**WHEREAS**, a portion of the financing for said improvements to the Lackawanna Recreation Trail will require New York State Department of Parks, Recreation and Historic Preservation (NYSOPRHP) funding through the Community Park Development Program initiative:

**NOW, THEREFORE BE IT RESOLVED**, that Geoffrey M. Szymanski, Mayor of the City of Lackawanna, is the representative to act in behalf of the City in all matters related to funding through the OPRHP Community Park Development Program initiative and is hereby authorized and directed to complete the application, execute documents and otherwise, act for the City's Governing Body in all matters related to the Project.

**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

**(4) Resolution #17, 2015**

**A resolution authorizing the mayor to enter into an agreement with John W. Danforth Company for performance based energy efficient improvement audit**

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the attached agreement between the City and John W. Danforth Company is approved and the mayor is hereby authorized to sign same

**RESOLVED**, that 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) Stop Signs-Holland Avenue**

**AN ORDINANCE AMENDING CHAPTER 215, CITY OF LACKAWANNA  
MUNICIPAL CODE, TRAFFIC AND VEHICLES**

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

**SECTION 1.** That Chapter 215.22 "Stop Intersections" is hereby amended to include the following:

Intersection of Holland Avenue with stop sign on Wilson Avenue with entrances east and west. Stop signs shall be erected at a height and distance from curb in accordance with New York State Vehicle & Traffic Law.

**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

**(2) Summer Intern-Transfer of Funds**

**AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED  
JUNE 9, 2015**

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

**SECTION 1.** That the 2015-2016 Budget Ordinance adopted July 22, 2015 is hereby amended to transfer appropriates for a summer intern for 3 grant programs.

**SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$750.00 To budget code A.3620.101 Development, Personal Services.

**SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$750.00 From budget code A.3620.444, Development Grant Matches.

**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

Moved by Pirowski seconded by Jerge to remove communication #15, meeting of June 16, 2015 from the table

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Cross Training of City Hall Personnel**

In the spirit of working together for the common good, mainly our City, I would like to see a cross training program take effect throughout City Hall including the City Council/City Clerk's Office. Some offices have busy times and no secretary, this would help those areas and would be cost efficient.

I thank you in advance for your anticipated cooperation.

**ANNETTE IAFALLO-2<sup>ND</sup> WARD COUNCIL MEMBER**

Moved by Iafallo seconded by Lewis that Council Member Iafallo will send a communication to the Mayor advising him that the Council agrees with cross training

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Executive Session:**

Moved by Pirowski seconded by Lewis that the council enter into executive session at 12:15 pm to discuss personnel

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Meeting reconvened at 1:38 pm

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

**Adjournment:**

Moved by Pirowski seconded by Iafallo, meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A Caferro, City Clerk