

**REGULAR MEETING  
MONDAY, AUGUST 24, 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, Development**

**Excused: Comptroller, Recreation**

**Approval of Minutes:** of regular meeting of July 22, 2015 and special meetings of July 16 and August 14, 2015

Moved by Pirowski seconded by Jerge to adopt minutes as written

Yeas: Noman, Iafallo, Jerge Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Comptroller-A/P Check Listing #55, July 9, 2015
2. City Comptroller-A/P Check Listing #56 July 10, 2015
3. City Comptroller-A/P Check Listing #57, July 16, 2015
4. City Comptroller-A/P Check Listing #58, July 23, 2015
5. City Treasurer-Receipts deposited into General Fund, July 2015
6. City Clerk-Monthly report for July 2015

Moved by Pirowski seconded by Jerge to receive and file departmental reports one thru six

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council:**

**Police Patrols & Sign on Newman Street**

7. To: City Council

I am requesting a “Children @ Play, Drive Slowly” sign be erected on Newman @ Victory.

There are a lot of children in the area and people are concerned about the speed of cars coming from South Park on to Newman.

I asked Director Kuna for additional Police Patrol on Newman, to enforce the speed limit.

I thank you in advance for your anticipated cooperation.

**ANNETTE IAFALLO-2<sup>ND</sup> WARD COUNCILWOMAN**

Moved by Iafallo seconded by Pirowski to grant request  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Traffic Signal-Electric & Warsaw**

8. To: City Council

A request for the removal of the traffic signal at Electric Avenue and Warsaw Street was presented at the September 15, 2014 Council meeting. The Council voted unanimously to table the request for study.

At this time, we are requesting that you prepare a Traffic Ordinance authorizing the removal of the traffic light, and have stop signs placed on the corners.

We thank you in advance for your anticipated cooperation.

**ANNETTE IAFALLO-2<sup>ND</sup> WARD & KEITH LEWIS-4<sup>TH</sup> WARD COUNCIL MEMBERS**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Traffic Signal-South Park Avenue & Warsaw Street**

9. To: City Council

A request for the removal of the traffic signal at South Park Avenue and Warsaw Street was presented at the September 15, 2014 Council meeting. The Council voted unanimously to approve said request.

We requested the City Attorney prepare the Traffic Ordinance authorizing the removal of the traffic light and have stop signs placed on the corners.

We thank you in advance for your anticipated cooperation.

**ANNETTE IAFALLO-2<sup>ND</sup> WARD & KEITH LEWIS-4<sup>TH</sup> WARD COUNCIL MEMBERS**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Tabled Items Over 90 Days**

10. To: City Council

The policy established by the City Council on May 20, 1991, directs that all tabled items not acted upon within ninety (90) days, be deemed null and void and to be resubmitted to the City Council to be received and filed. I respectfully submit the following tabled items over the 90 day period for Council review:

<u>Meeting Date</u>	<u>From</u>	<u>Regarding</u>
12/15/14- #7	Pirowski	Appointment to Ethics Board
12/15/14- #10	Assessor	Sale of 54 Wilkesbarre
12/15/14- Ord.	City Atty.	Noise Ordinance
01/05/15- #2	Noman	Removal of "no left turn" Sign
02/17/15- #8	L. Woody	Renaming section of Ridge Road
03/16/15- #13	Polanski	LMHA Pilot Agreement
03/16/15- #10	Jerge/Noman	Traffic Signal-Bethlehem Park/Traffic Study

Respectfully submitted.

**JACQUELINE A CAFERRO-CITY CLERK**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Parking on South Park Avenue**

11. 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 Lewis to receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Stagnant Water Flow**

12. To: City Council

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

Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Assessor Annual Meeting**

13. To: City Council

I am requesting approval to attend the New York State Assessors Annual Meeting the week of October 4thm 2015 in Ellenville, NY. Funds are available in the assessor's current budget, which will be reimbursed by the State of New York up to 80% of total expense.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Jerge seconded by Pirowski to grant request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Repairs from Snow Storm**

14. To: City Council

I am requesting to transfer funds (\$74,000.00) from the "General Funds" account to A.5110.444. This work is to complete necessary storm damage, such as guide rails, handicap accessible sidewalks, ramps, and concrete. The money will be reimbursed through FEMA. If you have any additional questions or concerns, you may contact me at your earliest convenience.

**ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **City Owned Properties for Sale**

15. To: City Council

The properties on the attached are not needed for any municipal purpose. Please adopt the attached list of City owned property and make them available for sale as required by the City Charter and Municipal Code Chapter 12-7.

If you have any further questions, please contact my office.

(Complete list on file with City Clerk)

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Jerge to **table** for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **“CODE RED” Emergency Communications Network**

16. To: City Council

We all remember the devastating snow storm which buried our City, as well as other municipalities of Western New York, the week before Thanksgiving 2014. This unprecedented event left our City choked with insurmountable amounts of lake-effect snow, and resulted in the initiation of a State of Emergency and a Local Driving Ban. Snow clogged City streets prevented essential City personnel from responding to the emergency situation and communications between essential City personnel were limited.

In response to this past situation, the City administration has taken steps to provide City employees and residents with a more efficient system for critical information and updates. “CODE RED” Emergency Communication Network has developed affordable notification services capable of reaching thousands of citizens, with critical emergency information in minutes. Of the many features of “CODE RED” capability is the availability of staff and community wide notifications; automated severe weather alerts and checking on at risk individuals residing in our City. Alert messages can be launched by authorized users via telephone or internet, from anywhere at any time.

A committee of City Emergency Preparedness personnel have studied the positive aspects of this program, which has been initiated by adjoining Western New York communities, and determined that it would be in the best interest of our City to apply for “CODE RED” services to better serve our residents and City employees, in the event of future declared emergencies.

The committee met with a representative from Emergency Communications Network (ECN) on June 11, 2015, and reviewed a presentation of the “CODE RED” capabilities and obtained a cost proposal for the various plans which are available to the City.

After reviewing the various available plans and the associated costs, the Committee recommends that the City apply for the Standard Code red Plan, which requires a three (3) year licensing agreement at a cost of \$7,465.00 annually. The Committee also negotiated a pending agreement that the City could upgrade to either the Unlimited Emergency Plan (\$8,785.00 annually) or the Full Unlimited Plan (\$11,125.00 annually), based upon the original cost basis offered on June 11, 2015, should the capabilities of the Standard Plan entitlement fall short of future Code Red notification usage.

The City Emergency Preparedness Committee respectfully requests that your Honorable Body approve the required funding of the Emergency Notification System, so that we may finalize the contractual requirement with ECN as soon as possible.

Should you require any further information regarding the Code red notification system, please do not hesitate to contact me. An ECN company contact is also available to answer any questions, or concerns, which you may have with respect to their program.

(Cost agreement projections on file with City Clerk)

**JAMES T KUNA-DIRECTOR of PUBLIC SAFETY**

Moved by Lewis seconded by Jerge to **table** for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Commerce Drive/Hazmat Picnic**

17. To: City Council

I have received a written request from Mr. Eric Hoxie, Chief Financial Officer of the Hazmat Environment Group Inc., dated July 14, 2015, requesting permission to close a small section of Commerce Drive in the New Village Industrial Park on Sunday, September 6, 2015 from 10:00 AM to 7:00 PM. The reason for this request is due to a large gathering planned on the Hazmat property for a company picnic, and the concern for the safety of the persons in attendance.

I have personally contacted the following business establishments, located in the New Village Industrial Park, to determine if a road closure, on Sunday, September 6, 2015, would cause a hardship with regard to access to their business establishments-

Fairway Floor Covering; Sample Belting; Marottas' Truck Repair and Switzer Precision

There were no objections received from any of the above business establishment, as to the closing of Commerce Drive, on the date and times indicated herein. Most business establishment proprietors indicated that their business establishments were, in fact, closed on Sundays.

The Kenworth Trucking Company is affiliated with the Hazmat Environmental Group and is a participant in the gathering.

Based upon the forgoing facts, it is respectfully requested that permission be granted to Hazmat Environmental Group with regard to the requested road closure.

Appropriate notifications will be made to the Police and fire Departments by this office.

**JAMES T KUNA-DIRECTOR of PUBLIC SAFETY**

Moved by Jerge seconded by Pirowski to grant request for road closure on September 6, 2015 between the hours of 10AM and 7 PM for the Hazmat Picnic

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Budget Transfer-General fund to Special Revenue**

18. To: City Clerk

Submitted for 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 the NYS Employee Retirement System. This is to properly account for the Sanitation portion of the ERS by adjusting the budget lines.

**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

Moved by Jerge seconded by Pirowski to **table** for study  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Traffic and Snowplowing**

19. To: City Council

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

Thank you.

**ANTONIO SAVAGLIO**

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

Carried 5-0

### **Business License Application**

20. To: City Council

A request is hereby presented to this Honorable Body for the removal from the table an application for a Business License in accordance with Chapter 88 of the City of Lackawanna Codes.

Please be advised that the applicant had previously submitted the appropriate and necessary documentation for approval of a business license in accordance with applicable codes however due to issues outside his control approval and issuance of a business license has continued to be an undue burden following the rehabilitation of the property. This item was tabled at the last Council Meeting due to code issues affecting the properties, which have been subsequently addressed.

Accordingly in anticipation of the originally schedule Council Meeting I determined that the business should be allowed to open with the understanding that in the event the Council denied the application he would have to address any additional requirements imposed by the Council and/or cease operation.

Please note that the business owner has complied with each and every requirement presented by the Department of Development and I would graciously request that this Honorable Body remove this item from the table and support the application as submitted.

Your anticipated support and approval is greatly appreciated. However, in the event there are any questions and concerns I encourage you to contact me.

**FRED K HEINLE-DIRECTOR of DEVELOPMENT**

Moved by Jerge seconded by Iafallo to grant request  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Comprehensive Plan Consultant Payment**

21. To: City Council

Please be advised that the Lackawanna Comprehensive Plan (the "Comp Plan") has been dynamically progressing over the past several months. Accordingly the consultant team consisting of Kheops Architecture, Engineering & Survey, DPC and Peter J. Smith & Company, Inc. have invoiced for service rendered through June 30, 2015 (Fiscal Year 2014/2015).

Accordingly, request is hereby made to this Honorable Body for approval to amend the 2015-2015 Budget Ordinance to transfer appropriations for the Comprehensive Plan in accordance with the accompanying Ordinance.

The request is for the transfer of \$80,000 from the existing funds in budget code A.1900.1930 Judgment & Claims. The transfer shall be allocated to budget code H.2080.412 Capital Fund, Lackawanna Comprehensive Plan.

Please note that these funds represent our obligation to the Comp Plan pay for services and are reimbursed through the grant Funds provided by NYSERDA.  
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 Jerge seconded by Pirowski to **table** for study  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Sale Negotiations-Commerce Drive**

22. To: City Council

A request is hereby presented to this Honorable Body for approval and support that the City of Lackawanna Department of Development commences the negotiation process for the sale of the vacant City of Lackawanna owned property located at the end of Commerce Drive Tax parcel No. 141.07-4-8.111 (the "Property") to Fredco Management, LLC (the "Purchaser").

The Purchaser is in the planning and design stage for the redevelopment and expansion of their existing improvements located at their current location at 155 Commerce Drive. The expansion and the proposed improvements will require additional property. The property consists of a total of 1.75 Acres and will be combined with the 155 Commerce Drive Parcel for a combined total of 31.27 Acres.

Please be advised that there was a previously executed contract of sale for the Property between the City of Lackawanna and the purchaser in March 2005. The Sale Price at that time was set at \$24,000.00; however, for unknown reason the transaction was never completed.

The Purchaser will provide an appraisal to be reviewed in the context of the current City of Lackawanna Tax Assessment. Upon completion of the review an appropriate sales price will be identified and a contract of sale will be prepared for presentation and approval of the City Council. Your anticipated support and approval is greatly appreciated.

**FRED K HEINLE-DIRECTOR of DEVELOPMENT**

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

Carried 5-0

**Myrtle (28) Street-Demolition**

23. To: City Council

Request is hereby asked that this Honorable Body direct the City Clerk to publish the appropriate notice soliciting bids for the demolition of the City of Lackawanna property as follows:

\* 28 Myrtle Street

It is intended that bids will be published in the Front Page on September 9, 2015 with a bid opening to be held on or about Friday, September 25, 2015. An asbestos survey will have been completed and made part of the bid packages.

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

**FRED K HEINLE-DIRECTOR of DEVELOPMENT**

Moved by Iafallo seconded by Pirowski to grant request, City Clerk to advertise for bidding  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Housing Code Violation Policy Changes**

24. To: City Council

Following several conversations with Council Member Annette Iafallo; it has been determined that there exists a need for modification of the process associated with the issuance of a Notice of Violation for housing code issues.

Accordingly, please be advised that the Department of Development will commence with a policy change as follows:

1. All Notice of Violations will contain language that requires the property owner to respond within seven (7) days of receipt of said Notice. This will eliminate the long delays in addresses outside issues that may affect the ability of the property owner to address the violation.
2. Immediately upon receipt of a complaint, the Code Enforcement Officer shall be required to enter the complaint in the CIVIC; noting date, address and violation.

This submission is for reference only and no action by this honorable council is requested, however in the event there are any questions and concerns I encourage you to contact me.

**FRED K HEINLE-DIRECTOR of DEVELOPMENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **“Arts on Ridge” Event**

25. To: City Council

Attached for your perusal please find a copy of the flyer associated with an event planned Thursday, September 17<sup>th</sup>. The event is an arts driven function based within the Central Business District where local and regional artist are provided with presentation space in our restaurants and other businesses.

The artist's generally bring their own following that get to share in our dynamic restaurants, in fact that have failed to come to Lackawanna. In addition to the artist there will be street performers to entertain the participants and visitors as they move throughout the various venues.

It is hoped that this will be the beginning of our engagement with the arts community as a tool for business district revitalization and over-all economic development.

In the event there are any questions I encourage you to contact me.

**FRED K HEINLE-DIRECTOR of DEVELOPMENT**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Training Conference-Director of Development**

26. To: City Council

Please be advised that I will be attending the National Brownfield's Training Conference in Chicago. The conference is from Tuesday, September 2<sup>nd</sup> through Thursday, September 4<sup>th</sup>.

The total cost of attending the conference will be approximately \$1200 which will be covered by the Travel Allowance Account established for the current Fiscal Year.

The agenda for this conference appears to be right on target with our current efforts associated with our Brownfield clean-up and re-development efforts and should provide a wealth of information. Also, the Cubs are in town and I just ordered my ticket.

In the event there are any questions I encourage you to contact me.

**FRED K HEINLE-DIRECTOR of DEVELOPMENT**

Moved by Pirowski seconded by Jerge to approve travel request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Lackawanna Little Loop-Portable Toilets**

27. To: City Council

I am writing to you on behalf of Lackawanna Little Loop requesting 2 portable lavatories for our season starting July 21, 2015. We would require the facilities until the end of our season no later than November 1, 2015.

Thank you in advance for your generosity and support of our Lackawanna young athletes. If you have any questions please feel free to contact me.

**JENNIFER DELMONT-PRESIDENT LACKAWANNA LITTLE LOOP**

Moved by Jerge seconded by Pirowski to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Steelawanna Avenue-Delivery Traffic**

28. To: City Council

I am requesting the City Council look into enacting an ordinance amending Chapter 215, Traffic and Vehicles, of the City of Lackawanna Municipal Code to restrict all non-local delivery commercial traffic from Steelawanna Ave. As this street has transitioned to a predominately residential neighborhood this type of traffic should now be utilizing Route 5. If adopted can the DPW post the appropriate signage at both ends of the street to indicate, "No through traffic is permitted traveling in either direction for any commercial vehicle, truck, tractor, tractor/trailer combination regardless of its total weight. Except that this inclusion shall not prevent the delivery or pickup of merchandise or other property along Steelawanna Ave. from which such vehicles and combinations are excluded."

If there is anything else I can or should do to expedite this request please call me, thank you in advance for your consideration into this request.

**EDWARD THOMAS**

Moved by Pirowski seconded by Noman to refer to the City Attorney for legal opinion

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Pedestrians Walking in the Streets**

29. To: City Council

I am writing to speak my concern about people young & old, being allowed to walk in the streets of Lackawanna.

**SHARON HERRMANN**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**(1) Parking on South Park Avenue**

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

**SECTION 1.** Section 215.43(201) “Parking, Standing and Stopping Restrictions” is hereby rescinded and replaced as follows:

201. South Park Avenue

**On the east side:**

No parking from the north curb line of Parkview Avenue to a point thirty (30) feet northerly therefrom.

No parking from the south curb line of Parkview Avenue to a point thirty (30) feet southerly therefrom.

**On both sides:**

No parking from the north curb line of Ridge Road to points sixty (60) feet northerly therefrom.

There shall be no parking on either side of South Park Avenue from the south curb line of Maple Grove Avenue to the Lackawanna City Line at Blasdell

Two hour parking from 8:00 AM to 6:00 PM Monday through Friday between points sixty (60) feet northerly of the north curb line of Ridge Road to McKinley Parkway.

**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

**(2) Stagnant Water Flow**

**AN ORDINANCE AMENDING CHAPTER 135, HEALTH AND SANITATION, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Section 135-4 Stagnant water, shall be rescinded and replaced with the following:

- A. When any lot or any part thereof shall from any cause whatsoever become in whole or in part the repository of stagnant water, it shall be the duty of the owner, lessee or occupant within a specified time given in a written notice by the Code Enforcement Officer to cause such lot or part thereof to be filled with clean earth or other inoffensive substances.
- B. No person, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association or any other legal entity shall intentionally or willfully, by any means, cause water to flow onto the land of an adjoining landowner or adjoining property.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt ordinance as written

**(3) Snow Storm Repairs**

**AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED  
JULY 16, 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 16, 2015 is hereby amended to increase appropriations for the November Snow Storm repairs

**SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to add \$74,000.00 to budget code A.5110.444 Maintenance of Streets, Snow Storm

**SECTION 3.** That the 20015-2016 Budget Ordinance is hereby amended to appropriate \$74,000.00 of the City's Fund Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Jerge seconded by Pirowski to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(4) Budget Transfer-General Fund to Special Revenue Fund**

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

Moved by Jerge seconded by Pirowski to **table** for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(5) Stop Signs-Electric/Warsaw/South Park/Verel**

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

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Section 215.1 (V), and Section 215.4 (BB) are hereby rescinded and Section 215.22 is hereby amended to add the following:

Intersection of Electric Avenue with stop signs on Warsaw Avenue, east and west

Intersection of South Park Avenue with stop sign on Warsaw Avenue, east

Intersection of South Park Avenue with stop sign on Verel Avenue, west

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Lewis to adopt ordinance as written

**(6) Speed Limit-Bethlehem Park & Ridgewood Village**

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

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

Chapter 215.31 A. shall be amended to add the following:

16. Adams Street
17. Beech Street
18. Birch Street
19. Elm Street
20. Jackson Avenue
21. Lincoln Avenue
22. Madison Avenue
23. Pine Street
24. Spruce Street
25. Walnut Street

Chapter 215.31 D. is hereby rescinded and replaced as follows:

Chapter 215.31 D. Twenty-Five (25) miles per hour

Twenty-five (25) miles per hour is hereby established as the maximum speed at which vehicles may proceed within this City on or along highways as follows:

1. Community Drive
2. Errington Avenue
3. Fairdale Road
4. Fairmont Avenue
5. Greenwood Avenue
6. Lincroft Avenue
7. Millhurst Road
8. Ridgewood Circle
9. Rodman Road
10. Scotia Road
11. Sudbury Road
12. Winstead Road
13. Adams Street
14. Beech Street
15. Birch Street
16. Elm Street
17. Jackson Avenue
18. Lincoln Avenue
19. Madison Avenue
20. Pine Street
21. Spruce Street
22. Walnut Street

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

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

Carried 5-0

**(7) Snowplowing Policy**

**AN ORDINANCE ENACTING CHAPTER 188 OF THE CODE OF THE CITY OF  
LACKAWANNA ENTITLED SNOWPLOWING**

**BE IT ENACTED** by the City Council as follows:

**S 188.1. Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**PUBLIC SIDEWALK**

Any sidewalk found in the right-of-way along a public road, whether adjoining public or privately owned property or any sidewalk on private land subject to an easement in favor of the public.

**VEHICLE**

Any vehicle, as defined in the Vehicle and Traffic Law of the State of New York, licensed to operate on the highways of the State of New York and used to plow snow, but the term shall not include a vehicle used solely by a person, firm or corporation to plow snow within the confines of his or her own property, whether owned or leased.

**S188.2. Permit Required**

No person, firm or corporation shall plow snow or cause or allow same to be plowed by the use of any vehicle within the City of Lackawanna unless a permit therefore as hereinafter prescribed, issued by the City Clerk, is in full force and effect and such permit is prominently displayed by affixing it to the vehicle so as to be readily visible from the exterior thereof. Each snowplowing season shall be identified by a permit sticker of a different color.

**S188.3 Application procedure; fee**

Application for such permit shall be made to the City Clerk by the owner of the vehicle, in writing, upon forms furnished by said City Clerk, which shall contain the owner's name and address, the vehicle identification number, the New York State license number attached thereto and such additional information as the City Clerk shall require. The City Clerk may require such documents and information as may be reasonably necessary to verify the facts stated in such application. The applicant shall, at the time of the filing of his application, pay a permit fee of twenty-five dollars (\$25) for each vehicle. If such application or applications shall be approved by the City Council, a permit or permits shall be issued by the City Clerk to the applicant. Such permit shall be valid for the period commencing September 1<sup>st</sup> and expiring the next August 1<sup>st</sup> and shall be in such form as the City Clerk shall prescribe. Permits may be renewed by the City Clerk without approval of the City Council upon payment of the permit fee unless the permit been revoked by the City Council.

**S188.4. Regulation of snow removal**

No person or private entity shall plow, shovel, sweep or pile snow, ice or other materials in or beyond the right-of-way of any street or public highway or upon any public sidewalk or cause such to be done so as to interfere with the safety and convenience of public travel.

**188.5. Enforcement**

This chapter shall be enforced by the members of the Lackawanna police Department, the Commissioner of Public Works of the City of Lackawanna, the Department of Development and such other persons as he shall delegate.

**188.6. Penalties for offenses**

- A. The City Council may, following a hearing before the Council, revoke the permit or permits granted to any person, firm or corporation under the authority of this chapter or any law, ordinance, rule or regulation relating to snowplowing or snow removal.
- B. In addition to any other penalties that may be invoked under this chapter, any violation by a person, firm or corporation of any provision of this chapter shall be deemed an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed (15) days, or both.
- C. Any person who takes part in or assists in any violation of this chapter shall also be Subject to the penalties provided herein.

**188.7. Severability**

If any article, section, subdivision, paragraph or provision of this chapter is adjudged to be invalid, such adjudication shall apply only to such portion thereof so expressly adjudged invalid, and the remainder of this chapter shall be deemed to be in all respects valid and effective.

**188.8. Effective Date**

This chapter shall take effect immediately

Moved by Jerge seconded by Pirowski to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(8) School Zone Speed Limit-Martin Road & Inner Circle Drive**

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

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

Chapter 215.31 shall be amended to add the following:

E. School Zones

Fifteen (15) miles per hour is hereby established as the maximum speed limit at which vehicles may proceed within the City in designated school zones on or along the following highways on school days between the hours of 7:00 AM to 5:00 PM:

- 1. Martin Road

2. Inner Drive

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Jerge seconded by Pirowski to adopt ordinances as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(9) Funding for City Comprehensive Plan**

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

Moved by Jerge seconded by Pirowski to **table** for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Tabled Items:**

Moved by Jerge seconded by Iafallo to remove from the table the business license for Metro PCS Dealer

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Business License:**

Ahmed F Ahmed-Metro PCS Authorized Dealer-2719 South Park Ave

Moved by Jerge seconded by Iafallo to approve business license for Metro PCS Dealer

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Waive Rules**

Moved by Pirowski seconded by Jerge to waive rules to include communication from Public Safety Director concerning speed limit in working zones

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Work Zone-Speed Limit**

Due to the current existing construction work on the railroad overpass bridge, located on Ridge Road west of the intersection with Rosary Avenue, at the request of the Lackawanna Department of Public Works and the on-site Construction Company, a temporary work zone speed adjustment from 30 MPH to 25 MPH is being requested. An abundance of vehicles observed traveling in excess of 30 MPH in the construction area has become a concern with respect to the safety of on-site construction workers.

While a lower 20 MPH speed limit in the construction site area would be more beneficial, the New York State Vehicle & Traffic Law, Article 30, Section 1180, subdivision (f) provides that no such work area speed limit may be established at less than 25 miles per hour.

The Department of Public Works will also install rumble strips on the Ridge Road roadway, in addition to the temporary posted 25 MPH work zone speed limit. The Police Department patrols, as well as the traffic enforcement units, will be instructed to enforce this temporary work zone speed adjustment and to cite violators accordingly.

It is strongly recommended that your honorable body approve this request, so as to insure the safety of the on-site construction workers and pedestrians in the area.

**JAMES T KUNA-DIRECTOR of PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to refer to the City Attorney to prepare an ordinance reducing the speed limit to 25 MPH

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment:**

Moved by Pirowski seconded by Jerge to adjourn

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