

**REGULAR MEETING  
TUESDAY, SEPTEMBER 8, 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  
Comptroller, Recreation**

**Approval of Minutes:** of regular meeting of August 24, 2015

Moved by Pirowski seconded by Jerge to adopt minutes of August 24, 2015 as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Departmental Reports:**

1. City Comptroller-A/P Check Listing #59, July 30, 2015
2. City Comptroller-A/P Check Listing #60, July 31, 2015
3. City Comptroller-A/P Check Listing #1, August 6, 2015
4. City Clerk-Monthly report for August, 2015
5. City Treasurer-Receipts deposited into General Fund, August 2015
6. City Comptroller-A/P Check Listing #2, August 14, 2015
7. City Comptroller-A/P Check Listing #3, August 20, 2015
8. City Comptroller-A/P Check Listing #4, August 24, 2015
9. City Comptroller-A/P Check Listing #5, August 28, 2015
10. City Comptroller-A/P Check Listing #6, August 31, 2015

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

**Communications from the Council:**

**Dog Licensing Renewal- Late Fee**

11. To: City Council

The City Municipal Code Section 66-14 refers to licensing of dogs. Currently under Item B part (c) stipulates the surcharge for each dog license not renewed in the specific renewal month is a flat fee of \$5.00.

At this time I am asking for the Council's support to have the City Attorney prepare an ordinance amending the surcharge to be \$5.00 for each month that the renewal is late.  
I am proposing a notice to be published in the front Page every week for one month and once a month for a year, notifying the residents of the change in the late fee.  
I thank you in advance for your anticipated cooperation.

**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:**

**South Park Avenue Project Funding**

12. To: City Council

Submitted for your review and approval is the Inter-fund transfer Advance between the General Fund and the Capital Fund for the South Park Avenue repaving project. This project is reimbursable through the DASNY grant.

**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

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

Carried 5-0

**Procurement Policy**

13. 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

**Dog Licensing Renewal-Late Fee**

14. 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

**Communications from Citizens:**

**John Ingram-Address Council**

15. To: City Council

1. How could this council vote to approve a resolution to change a illegal meeting on the date of the meeting. July 22, 2015 when on June 16 of the special meeting they were told by the city attorney and it is in the charter you could not do this
2. On June 2 councilman Noman request Mrs. Sandra Easley to be appointed to be bingo inspector although council president said Miss Easley was not here at the next council meeting it would be discuss and even though Miss Easley did attend it was not even on the agenda and has not been discuss since
3. On January 5 council president Pirowski request response regarding problem with the police chif. Also on January 20 council president Pirowski ask for fund to hire a outside attorney for possible litigation
4. Citizens have on numerous time been told that our city charter must be followed but our elected official have continue to not follow the law case in point
  1. Ethic Board-Council has continue to stonewall putting people on this board
  2. They continue to table item and never address it again even though citizens want to know it
  3. If council person does not want to vote on something because it is not political correct they they don't case in point the vacant lot on Ridge Road and the school on Ridge Road.

**JOHN INGRAM**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Business License:**

Mary Ann Bodkin-57 Center Street, front flat, Lackawanna, NY

DBA: Crave King Restaurant – 2693 South Park Avenue

Moved by Pirowski seconded by Iafallo to approve business license

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**(1) Budget Transfer-South Park Avenue Project**

**AN ORDINANCE AUTHORIZING AN INTER-FUND ADVANCE BETWEEN THE GENERAL FUND AND THE CAPITAL FUND**

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

**SECTION 1.** That the General Fund will advance \$1,250,000 to the Capital Fund for the 2015 South Park Avenue Project

**SECTION 2.** That the Capital Fund will repay the advance with the reimbursements from the DASNY Grant.

**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) Procurement Policy Amended**

**AN ORDINANCE AMENDING CHAPTER 43, PROCUREMENT POLICY, OF THE CITY OF LACKAWANNA**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Chapter 43-3, shall be amended as follows:

Purchase contracts between \$500-\$2,000 shall require three verbal quotes.  
Purchase contracts between \$2,000-\$9,999 shall require three written quotes.  
Contracts for Public Work under \$2,000 shall not require verbal quotes.  
Contracts for Public Work between \$2,000-\$5,000 shall require three verbal quotes.

**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) Dog License Renewal Late Fee**

**AN ORDINANCE AMENDING CHAPTER 66, ANIMALS, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

**BE IT ENACTED** by the City Council for the City of Lackawanna, New York that City Code Chapter 66-14 (B) (1) (C), shall be rescinded and replaced as follows:

(C) Surcharge for each dog license not renewed in the specific renewal month:  
\$5.00 for each month past the specific renewal month

**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

**(4) Funding for CODE RED Emergency System**

**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 transfer appropriations for the Code Red Emergency System

**SECTION 2.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$7,500.00 to budget code A.3410.253 Fire, Emergency Equipment

**SECTION 3.** That the 2015-2016 Budget Ordinance is hereby amended to transfer \$7,500.00 from A.1900.1990 Special Items, Contingent Account

**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

**Tabled Items:**

Moved by Pirowski seconded by Jerge to removed communication #18, meeting of August 24, 2015 from the table

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

**Budget Transfer-Adjusting Budget Lines**

18. 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 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**

**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 NYS Employee Retirement 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 \$53,725.80 to budget code A.9000.9551 Transfer to Special Revenue Fund

**SECTION 3.** That the 2014-2015 Budget Ordinance is hereby amended to transfer \$53,725.80 from budget code A.9000.9010 Employee Benefits, NYS Retirement

**SECTION 4.** That the 2014-2015 Budget Ordinance is hereby amended to increase budget code CL.0000.5031 Special Revenue Fund- Garbage and Refuse Inter-fund transfers by \$53,725.80

**SECTION 5.** That the 2014-2015 Budget Ordinance is hereby amended to increase budget code CL.9000.9010 Special Revenue Fund-Garbage and Refuse, NYS Retirement by \$53,725.80.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

Moved by Pirowski seconded by Jerge to remove communication #21, meeting of August 24, 2015, from the table

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 2014-2015 Budget Ordinance to transfer appropriations for the Comprehensive Plan in accordance with the accompanying Ordinance.

The request is for the transfer of \$80,000.00 from the existing funds in budget code A.1900.1930 Judgment & Claims. The transfer shall be allocated as \$20,000.00 to budget code A.3620.444 Development, Grant Matches and \$60,000.00 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**

**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 the Lackawanna Comprehensive Plan

**SECTION 2.** That the 2014-2015 Budget Ordinance is hereby amended to transfer \$20,000.00 to budget code A.3620.444 Development, Grant Matches.

**SECTION 3.** That the 2014-2015 Budget Ordinance is hereby amended to transfer \$60,000.00 to budget code H.2080.412 Capital Fund, Lackawanna Comprehensive Plan

**SECTION 4.** That the 2014-2015 Budget Ordinance is hereby amended to transfer \$80,000.00 from budget code A.1900.1930 Judgment & Claims

**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

### **Executive Session**

Moved by Pirowski seconded by Iafallo to move to executive session at 7:25 PM to discuss  
litigation

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Meeting reconvened at 7:35 PM

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

### **Waive Rules:**

Moved by Pirowski seconded by Jerge to waive the rules concerning settlement of litigation

Yeas: Iafallo, Jerge, Lewis, Pirowski

Nays: Noman

Carried 4-1

Moved by Pirowski seconded by Iafallo to approve the settlement of litigation presented by the  
City Attorney

Yeas: Iafallo, Jerge, Lewis, Pirowski (abstained, counted as an affirmative vote)

Nays: Noman

Carried 4-1

### **Adjournment:**

Moved by Pirowski seconded by Iafallo 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