

**REGULAR MEETING
MONDAY, OCTOBER 5, 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, Development, Comptroller,
Recreation
Excused: Public Safety**

Approval of Minutes: of regular meeting of September 21, 2015

Moved by Pirowski seconded by Lewis to adopt minutes of September 21, 2015 as written
Yeas: Noman, Iafallo, Jerge Lewis, Pirowski Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #10, September 18, 2015

Moved by Pirowski seconded by Jerge to approve departmental report
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Communications from the Council:

Outside Counsel-FOIL Request

2. To: City Council

I requested the City Attorney provide this council with a progress report of the FOIL request that was submitted in April of this year. As of today, the attorneys have not received a response from his office.

HENRY PIROWSKI-COUNCIL PRESIDENT

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

Outside Counsel-Payment for Services

3. To: City Council

I seek approval of the ordinance transferring funds for payment to Barclay Damon for their services providing outside counsel.

HENRY PIROWSKI-COUNCIL PRESIDENT

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Department/Division Heads:

Advertise for Bids-Generator/Furnace

4. To: City Council

The fire department would like to purchase and install a generator at Station #3, 2990 South Park Ave. Currently the generator at Station #3 is a small diesel powered unit which is approximately 40 years old and only powers two outlets in our dispatch area. We are looking to purchase a generator which would power the entire building in case of a power failure during storms or other emergencies.

The department also needs a new furnace for the downstairs area at Station #3. This furnace is close to 20 years old and the maintenance costs are getting prohibitive on it.

There is enough money left over from the bond issued to do repair work on all three fire stations to pay for these expenses. I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid.

Your help in this would be greatly appreciated. If you have any questions please feel free to contact me.

RALPH GALANTI-FIRE CHIEF

Moved by Pirowski seconded by Jerge to approve request, City Clerk to advertise for bids

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Sale of Property-Fredco Management-Commerce Drive

5. To: City Council

Please be advised that the Department of Development has completed the negotiation for the sale and redevelopment 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.

The Sale Price was negotiated with the purchaser based upon comparably sized properties with consideration given for the total proposed cost of redevelopment. Accordingly, it was determined that a fair price for the property would be Thirty Four Thousand Dollars (\$34,000.00) (the "Sale Price"). The purchaser will be responsible for all costs related to the convenience of the Property. There shall be a two (2) year reverter clause contained within the Deed, in the event the Purchaser fails to complete the proposed redevelopment of the Property.

Accordingly, permission to enter into a contract of sale with Fredco management, LLC (or other entity to be formed) is hereby requested.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Pirowski seconded by Noman to approve request, for sale of property, City Attorney to prepare necessary ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Sale of Property-Collegiate Builders-2901 South Park Avenue

6. To: City Council

Please be advised that the Department of Development has undertaken the process for the negotiation of the sale and redevelopment of a City owned parcel commonly known as 2901 South Park Avenue, Real Property Tax #142.46-9-17.1 (the "Property").

The Sale Price was negotiated with the purchaser based upon comparably sized properties with consideration given for the total proposed cost of redevelopment. Accordingly, it was determined that a fair price for the property would be Five Thousand Dollars (\$5,000.00) (the "Sale Price"). The purchaser will be responsible for all costs related to the convenience of the Property.

The proposed redevelopment shall consist of a two story structure. The Purchaser will be relocation his existing business to the site and will be establishing a solar sales and installation company as well. The upper floor of the structure will provide three (3) to four (4) market rate apartments. There shall be a two (2) year reverter clause contained within the Deed, in the event the Purchaser fails to complete the proposed redevelopment of the Property.

Accordingly, permission to enter into a contract of sale with Collegiate Builders, Inc. (or other entity to be formed) is hereby requested.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Pirowski seconded by Jerge, to approve request for sale of property, City Attorney to prepare necessary ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Citizens:

School Elections-Use of Senior Citizen Building

7. To: City Council

On behalf of the Lackawanna Board of Education, I am asking to use the Senior Citizen's Center for our upcoming December 22, 2015 Proposition/Election.

The Election will be held between the hours of 12:00 P.M. and 9:00 P.M. Inspectors would need access to said buildings at 11:30 A.M. on that day.

Due to the election timeline, please confirm as soon as possible.

LOUIS P VIOLANTI-BOARD CLERK

Moved by Pirowski seconded by Jerge to approve request for school district to use the senior citizen building for school proposition/election on December 22, 2015 between noon and 9 PM

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Business License:

(1) Robert Harms-90 Kennedy
DBA: The Great Adventure Heating & Plumbing Repair

Moved by Pirowski seconded by Jerge to approve business license
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

(2) Nathan Putovek-leasing space at Great Lakes Industrial Mfg.
DBA: Radistar Corporation-Manufactures Vertical & Overhead Racking System

Moved by Pirowski seconded by Jerge to approve business license
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Tabled Items:

Moved by Pirowski seconded by Iafallo to remove from the table the business license application from James O'Donnell, meeting of September 21, 2015
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Moved by Pirowski seconded by Iafallo to approve the business license
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Executive Session:

Moved by Pirowski seconded by Lewis to enter into executive session at 8:03 PM concerning litigation
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Meeting reconvened at 9:20 PM

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

Ordinances:

An ordinance transferring funds to provide payment to Barclay Damon for outside counsel fees

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 Outside Counsel Fees

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to add \$37,000.00 to budget code A.1010.465 City Council, Outside Counsel Fees

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$37,000.00 of the City's Fund Balance

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

Adjournment:

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

Carried 5-0

Henry R. Pirowski, Council President

Jacqueline A Caferro, City Clerk