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**COUNCIL MEETING
ORGANIZATIONAL/REGULAR
COUNCIL CHAMBERS
MONDAY, JANUARY 9, 2012
www.ci.lackawanna.ny.us**

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.

Roll Call: Council: Present: Noman, Lewis, Pirowski
Dept. Heads: Present: Law, Development, Public Works, Recreation
Excused: Public Safety

Resolution #1, 2012 – Appt. of City Clerk

A resolution appointing Jacqueline Caferro as City Clerk for the City of Lackawanna.

Moved by Pirowski, seconded by Lewis, to adopt resolution as written.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Resolution - Appt. of 2nd Ward Council Member

A resolution appointing the Council Member to represent the 2nd Ward, filling the vacancy left by Council Member Szymanski.

Moved by Lewis, seconded by Noman to appoint Annette Iafallo.

Yeas: Noman

Nays: Lewis, Pirowski Motion failed.

Moved by Pirowski, seconded by Lewis to appoint Rebecca Darch

Yeas: Lewis, Pirowski

Nays: Noman Motion failed.

Communications from Council:

- 1. Council President Pirowski** - requests voting order for the City Council be as follows:
1st, 2nd, 3rd, 4th Wards, followed by the Council President.

Moved by Pirowski, seconded by Noman to approve voting order request.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Resolution #2, 2012 – Appt. of Council President Pro-Tempore

A resolution appointing Council Member AbdulSalam Noman to the position of Council President Pro Tempore.

Moved by Pirowski, seconded by Lewis to adopt resolution as written.
Yeas: Noman, Lewis, Pirowski. Carried 3-0

Resolution #3, 2012 – Council Meeting Dates

A resolution establishing the Council Meeting Dates for the year 2012

Moved by Pirowski, seconded by Lewis, to adopt resolution as written.
Yeas: Noman, Lewis, Pirowski. Carried 3-0

Resolution – Appointment of Deputy City Clerk

A resolution fulfilling the position of Deputy City Clerk

Moved by Pirowski, seconded by Lewis to table for study.
Yeas: Noman, Lewis, Pirowski. Carried 3-0

Resolution #4, 2012 – Designation of Official Newspaper

A resolution designating the Front Page Newspaper as the official newspaper of the City.

Moved by Pirowski, seconded by Noman to adopt resolution as written.
Yeas: Noman, Lewis, Pirowski. Carried 3-0

Communications from the Mayor:

- 2. Mayor Szymanski** – advises the City Council of his resignation of the position of Second Ward Council Member.

Moved by Pirowski, seconded by Noman to receive and file.
Yeas: Noman, Lewis, Pirowski. Carried 3-0

Mayor Szymanski's – Executive Orders – Appt. of Department Heads:

- 3. Executive Order #1 – Appt. of Norman A. LeBlanc as City Attorney**
- 4. Executive Order #2 – Appt. of Thomas N. Love as Comm. of Public Works**
- 5. Executive Order #3 – Appt. of Dan Britton as Director of Public Safety**
- 6. Executive Order #4 – Appt. of Angelo Iafallo as Director of Parks & Recreation**
- 7. Executive Order #5 – Appt. of Ralph Miranda as Director of Development**
- 8. Executive Order #6 – Appt. of Maureen Gambino as Confidential Secretary to the Mayor**

Moved by Pirowski, seconded by Noman to receive and file Mayor's Executive Orders 1-6.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Communications from Department/Division Heads:

City Attorney – requests settlement of lawsuit against city.

Moved by Noman, seconded by Lewis to table for study.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Moved by Pirowski, seconded by Lewis, meeting adjourned.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Henry Pirowski, Council President

Jacqueline Caferro, City Clerk

COUNCIL MEETING
TUESDAY, JANUARY 17, 2012
COUNCIL CHAMBERS
www.ci.lackawanna.ny.us

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/Pledge of Allegiance
NB: Meeting being recorded.

Roll Call: Council: Present: Noman, Lewis, Pirowski
Excused: Kulczyk

Dept.Heads: Present: Law, Public Works, Public Safety, Recreation, Development

Approval of Minutes:

Moved by Pirowski, seconded by Lewis to adopt minutes of regular meeting of January 9, 2012 as written.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Departmental Reports:

1. City Compt. – Statement of Cond. Of Approp. – November 30, 2011.
2. City Compt. – AP Check Listing #17, December 15, 2011.
3. City Compt. – AP Check Listing #18, December 30, 2011.
4. City Compt. – Statement of Cond. Of Approp. – December 31, 2011.
5. City Treasurer – Receipts deposited into general fund, December 2011.
6. City Clerk – Monthly report for December 2011.

Moved by Lewis, seconded by Pirowski to receive and file, departmental reports one through six.
Yeas: Noman, Lewis, Pirowski. Carried 3-0

Communications from the Mayor:

Creation of Police Captain Position – Amending 2011-2012 Budget

7. To: City Council

Submitted herein is a proposed amendment to the 2011-2012 budget. The amendment would create an additional Police Captain to assist in oversight of the Department and would eliminate one Police Detective position from Code A3020.0101. Upon promotion to Police Captain, a Police Lieutenant position would be eliminated from Code A3020.101.

I am convinced these changes will be beneficial to the efficient operation of the Department. Moreover, these changes will result in a net savings of approximately \$50,443.00, which will be transferred to the fund balance.

MAYOR GEOFFREY SZYMANSKI

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

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Communications from the Council

Public Speaking @ Meetings

8. To: City Council

I seek approval of an ordinance amending the Municipal Code of the City of Lackawanna as it pertains to Chapter 5, Section 22 (a) (b) which will allow for two portions of the meeting agenda to be set aside for comments from the citizens.

KEITH LEWIS, FOURTH WARD COUNCIL MEMBER

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

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Communications from Department/Division Heads:

WinterFest 2012

9. To: City Council

The Lackawanna Youth Board and Bureau respectfully requests your approval of the use of the Lackawanna Senior Center on Saturday, February 11, 2012, to hold our annual 2012 Winter Fest.

We anticipate a large number of people will participate in the various events such as:

The Mayor's Bowl – our Chili Cook Off

The Hartland Carriages Horse Drawn Wagon Ride

Music by the Nickel City road Show

Children's Activities

The festival hours are from 1 pm to 5 pm and we will need access to the building from 9am

JAMES SIERACKI, YOUTH DIRECTOR

Moved by Lewis, seconded by Pirowski to grant request.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Sale of Property – Ernesto Alvarez

10. To: City Council

I have received a purchase offer from Ernesto Alvarez of 179 Lehigh Avenue to purchase property located at 28 Fowler. The parcel has a lot size of 30' by 120' which is unbuildable and an assessed value of \$3800.

It is my recommendation that the City Council sell the parcel to Ernesto Alvarez for \$1200 plus closing cost. If approved by the Council, buyer shall be responsible for all fees and cost of survey if needed.

FRANK KRAKOWSKI, ASSESSOR

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

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Ordinances:

Creation of Police Captain Position

An ordinance amending the 2011-2012 budget of the City of Lackawanna as follows:

Section 1.

That the budget is amended to create an additional position of Police Captain in Code A3120.0101 and deleting from Code A3120.0101 one position for Police Detective.

Section 2.

Upon advancement to the position of Police Captain, Code A3120.0101 be amended to delete one position for Police Lieutenant.

Section 3.

That the sum of \$50,443, be transferred from Code A3120.0101 to the City's fund balance.

THIS ORDINANCE SHALL TAKE EFFECT UPON THE SIGNATURE OF THE MAYOR

Moved by Pirowski, seconded by Noman to adopt ordinance as written.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Ordinance – Hearings from Citizens – Council Meetings

ORDINANCE

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LACKAWANNA, CHAPTER 5, Section 22, ORDER OF BUSINESS.

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

Section 1. That Chapter 5, Section 22 of the Municipal Code of the City of Lackawanna is hereby amended to allow citizens to present their opinions/concerns of agenda items in two (2) speaking portions at the council meetings.

Section 2. That Chapter 5, Section 22, Order of Business, is amended as follows:

A. Promptly at the hour set by law on the day of each regular meeting, the members of the Council and the City Clerk shall take their regular stations in the Council Chambers; and the business of the Council shall be taken up for consideration and disposition in the following order:

- (1) Roll Call
- (2) Hearings from Citizens
- (3) Approval of Minutes of previous meetings.
- (4) Departmental Reports
- (5) Communications from the Mayor
- (6) Communications from the Council
- (7) Communications from Department/Division Heads
- (8) Communications from Citizens
- (9) Introduction and Adoption of Resolutions
- (10) Introduction and Adoption of Ordinances and Local Laws
- (11) Tabled Items
- (12) Hearings from Citizens
- (13) Adjournment

B. In subsection A(2) and A(12), only communications on the agenda items will be considered. The presiding officer is empowered to waive this restriction if he or she so deems. Each speaker must be recognized by the Council President or Council President Pro-Tempore, identify themselves, giving their name and address and only present opinions/concerns that are on the agenda. Each speaker will have a maximum of three (3) minutes to speak with a maximum of fifteen (15) minutes per speaking portions. This will not be a question and answer period but an opportunity for the public to express their opinions or concerns, make comments or ask questions for future response on agenda items. The City Council will not act on concerns expressed by the public at the meeting, but will take such issues under consideration and advisement for further study and action.

Section 3. This ordinance is subject to the sunset provision and will have a provisional period of ninety (90) days.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY AFTER THE SIGNATURE OF THE MAYOR.

Moved by Pirowski, seconded by Noman to adopt amended ordinance to reflect sunset provision with a provisional period of ninety (90) days, adopt ordinance as amended.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Ordinance

An ordinance authorizing the sale of property pursuant to municipal code, section 107.
Be it enacted that the transfer is made for the sum of \$1200 in cash to the city of Lackawanna.
The City Council approves the transfer part of property known as SBL 141.44-1-21 a parcel 30 feet by 120 feet to Ernesto Alvarez. Purchaser responsible for expense related to the transfer other than those specifically belonging to the City. The Law Department shall prepare necessary documents to execute the transfer of property.

THIS ORDINANCE SHALL TAKE EFFECT AFTER THE SIGNATURE OF THE MAYOR.

Moved by Pirowski, seconded by Lewis, to adopt ordinance as written, approve sale of property.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

Moved by Pirowski, seconded by Noman, meeting is adjourned.

Yeas: Noman, Lewis, Pirowski. Carried 3-0

HENRY PIROWSKI, COUNCIL PRESIDENT

JACQUELINE A. CAFERRO, CITY CLERK

COUNCIL MEETING
February 6, 2012

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/Pledge of Allegiance
NB: Meeting being recorded.

Roll Call: Council: Present: Noman, Kulczyk, Lewis, Pirowski
Dept.Heads: Present: Law, Public Safety, Recreation, Development
Excused: Public Works

Approval of Minutes

Moved by Kulczyk, seconded by Pirowski to adopt minutes of meeting of January 17, 2012.
Yeas: Noman, Kulczyk, Lewis, Pirowski. Carried 4-0

Departmental Reports:

1. City Compt. – AP Check Listing #19, January 12, 2012.
2. City Compt. – AP Check Listing #20, January 20, 2012.
3. City Compt. – AP Check Listing #21, January 25, 2012.

Moved by Kulczyk, seconded by Pirowski to receive and file.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Mayor:

Bolton-St. Johns, LLC – Lobbying Services

4. To: City Council

I have received a proposal from Bolton-St. Johns LLC to provide lobbying services on behalf of the City for the period January 1, 2012 through December 31, 2012. I request approval of the resolution authorizing me to sign the proposal to amend the date to correspond with the approval date. The Lackawanna School Board has agreed to engage in the services on behalf of the school district also. The monthly fee of \$2000 is very reasonable. Furthermore, after a thirty day period the contract is cancellable if for any reason we should be dissatisfied with the services provided, we can cancel at a minimal cost.

GEOFFREY M. SZYMANSKI, MAYOR

Moved by Kulczyk, seconded by Noman to receive and file, act on resolution.
Yeas: Kulczyk, Lewis, Pirowski Carried 3-1
Nays: Noman

Communications from the Council

Martin Road Development – Bids for Home Building

5. To: City Council

I request the Council direct the city clerk to advertise for bids to sell city vacant land at Martin Road Development to any real estate or home building companies.

ABDULSALAM NOMAN, COUNCIL MEMBER

Moved by Pirowski, seconded by Noman to table for study.

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Transfer of Funds Request – Demolitions

6. To: City Council

I request an ordinance transferring \$150,000 from the city general fund to code A3620.466 plus \$20,000 in this year's budget, total \$170,000 for demolition of 61,163 and 235-237 Ingham, 187 Holbrook and 303 Ridge Road.

ABDULSALAM NOMAN, COUNCIL MEMBER

Moved by Lewis, seconded by Pirowski to table for study.

Yeas: Kulczyk, Lewis, Pirowski

Carried 3-1

Nays: Noman

Communications from Department/Division Heads:

Purchase Offer – 46 Milnor

7. To: City Council

I have received two purchase offers for the above property, one from Mark Elliott and another from Lance Wojda. The parcel contains a single family home in very poor condition situated on a lot approximately 40' X 137'. Mr. Wojda will renovate the home for his primary residents, while Mr. Elliott will renovate the home for invested purposes. It is my recommendation that the council sell the parcel to Lance Wojda for the cost of \$3000 plus closing costs. The buyer shall be responsible for all fees and cost of survey if needed.

FRANK KRAKOWSKI, ASSESSOR

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

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Purchase Offer – 15 Colton

8. To: City Council

I have received two purchase offers for the above mentioned property, one from FGWI Corporation and the other from Ralph Slovickez. The parcel is vacant with an approximate lot size of 30' X 117' and is currently unbuildable. It is my recommendation the Council sells the parcel to FGWI for \$1500 plus closing cost. Buyer responsible for all fees and closing costs.

FRANK KRAKOWSKI, ASSESSOR

Moved by Noman, seconded by Lewis to table for study.

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Purchase Offer – 48 Steelawanna

9. To: City Council

I have received a purchase offer from Halla Properties Management to purchase the property located at 48 Steelawanna, the parcel includes a two story 3640 sq foot building on a 34 x 100' lot, purchase offer is \$3000. It is my recommendation that the Council not sell the parcel for \$3000, property to be held for future development.

FRANK KRAKOWSKI, ASSESSOR

Moved by Noman, seconded by Pirowski to table for study.

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Purchase Offer – 27-33 Bethlehem

10. To: City Council

I have received a purchase offer from Omar Saleh of 57 Lehigh for the property located at 27-33 Bethlehem St. Parcel includes a 5 Unit 3,847 square foot apartment building on a 90' x 100' lot, purchase offer is \$2000. It is my recommendation not to sell the property for \$2000, the selling price for this parcel should be \$8,000 plus closing costs.

FRANK KRAKOWSKI, ASSESSOR

Moved by Pirowski, seconded by Noman to table for study.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Ridge Road Bridge @ Rosary Damage

11. To: City Council

My office is in receipt of Yellow Structural Flay from the NYSDOT regarding the above bridge. As required by NYSDOT, I have acknowledged the receipt of the yellow flag. The city is responsible for taking the appropriate corrective action. TVGA Consultants will review the yellow flag and provide some cost estimates for repair or replacement of the bridge. It must be noted that the city will need to address this problem in a time manner to insure reduced liability and maintain the safe passage of truck, vehicular and pedestrian traffic.

TOM LOVE, COMM. OF PUBLIC WORKS

Moved by Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Citizens:

Use of Bocce Court Building – School Election

12. To: City Council

On behalf of the Lackawanna Board of Education, I am requesting use of the Bocce Court Building for our special election on Tuesday, March 27, 2012, between the hours of noon and 9:00 p.m. Inspectors will need access to the building at 11:30 a.m. The purpose of this election is due to the necessity of construction and reconstruction of the improvements to Truman School at no cost to the taxpayer, 98% is funded through State Aid and the rest is covered under EXCEL aid.

ANNETTE IAFALLO, SCHOOL CLERK

Moved by Kulczyk, seconded by Lewis to grant permission for use of Bocce court building for school election on March 27, 2012.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Lewis to remove communication #9, meeting of 1/9/12 from the table, regarding the settlement of litigation, Michael Albert vs. City of Lackawanna.

Yeas: Kulczyk, Lewis, Pirowski Carried 3-1

Nays: Noman

Moved by Pirowski, seconded by Kulczyk to grant permission for the City Attorney to settle litigation for the city share of \$3,000.

Yeas: Kulczyk, Lewis, Pirowski Carried 3-1
Nays: Noman

Moved by Pirowski, seconded by Lewis to remove communication #6, meeting of 11/21/11 from the table, regarding a local law overriding the 2% tax cap.

Yeas: Noman, Kulczyk, Pirowski Carried 3-1
Nays: Lewis

Moved by Pirowski, seconded by Noman to adopt local law overriding the 2% tax cap.

Yeas: Kulczyk, Pirowski
Nays: Noman, Lewis Motion failed 2-2

Resolution #5, 2012

A resolution authorizing the mayor to enter into an agreement with Bolton St. John LLC to provide legislative and regulatory representation to the city of Lackawanna for a monthly fee of \$2,000.

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

Yeas: Noman, Kulczyk, Pirowski Carried 3-1
Nays: Lewis

Ordinance

An ordinance authorizing the sale of property located at 46 Milnor to Lance Wojda for the purchase price of \$3,000 plus the survey and closing costs.

Moved by Pirowski, seconded by Noman to adopt ordinance as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Kulczyk, seconded by Pirowski, meeting is adjourned.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
TUESDAY, FEBRUARY 21, 2012
COUNCIL CHAMBERS**

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/Pledge of Allegiance
NB: Meeting being recorded.

Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski
Dept.Heads: Present: Law, Public Works, Development
Excused: Recreation, Public Safety

Approval of Minutes of regular meeting of February 6, 2012.

Moved by Pirowski, seconded by Kulczyk, to approve minutes of meeting of February 6, 2012.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Clerk – Monthly report for January 2012.
2. City Treas. – Receipts deposited into general fund, January 2012.
3. City Compt. – AP Check Listing #22, January 31, 2012.
4. City Compt. – AP Check Listing #23, February 3, 2012.
5. City Compt. – AP Check Listing #24, February 9, 2012.
6. City Compt. – Statement of Conditions of Approp. – January 31, 2012.

Moved by Pirowski, seconded by Noman to receive and file.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Mayor:

NFTA Bus Routes

7. To: City Council

In a communication to the NFTA: I am asking you to reconsider changing the bus routes in the City of Lackawanna. It is imperative for the residents of Lackawanna to be able to get back and forth to work, shop, doctor appointments, etc. This would greatly affect our low to moderate income population of which a large percentage utilizes the Metro system.

I am willing to meet with you to discuss options to help the needs of the citizens of Lackawanna regarding the proposed adjustments in bus routes.

MAYOR GEOFFREY SZYMANSKI

Moved by Kulczyk, seconded by Noman to receive and file.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Council:

Erie County Land Bank

8. To: City Council

In July, 2011, New York State passed the Land Bank Act which authorizes any foreclosing governmental unit to create a land bank to return tax delinquent, vacant, abandoned and foreclosed properties to productive use. The Erie County Department of Real Property Tax Services has determined that Erie County owns 864 unpaid tax liens in the City worth \$789,069. I request your approval of the resolution authorizing the city to enter into an agreement with Erie County to be included in the county's application to Empire State Development to create a land bank.

FRANCIS KULCZYK, THIRD WARD COUNCILMAN

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Department/Division Heads:

Advertise for Mowing

9. To: City Council

Please instruct the City Clerk to advertise for bids for mowing and landscaping of various recreational and public property areas in the city.

THOMAS LOVE, COMM. OF PUBLIC WORKS

Moved by Kulczyk, seconded by Noman to approve request.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Citizens:

St. Patrick's Day Parade

10. To: City Council

The Limestone Hill Friends of St. Patrick are planning the annual St. Patrick's Day Parade and festivities for St. Patrick's Day, Saturday, March 17, 2012.

The festivities will include the following:

12:10 pm	Special Mass – Our Lady of Victory Basilica
12:45 pm	The Annual Shortest St. Patrick's Day Parade- OLV to City Hall
1:00 pm	Raising of the Irish Flag commemorating St. Patrick
	Guest speakers: Mayor Szymanski & Parade Representatives
1:30 pm	Corned Beef & Cabbage & Refreshments-available at Fr. Baker
	Council Knights of Columbus and Col. Weber Post 898

On behalf of the many Irish American residents and members of the Limestone Hill Friends of St. Patrick, we respectfully request permission for a parade permit, raising of the Irish Flag and a podium for speakers near the flag raising site.

MICHAEL CUSACK, THOMAS MCGOWAN, PATRIOTS CLUB/COL WEBER POST

Moved by Pirowski, seconded by Noman to approve request.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

David Green- Permission to address Council

11. To: City Council

I would like to address the council on my concerns regarding the installation of a signal pole on my parking lot at American Garage Door.

DAVID GREEN

Moved by Pirowski, seconded by Noman to receive and file

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Entertainment Licenses:

Cherrystone- 715 Ridge Road, Class 1, live music

Moved by Pirowski, seconded by Lewis to approve license.

Yeas: Kulczyk, Lewis, Pirowski Carried 3-1

Nays: Noman

Cagney’s Too – 1254 Electric- Class 1, live music

Moved by Pirowski, seconded by Noman to approve license.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Mulberry Café- 64 Jackson, Class 1, live music

Moved by Pirowski, seconded by Noman to approve license

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Downtown LA Lounge – 719 Ridge Road, Class 2 – Jukebox

Moved by Pirowski, seconded by Noman to approve license.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Murph’s – 1 Warsaw, Class 2 – Jukebox

Moved by Pirowski, seconded by Noman to approve license.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Resolution #6, 2012 – Land Bank Act

Whereas, the Erie County Department of Real Property Tax Services has determined that there are in excess of 73,360 tax liens within Erie County worth more than \$53,529,325 in taxes owed to Erie County; and

Whereas, Erie County Department of Real Property Tax has determined that Erie County owns 864 unpaid tax liens in the City of Lackawanna, worth \$789,069; and

Whereas, in July 2011, in recognition of the growing vacant property problem, NYS passed the Land Bank Act of NYS which authorizes any foreclosing governmental unit (FGU) to create a land bank to return tax delinquent, vacant, abandoned, and foreclosed properties to productive use;

Therefore be it resolved, that the city of Lackawanna, as a FGU, is desirous of entering into an inter-municipal agreement with Erie County which shall be included in Erie County's application to Empire State Development to create a land bank.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Moved by Pirowski, seconded by Lewis, to adopt resolution as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Kulczyk, meeting is adjourned.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, MARCH 5, 2012**

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/Pledge of Allegiance
NB: Meeting being recorded.**

Roll Call:

Council: Present: Noman, Kulczyk, Lewis, Pirowski

Dept.Heads: Present: Law, Public Works, Public Safety, Recreation, Development

Hearings from Citizens:

Approval of Minutes of regular meeting of February 21, 2012

Moved by Pirowski, seconded by Kulczyk to adopt minutes as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Compt – AP Check Listing #25, February 23, 2012.

Moved by Lewis, seconded by Noman to receive and file.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Department/Division Heads:

Fire Equipment – Selling Obsolete Pumpers & Equipment

2. To: City Council

The Fire Chief is requesting permission to sell two obsolete pumpers and 4” fire hose and fittings that are no longer needed. Chief Galanti has a verbal quote of \$2200 for each pumper and the hose and fittings will be put on an auction for sale. I also request that the proceeds from the sale of these items be returned to the fire department.

DANA J. BRITTON, DIRECTOR OF PUBLIC SAFETY

Moved by Kulczyk, seconded by Noman to grant request.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Business Licenses:

3. Zappia Pools, 1437-1439 Abbott Road – Pool Supplies

Moved by Noman, seconded by Pirowski to approve business license.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

4. Hartel Family Auto Service – 3260 South Park – Auto repair only

Moved by Pirowski, seconded by Lewis to approve business license, no auto sales allowed.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Citizens:

Signal @ Rosary & Melroy

5. To: City Council

The Inter-Parish Social Justice committee of Lackawanna, which is comprised of members from three Catholic Parishes are requesting a place on the agenda for the March 5th meeting. Two of our members would like to speak at the meeting regarding safety issues in our city. The residents, clients and workers of the complex on Melroy and Ridge Road face dangers every day without a crossing device or a traffic light.

Greg Cwiklinski, Kathleen Kaminski, Jennifer Nahrebeski, Titus Paolini, Eleanor Wieleba, Sister Barbara Riter, Sister Mary Anne Weldon

Moved by Pirowski, seconded by Noman to refer to the Public Works commissioner and the Traffic Safety Advisory Board for input.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Noman to adjourn in memory of Michael Flak.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

HENRY R. PIROWSKI, COUNCIL PRESIDENT

JACQUELINE A. CAFERRO, CITY CLERK

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, MARCH 19, 2012**

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/Pledge of Allegiance
NB: Meeting being recorded.**

**Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski
Dept.Heads: Present: Law, Public Safety, Recreation, Development
Absent: Public Works**

Hearings from Citizens:

Approval of Minutes: of regular meeting of March 5, 2012

Moved by Noman, seconded by Pirowski to adopt minutes of meeting of March 5, 2012 as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Clerk - Monthly report for February 2012.
2. City Compt – AP Check Listing #26, February 29, 2012.
3. City Compt. – Statement of Cond. Of Approp. as of February 29, 2012.
4. City Treas. – Receipts deposited into General Fund, February, 2012.

Moved by Lewis, seconded by Kulczyk to receive and file departmental reports.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Mayor:

Land Act

5. To: City Council

I am requesting your honorable body to approve the resolution authorizing the creation of the Buffalo Erie-Niagara Land Improvement Cooperation and Intergovernmental cooperation agreements with Erie County and other foreclosing government units in Erie and Niagara County.

MAYOR GEOFFREY SZYMANSKI

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Resurfacing Ingham Avenue-Demolition of 61 & 235 Ingham Avenue

6. To: City Council

I request your honorable body approve the resolution regarding CDBG grants funding of resurfacing of Ingham Avenue and demolition of buildings.

MAYOR GEOFFREY SZYMANSKI

Moved by Noman, seconded by Lewis, receive and file, act on resolution.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Council:

Marriage Officer

7. To: City Council

I am requesting your support of a resolution appointing Council President Henry Pirowski as a marriage officer for the city of Lackawanna.

ABDULSALAM NOMAN, COUNCIL MEMBER

Moved by Kulczyk, seconded by Noman to receive and file, act on resolution.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Department/Division Heads:

Mowing & Landscaping Contract

8. To: City Council

On Tuesday, March 13, 2012, the City Clerk opened sealed bids for grass cutting at various recreational and public property areas in the City. I am requesting your honorable body award contract to the lowest bidders, VIP Property Maintenance and Emerald Dunes.

TOM LOVE, COMM. PUBLIC WORKS

Moved by Pirowski, seconded by Noman to award contract to VIP Property Maintenance and Emerald Dunes for mowing and landscaping.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Purchase Offer – Anthony Catuzza

8b. To: City Council

My office has received a purchase offer from Tony Catuzza to purchase the property located at 2646 Hamburg Turnpike. SBL 141.83-6-48. The parcel includes a 2 block building in fair condition on a 74' by Irr lot, intended use; office space. It is my recommendation that the City sell the parcel for \$8000 plus closing costs.

FRANK KRAKOWSKI, ASSESSOR

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Citizens:

Ridge Road Signal @ Melroy

9. To: City Council

The Inter-Parish Social Justice Committee is requesting a place on the agenda for the meeting of March 19. Several of our members would like to speak at the meeting regarding the safety and concerns that were discussed at the March 5th meeting.

KATHLEEN KAMINSKI

Resolutions:

Marriage Officer

A resolution appointing Henry R. Pirowski, Council President as a Marriage Officer for the City of Lackawanna.

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

CDBG Funding – Resurfacing of Ingham, Demolition of 61 & 235 Ingham Avenue

A resolution authorizing the mayor to enter into and execute an agreement with Erie County allocating CDBG funding for the pavement replacement of Ingham Avenue and the demolition of 61 Ingham and 235-237 Ingham Avenue.

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Land Act

A resolution authorizing the creation of the Buffalo Erie Niagara Land Improvement Corporation and execution of an intergovernmental cooperation agreement with Erie county and other foreclosing government units in Erie and Niagara Counties.

Moved by Pirowski, seconded by Lewis, to substitute this resolution in place of the resolution passed at the March 5, 2012 council meeting.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Lewis to adopt resolution as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Ordinances:

Transfer of Funds – Deputy Clerk Position

An ordinance transferring \$16,000 from Code A1010.101, Council Clerk to account A1410.101, City Clerk to provide for funding of position of Deputy City Clerk.

Moved by Pirowski, seconded by Lewis, to adopt ordinance as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Lewis to waive rules to include an ordinance for sale of property into the Council agenda.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Sale of Property – Tony Catuzza – 2646 Hamburg Turnpike

An ordinance authorizing the sale of 2646 Hamburg Turnpike, sbl #141.83-6-48 for the purchase price of \$8,000 plus closing costs and cost of survey.

Moved by Noman, seconded by Pirowski to adopt ordinance as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Lewis, seconded by Noman to appoint Council President Henry Pirowski to the Traffic Safety Advisory Board.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Lewis, meeting is adjourned.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

HENRY R. PIROWSKI, COUNCIL PRESIDENT

JACQUELINE A. CAFERRO, CITY CLERK

**Special Council Meeting
Tuesday, March 27, 2012- 5:00 pm
Council Chambers**

Special session of the Lackawanna City Council met in the Council Chambers, Council President Pro-Tempore Noman presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pro-Tempore Noman.

**Meeting called to order/Pledge of Allegiance
NB: Meeting being recorded.**

Roll Call: Present: Noman, Kulczyk, Lewis

**Moved by Lewis, seconded by Kulczyk to move to executive session.
Yeas: Noman, Kulczyk, Lewis Carried 3-0**

Entered into executive session at 5:10 pm. to conduct interviews for the Deputy Clerk's position. Council President Pirowski joined the council for interviews.

Council reconvened at 7:15 pm.

Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski

**Moved by Pirowski, seconded by Kulczyk, meeting is adjourned.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0**

ABDUSALAM NOMAN, COUNCIL PRESIDENT PRO-TEMPORE

JACQUELINE A. CAFERRO. CITY CLERK

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, APRIL 2, 2012
WWW.lackawannanv.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/Pledge of Allegiance
NB: Meeting being recorded.**

**Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski
Dept.Heads: Present: Law, Public Safety, Development
Excused: Public Works, Recreation**

Approval of Minutes of regular meeting of March 19, 2012
Moved by Pirowski, seconded by Lewis to adopt minutes.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Compt – AP check listing #27, March 3, 2012.
2. City Compt. – AP Check Listing #28, March 16, 2012.

Moved by Lewis, seconded by Noman to receive and file.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Mayor

Brownfield Opportunity Area First Ward

3. To: City Council

Attached is a resolution authorizing me as mayor of the city of Lackawanna to enter into an agreement for the City's First Ward Brownfield Opportunity Area Nomination – Step three as defined by the project funder, the New York State Department of State (NYD DOS). This is a continuation of the step two nomination grant and I feel this grant is a vital part of our plan to redevelop the First Ward.

MAYOR GEOFFREY SZYMANSKI

Moved by Kulczyk, seconded by Noman to receive and file, act on resolution.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Purchase of Vehicles

4. To: City Council

Please direct the purchasing agent to purchase two new vehicles under state contract pricing or comparable from the auto dealer. Also permit him to sell two vehicles which are as follows:

2008 Ford Escape VIN 1FMCU03168KC90777

2010 Ford Ranger VIN 1FT2A4FE5APA24543

Proceeds from the sale of the 2008 Ford Escape are to be applied to line item 7140.2, playground equipment. The remaining money from the sale of the Ford Ranger and money from account A5132.443 will be used for purchases of new vehicles. Due to the fact that these vehicles are relatively new and in excellent condition, the resale value is still very high.
TOM LOVE, COMM OF PUBLIC WORKS

Moved by Pirowski, seconded by Lewis to table for study.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Miscellaneous – Business license

5. Pallet Services Inc., 3175 Hamburg Turnpike, Building #2

Moved by Kulczyk, seconded by Pirowski to approve business license.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Citizens:

6. To: City Council

I request a music permit for live music on June 15th for Fathers day celebration at 161 Steelawanna, hours from 1 pm to 9 pm.

EDWIN BORRERO

Moved by Noman, seconded by Kulczyk to approve request, refer to Public Safety.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Purchase offer – 297 Ingham Avenue- Borrero

7. To: City Council

I am offering the sum of \$1800 to purchase property at 297 Ridge Road. I will have it finished and in compliance with all city ordinances within one year.

EDWIN BORRERO

Moved by Noman, seconded by Pirowski to refer to Law Department and Assessor for their recommendation to the council.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Resolution # 10, 2012 – First Ward Brownfield Opportunity Area

Whereas, the city of Lackawanna, herein called the “applicant” after thorough consideration has hereby determined that certain work, described in its application and attachments call the “project” is desirable, and

Whereas, 970 of the General Municipal Law authorized State assistance to eligible parties for Brownfield Opportunity Area Program grants by means of a state assistance contract and the applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith:

Now therefore be it resolved, that Mayor Geoffrey M. Szymanski is the representative authorized to act in behalf of all applicants in all matters related to state assistance under 970-r of the General Municipal Law for the project. The representative is also authorized to sign and submit the application, execute the contract, request payment advances and reimbursements;

redistribution contract reimbursements as appropriate; submit project documentation and otherwise act for all applicants in all matters related to the project and to state assistance;

Resolved, that the applicant agrees it will complete the project.

Resolved, that the applicant agrees that it will fund its portion of the applicant's 10% share of the project, and;

Finally resolved, that THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Kulczyk, seconded by Pirowski, meeting is adjourned.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

AGENDA
MONDAY, APRIL 16, 2012
COUNCIL CHAMBERS
****www.lackawannany.gov**

Meeting called to order/Pledge of Allegiance
NB: Meeting being recorded.

Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski
Dept.Heads: Present: Law, Public Works, Public Safety, Development
Excused: Recreation

****Please note: new website address for the city**

Hearings from Citizens:

Approval of Minutes: of special meeting of March 27, 2012 and regular meeting of April 2, 2012.

Moved by Pirowski, seconded by Kulczyk to adopt minutes of March 27 and April 2, 2012 meetings.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Comp. – AP Check Listing #29, March 23, 2012
2. City Comp. – AP Check Listing #30, March 30, 2012
3. City Comp. – AP Check Listing #31, April 5, 2012
4. City Comp. – statement of Cond. Of Approp. – March 31, 2012
5. City Clerk – Monthly Report for March 2012
6. City Treasurer – Receipts deposited into General Fund – March 2012

Moved by Pirowski, seconded by Noman to receive and file departmental reports.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Mayor:

Let's Lift Lackawanna – city wide cleanup

7. To: City Council

I will be hosting and leading a city wide cleanup on April 21, 2012, meeting at 10:00 am at Memorial Field parking lot. Depending on the amount of volunteers, we are looking to clean as much of the city as possible. We are looking for teams of friends and neighbors to help with this as the final goal is to clean our city and make it as presentable as possible.

We all take pride in our city and now its time to begin restoring our image. The Mayor's Office, along with the City Council, has already taken drastic steps in removing blight in our city, and there is more to come. However, those are the large details. The smaller details are equally important, if not more important, because the smaller steps are more visible. We will, again be working as a team to improve our image and the overall cleanliness of our city. Refreshments will be provided by businesses who have generously donated to this program.

MAYOR GEOFFREY SYMANSKI

- 27 – April 16, 2012

Moved by Pirowski, seconded by Noman to receive and file.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Sale of Stolen Property

8. To: City Council

I wish to curb a growing trend that has risen in the City of Lackawanna and throughout our state. The City has experienced an unusually high amount of home invasions. Much to my delight, our detectives were able to catch the perpetrators in a short period of time. Unfortunately for the victims, it wasn't quick enough. The victims were robbed of personal property, including heirloom jewelry, weapons, televisions, computers, etc.

Currently, the state has a strong law regarding the sale of stolen property to pawn shops, but there is not a law regarding the sale of jewelry to jewelry stores. Although these culprits were arrested and some of the weapons, TVs and other personal items were recovered, the jewelry was sold to local jewelry stores and was melted down within 24 hours making it impossible for the family jewelry to be identified and returned to the rightful owner.

I am asking our state legislators to "beef up" and co-sponsor a current bill that is sitting in the NYS Assembly, number A8824, that will assure that jewelers will not only have a photograph of the seller of the jewelry, as the law is currently written, but also to assure that purchasers will have to postpone the melting down of their newly acquired gold and other precious metals for a reasonable time, in order to allow law enforcers to finalize any potential investigations into lost or stolen property.

MAYOR GEOFFREY SZYMANSKI

Moved by Pirowski, seconded by Noman to approve request, copy of communication to be sent to Assembly Members.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Department/Division Heads

Advertise for bids – Fire Department

9. To: City Council

Chief Galanti is requesting your honorable body to grant permission to bid the purchase of smoke/CO2 detectors and children's' fire prevention material for the expansion of the Knox Box program currently in place. There are leftover monies from 2010 Assistance to Firefighter Grant and this money can only be used for fire prevention activities as indicated above. Also, the fire department has received Assistance to Firefighters Grant for a new pumper. Chief Galanti is requesting your honorable body to grant permission to place this item up for bid.

DANA BRITTON, DIR. PUBLIC SAFETY

Moved by Kulczyk, seconded by Noman to grant permission.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

National Prescription Drug Drop Off Day

10. To: City Council

For your information attached please find the flyer designating National Prescription Drug Drop off Day scheduled for Saturday, April 28, 2012 between 10 am and 2 pm.

RALPH MIRANDA, DIRECTOR OF DEVELOPMENT

Moved by Lewis, seconded by Kulczyk, to receive and file.
Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Hannah Demolition- Demo of 61 and 235-237 Ingham Avenue

11. To: City Council

On Thursday, April 5, 2012, bids were opened on the demolition of 61 and 235-237 Ingham Avenue. I recommend you award the contract to Hannah Construction for both properties for the total sum of \$36,000.

235-237 Ingham - \$16,500

61 Ingham - \$19,500

RALPH MIRANDA, DIRECTOR OF DEVELOPMENT

Moved by Noman, seconded by Lewis, to award contract to Hannah Demolition Co.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Energy Savings Plan – National Grid/Lime Energy

12. To: City Council

I have been working on an energy savings plan with National Grid and Lime Energy and have received a lighting assessment for the Senior Center and the DPW. I respectfully request a work session to discuss this in detail with your honorable body.

TOM NICOMETO, PURCHASING AGENT

Moved by Pirowski, seconded by Noman to approve request.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

School Board Elections – Use of Bocce Court

13. To: City Council

On behalf of the Lackawanna Board of Education, I am requesting the use of the Bocce Court once again for our upcoming May 15, 2012 regular election. This election is to approve the 2012-2013 School budget and also to elect three (3) board members.

As stated before, our election will be held between the hours of 12 noon and 9 pm. Inspectors would need access to said building at 11:30 am on that day.

I humbly ask to be placed on the next agenda of April 16, 2012 for Council approval.

ANNETTE IAFALLO, SCHOOL CLERK

Moved by Pirowski, seconded by Noman to table for study.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Veterans Recognition Weekend

14. To: City Council

Col. Weber Post 898, Post 63, Beth-Toomey Detachment, AM Vets 897 and the Matthew Glab Post 1477 are planning the 2nd Annual Veterans Recognition Weekend to be held on June 9 and 10, 2012.

The festivities will include the following:

June 9- Golf Tournament at Holland Hills CC and a quarter chicken dinner to follow at the Matthew Glab Post 1477

Baker Victory Services-Martin Road Residential Facility

17. To: City Council

Please accept this letter as our formal request to be placed on the Council agenda for April 16, 2012 to introduce the Baker Victory Services Residential Treatment Facility Project.

COREY AUERBACH FOR DAMON MOREY LLP

Moved by Pirowski, seconded by Noman to grant request to address the council.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Lewis to remove from the table, resolution appointing Deputy City Clerk.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Resolution #11, 2012

Be it resolved that Gail Nicholson, is hereby appointed to the position of Deputy City Clerk of the City of Lackawanna.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Noman to waive rules, to accept resolution into Council agenda regarding limiting individual industrial development agencies.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Resolution #12, 2012

Whereas, Erie County currently has six Industrial Development Agencies, and

Whereas, only one, the Erie County Industrial Development Agency (ECIDA) serves the entire county with its sole purpose to entice and encourage businesses to locate within Erie County, and

Whereas, there are five individual IDA's that are in competition with each other, and

Whereas, these individual town IDA's use tax dollars that are entitled to all communities for self promotion and development, using other communities for self promotion and development, using other communities' revenues to lure businesses into the town IDA communities, and

Whereas, as a city that does not have its own IDA, but relies on the ECIDA, we find it unconscionable that other communities will use our much needed tax dollars to bring in businesses to other communities.

Now therefore be it resolved, that the city of Lackawanna demands that the State of New York reexamine how individual town and village IDA's use tax dollars in order to allow a fair and level playing field; and be it further

Resolved, that the city of Lackawanna recommends that the State of New York authorize individual town and village IDA's to use only the tax dollars generated in that specific community to entice business and not use sales tax revenues or other county funds for individual town business projects and be it finally;

Resolved, that this resolution shall take effect immediately.

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

Yeas: Noman, Kulczyk, Pirowski Carried 3-1

Nays: Lewis

Moved by Pirowski, seconded by Kulczyk, meeting is adjourned.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

HENRY R. PIROWSKI, COUNCIL PRESIDENT

JACQUELINE A. CAFERRO, CITY CLERK

**AGENDA
COUNCIL MEETING
MONDAY, MAY 7, 2012
COUNCIL CHAMBERS
www.lackawannanv.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.

Roll Call: Council: Present: Noman, Kulczyk, Lewis, Pirowski
Dept.Heads: Present: Law, Recreation, Development
Excused: Public Works, Public Safety

Approval of Minutes of regular meeting of April 16, 2012.

Moved by Pirowski, seconded by Kulczyk to adopt minutes as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Compt. – AP Check Listing #32, April 12, 2012
2. City Compt. – AP Check Listing #33, April 19, 2012
3. City Compt. – AP Check Listing #34, April 26, 2012.
4. City Compt. – AP Check Listing #35, April 30, 2012.
5. City Clerk – Monthly report for April 2012.
6. City Treas. – receipts deposited into general fund, April 2012

Moved by Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from the Mayor:

Appointment of Director of Recreation

7. To: City Council

By virtue of the power vested in me as Mayor of the city of Lackawanna, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the City Charter, I hereby appoint Jonathan Haux as Director of Parks and Recreation, serving at the pleasure of the Mayor, City of Lackawanna for a term of four years, effective immediately.

Moved by Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Department/Division Heads:

Standard work Day Reporting

8. To: City Council

Attached for your review and approval is the standard work day reporting resolutions for employees and the elected and appointed officials. The forms are utilized to establish the standard working day for each position within the city as required by NYS and local retirement system.

ROBERT MARCINIAK CITY COMPTROLLER

Moved by Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Cancellation of Tax Liens, ECIDA

9. To: City Council

Submitted herewith is a resolution authorizing the cancellation of tax liens on property owned by ECIDA Agency, pursuant to Real Property Tax Law. Section 1138.

NORMAN LEBLANC, CITY ATTY.

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

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Use of Bocce Court – school elections

10. To: City Council

Communication advising the Council of the court action by Judge NeMoyer directing the City Council to allow the use of the Bocce Court building for the school elections on May 15, 2012.

NORMAN LEBLANC, CITY ATTY

Moved by Pirowski, seconded by Noman to receive and file communication, school is allowed the use of Bocce Court Building for elections.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Resolutions:

Resolution #13, 2012

A resolution pursuant to section 1138(6)(b) of the Real Property Tax Law, the enforcing officer of the tax district, the City of Lackawanna shall issue a certificate of cancellation and file the same with the Erie county Clerks Office from the issuance of the Certificate of Cancellation, regarding the cancellation of tax liens for Erie County Industrial Development.

Moved by Pirowski, seconded by Kulczyk to adopt resolution as written.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Moved by Pirowski, seconded by Lewis, to move to executive session at 7:35 pm.

Meeting reconvened at 9:20 pm.

Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski

Moved by Kulczyk, seconded by Pirowski, meeting is adjourned.

HENRY R. PIROWSKI, JR. COUNCIL PRESIDENT

JACQUELINE A. CAFERRO, CITY CLERK

COUNCIL MEETING

COUNCIL CHAMBERS
MONDAY MAY 21, 2012
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/Pledge of Allegiance

NB: Meeting being recorded

Roll Call: Present: Noman, Kulczyk, Lewis, Pirowski

Dept Heads: Present: Law, Public Works, Public Safety, Recreation, Development

Approval of Minutes of regular meeting of May 7, 2012

Moved by Pirowski, seconded by Lewis to adopt minutes of regular meeting of May 7, 2012.

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Departmental Reports:

1. City Compt. – AP Check Listing #36, May 4,2012
2. City Compt. – Statement of Condition of Appropriations, April 30,2012

Moved by Pirowski, seconded by Noman to receive and file departmental reports one and two.

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Communication from the Council:

Appointment of Second Ward Council Member

3. To: City Council

I request council approval of the attached resolution appointing Rebecca Darch as Council Member of the Second Ward, a vacancy left by then Council Member Szymanski.

COUNCIL PRESIDENT HENRY PIROWSKI

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

Yeas: Noman, Lewis, Pirowski

CARRIED 3-0

Nays: Kulczyk

Hispanic Heritage Family Days

4. To: City Council

I request Council approval for use of city property located at 264 Ridge Rd, plus use of the city stage for the Hispanic Heritage Family Days on Saturday and Sunday, June 16th and 17th, 2012.

There will be a coordinated effort by the committee headed by myself and to bring a flavor of Youth and Senior Family Activities, accompanied by music, food and entertainment for all the family.

COUNCIL PRESIDENT HENRY PIROWSKI

Moved by Pirowski, seconded by Lewis to table for study

Yeas: Noman, Kulczyk, Lewis, Pirowski

CARRIED 4-0

Transfer of Funds – Demolition of 187 Holbrook

4. To: City Council

I am requesting an ordinance transferring \$25,000 from the City General Fund to code A3620.466 for the demolition of the vacant and dilapidated city owned property at 187 Holbrook St.

Based on the condition of this house and the amount of complaints from neighboring residents this is the worst house on Holbrook Street.

Again, I ask for your support in funding to tear down vacant eyesores since they are a serious hazard to the community.

COUNCIL MEMBER NOMAN

Moved by Pirowski , seconded by Noman to direct City Clerk to advertise for bids of demolition

Yeas: Noman, Lewis, Kulczyk, Pirowski CARRIED 4-0

Stop Sign – Wilmuth & Olcott

6. To: City Council

I am requesting a stop sign at Wilmuth and Olcott streets to be installed.

COUNCIL MEMBER NOMAN

Moved by Pirowski , seconded by Kulczyk to refer to Traffic Safety Advisory Board and Public Safety for their recommendation

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Left Hand Turn on Lehigh from Ridge Road

7. To: City Council

After talking with concerned citizens of the City of Lackawanna First Ward, they would like to be allowed a left hand turn on Lehigh Avenue. A no left hand turn has caused an inconvenience for the citizens who live in the area. I am requesting the sign on Centennial Bridge with traffic ordinance to be allowed a left hand turn on Lehigh Avenue from April 1st thru December 1st.

COUNCIL MEMBER NOMAN

Moved by Pirowski , seconded by Kulczyk to refer to Traffic Safety Advisory Board and Public Safety for recommendation

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Communications from Department/Division Heads:

MS4 Report

8. To: City Council

Attached for your review is the City of Lackawanna's MS4 Annual Report.
DIRECTOR OF DEVELOPMENT RALPH MIRANDA

Moved by Pirowski , seconded by Noman to receive and file

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Grant Writers for City of Lackawanna

9. To: City Clerk

Please put the attached resolutions regarding the Rotella Grant Management on the agenda for council approval.

CITY ATTORNEY NORMAN LEBLANC, JR

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

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Standard Work Day- NYS Retirement System

10. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Employees (Form RS 2418). The forms are utilized to establish the standard work day for each position within the City as required by the NYS and Local Retirement System.

CITY COMPTROLLER ROBERT MARCINIAK

Moved by Pirowski, seconded by Noman to approve standard work day resolution per NYS Retirement System.

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

Advertise for Bids – Resurfacing Ingham Avenue

11. To: City Council

I respectfully request that the City Council authorize the City Clerk to advertise for bids for the City’s 2012 Paving Program. As you are aware, part of this program will involve the cold milling and construction of a new asphalt surface on Ingham Avenue from Ridge Road south to School Street in the First Ward.

COMMISSIONER OF PUBLIC WORKS THOMAS LOVE

Moved by Pirowski, seconded by Noman to direct the City Clerk to advertise for bids for resurfacing of Ingham Avenue.

Yeas: Noman, Kulczyk, Lewis, Pirowski CARRIED 4-0

12. Entertainment Licenses:

Col. Weber Post – 2909 South Park – Class 1 live music - \$50.00

Beef & Ale – 3167 South Park – Class 1 – live music = \$50.00

Knights of Columbus – 2838 South Park – Class 1 - live music - \$50.00

Matthew Glab Post – 1965 Abbott Road – Class 1 – live music - \$50.00

Red Eye Saloon – 1311 Abbott Road – Class 1 – live music - \$50.00

Moved by Pirowski, seconded by Noman to approve entertainment licenses.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Communications from Citizens:

Chamber of Commerce Agreement

13. To: City Council

Attached is the enclosed contract between the City of Lackawanna and the Lackawanna Area Chamber of Commerce

Lackawanna Chamber of Commerce Executive Director Michael Sobaszek

Moved by Lewis, seconded by Noman to table for study for more information from Chamber of Commerce.

Yeas: Noman, Kulczyk, Lewis, Pirowski Carried 4-0

Dynasty Football – Use of Veterans Stadium

14. To: City Council

On behalf of the Lackawanna Dynasty Semi-Pro Football Organization, I, Laurent Swanson request the use of Veterans Stadium for the following dates and times:

June 23, 2012 (5pm-11pm)
July 14, 2012 (5pm-11pm)
August 11, 2012 (5pm-11pm)
August 25, 2012 (5pm-11pm)

If the team is fortunate enough to make it to the playoffs, additional dates during the month of September will be needed as well. Those specific dates will be scheduled toward the end of the season.

For the safety of our players and spectators, the team is insured through Kathy Insurance Agency with Riverport Insurance Company as our provider.

OWNER AND HEAD COACH LAURENT SWANSON, JR

Moved by Pirowski, seconded by Lewis to table for study, liability insurance certificate holder must be the City of Lackawanna, dates coincide with Lackawanna festival.

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Live Music request – Mark Kielbasa

15. To: City Council

I request permission to conduct live music at his family reunion on July 14th located at 306 Center Street.

MARK KIELBASA

Moved by Pirowski, seconded by Noman to approve request for live music.

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Swan Street – Block off street – Garden Party

16. To: City Council

I requests permission to block Swan Street on June 8th from 4 pm to 7 pm for Garden Party.

YAKESIA BRADLEY

Moved by Lewis, seconded by Noman, request is granted to block off Swan Street from 4pm to 7pm on June 8th, 2012

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Resolutions #14- 2012 Rotella Grant Agreement

Whereas, it is in the best interests of the City to enter into an agreement with Rotella Grant Management for professional services necessary to assist the City of Lackawanna with grant writing services: and

Whereas, attached hereto is a copy of the proposed agreement: and

Whereas, the City Council deems it in the best interests of the City of Lackawanna to enter into said agreement.

Now, therefore be it resolved, that the Mayor be and hereby is authorized and directed to execute said agreement on behalf of the City of Lackawanna.

Finally, resolved, THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

RESOLUTION 2012 APPOINTMENT OF 2ND WARD COUNCIL MEMBER

Whereas, a vacancy exists in the elective office of Council Member Second Ward: and

Whereas, said vacancy shall be filled in accordance with Chapter 3, Section 3.2 of the City Charter by council appointment of a qualified person to serve as Council Member Second Ward, expiring on December 31,2012: and

Whereas, the 2nd Ward Democratic Committee members voted unanimously to endorse Thomas Burke to fill the vacancy for the remainder of the 2012 calendar year.

NOW THEREFORE BE IT

Resolved, that Thomas Burke is appointed to serve as council member of the Second Ward, City of Lackawanna, expiring on December 31,2012: and be it further

Resolved, that the City Clerk be and is hereby authorized to forward a certified copy of this resolution to the Mayor, City Comptroller, City Council and other concerned parties.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Moved by Kulczyk to appoint Tom Burke as Council Member of the 2nd Ward.

No second on motion- motion failed

RESOLUTION #15, 2012 APPOINTMENT OF 2ND WARD COUNCIL MEMBER

Whereas, a vacancy exists in the elective office of Council Member Second Ward: and

Whereas, said vacancy shall be filled in accordance with Chapter 3, Section 3.2 of the City Charter by council appointment of a qualified person to serve as Council Member Second Ward, expiring on December 31, 2012: and

Now, therefore, be it

Resolved, that Rebecca Darch is appointed to serve as council member of the Second Ward, City of Lackawanna, expiring on December 31, 2012: and be it further

Resolved, that the City Clerk be and is hereby authorized to forward a certified copy of this resolution to the Mayor, City Comptroller, City Council and other concerned parties.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Lewis to appoint Rebecca Darch as Council Member of the 2nd Ward.

Yeas: Noman, Lewis, Pirowski

Abstain: Kulczyk

Carried 4-0

Tabled Items:

Adjournment

Moved by Pirowski, seconded by Kulczyk. Meeting is adjourned.

Yeas: Noman, Kulczyk, Lewis, Pirowski

Carried 4-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

COUNCIL MEETING

COUNCIL CHAMBERS

MONDAY JUNE 4, 2012

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/Pledge of Allegiance

Roll Call: Present: Noman, Darch, Kulczyk, Lewis, Pirowski

**Dept Heads: Present: Law, Public Safety, Recreation, Development
Absent: Public Works**

Approval of Minutes of regular meeting of May 21, 2012

Moved by Pirowski seconded by Noman to adopt minutes of regular meeting of May 21, 2012.

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Department Reports:

1. City Compt. – AP Check Listing #37, May 14, 2012
2. City Compt. – AP Check Listing #38, May 17, 2012
3. City Compt. - AP Check Listing #39, May 24, 2012

Moved by Pirowski, seconded by Noman to receive and file departmental reports one, two and three.

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Communications from the Mayor:

Luis M Matta Way

4. To: City Council

Members of the Hispanic community have requested that we rename Gates Avenue. As you are probably aware, the City, from time to time, has renamed other streets with honorary titles, such as: Ridge Rd. = Father Baker Boulevard, Wasson Avenue = Mount Olive Way and Holland = Deacon John Burton Way. It means a lot to the Hispanic community to rename this street and I fully support this effort.

The cost to “rename” the street will be the cost of a new street sign.

MAYOR-GEOFFREY M. SZYMANSKI

Moved by Kulczyk, seconded by Noman to act on resolution renaming Gates Ave

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Agenda Items – Removal

5. To: City Council

On Tuesday, May 15, 2012, the City Attorney clocked in an item to be placed on the agenda for the regular scheduled council meeting. It never made it to the agenda. This was an item that was requested to be submitted by the Deputy City Attorney, who sat in at the meeting.

MAYOR GEOFFREY SZYMANSKI

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Sponsor a Kid

6. To: City Council

I am submitting a slinger that has been posted around City Hall regarding “Sponsor a Kid Day” for the festival. This is to help children who may not have

the means to fully enjoy themselves at our festival due to financial difficulties at no fault to the children.

The cost is a mere \$18.00 and yet we will be able to allow a child hours of entertainment, along with a hot dog and soft drink.

I will be sponsoring two (2) children, I challenge each of the City Council and Department Heads to meet my number and help those who may need some uplifting.

Sponsorships are due by June 8th.

Thank you for your cooperation and support.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Planning Board Ineligibility- Council Member Lewis

7. To: City Council

It is with great regret that I am to inform you that you are not eligible to serve on Lackawanna's planning board.

I reached out to all members of the City Council to see who would like to serve on the planning board, as a good faith measure and in spirit of cooperation between branches of government. It wasn't until I had a recent conversation with former Council President Ronald Spadone that I found out that City Council members are not eligible to serve on the planning board. I researched the archives of the city minutes and found Mr. Spadone's letter of resignation. I was not able to locate any communications from then City Attorney, Patricia Deren.

I have included the legal precedent which prevents city council members from being able to serve. Apparently, the legal precedent was set in order to prevent potential conflicts of interests. I was not aware of this until recently.

I do apologize for the misunderstanding. My efforts and intentions were correct in trying to build a better working relationship with the City Council by allowing a member of the City Council to serve on our planning board as an appointment from the Mayor.

MAYOR-GEOFFREY M. SZYMANSKI

Moved by Pirowski seconded by Kulczyk to receive and file

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Communication from the Council:

Sale of City Owned Vehicles

8. To: City Council

As per our Commissioner of Public Works request at our 4/2/12 Council meeting regarding the selling of the following vehicles:

2008 Ford Escape VIN 1FMCU03168KC90777

2010 Ford Ranger VIN 1FT2A4FE5APA24543

I am seeking your approval to direct our Purchasing Agent to sell the two aforementioned vehicles. All proceeds would be applied to line items 7140.2 playground equipment. As stated, by our Commissioner, these vehicles are relatively new and in excellent condition, the resale value is still very high.

COUNCIL MEMBER LEWIS

Moved by Pirowski seconded by Lewis to direct Purchasing Agent to advertise for bids for the sale of the 2 vehicles.

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Demolition of Various Properties

9. To: City Council

I am asking the city attorney to obtain a court order to force the owners, two banks and three private owners, of the following vacant house to be torn down.

56 Ingham Ave (bank)

305 Ridge Rd (bank)
89 Holland Ave (bank)
110 Point St (private owner)
24 Glenwood St (private owner)
COUNCIL MEMBER NOMAN

Moved by Pirowski seconded by Noman to approve request for City Attorney to obtain court order for demolition of various properties

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Communications from Department/Division Heads:

Procurement Policy

10. To: City Council

Please put the attached ordinances on the agenda for council approval.
CITY ATTORNEY- NORMAN A. LEBLANC, JR

Moved by Pirowski seconded by Kulczyk to receive and file, act on resolution
Yeas: Darch, Kulczyk Nays: Noman, Lewis, Pirowski FAILED 3-2

Tabled Items over 60 Days

11. To: City Council

As per Council directive of the meeting of May 20, 1991, all tables items not acted upon within ninety (90) days will be deemed null and void. The city clerk shall submit to the Council for the items to be received and filed. The following are tabled items over that time limit:

<u>Meeting of:</u>	<u>Reference:</u>	<u>Submitted by:</u>
Jan 19, 2012	Resolution- Appt 2 nd Ward Council member	
Feb 6, 2012	Comm #5-Ad for bids-Martin Rd Project	Noman
Feb 6, 2012	Comm #6-Req transfer of funds-demolitions	Noman
Feb 6, 2012	Comm #8-Sale of property-15 Colton	Assessor
Feb 6, 2012	Comm #9-Sale of property-48 Steelawanna	Assessor
Feb 6, 2012	Comm #10-Sale of 27-33 Bethlehem St	Assessor

CITY CLERK JACQUELINE CAFERRO

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Purchase Offer of 32 Ingham

12. To: City Council

I have received a purchase offer from Alamira Hezaim of 23 Fowler to purchase the property located at 32 Ingham Ave. for \$500. The parcel is vacant with a lot size of 30 x 120 with an assessed value of \$4,200.

It is my recommendation that the City Council NOT sell the parcel for \$500. Minimum Selling price should be at least \$1,000.

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Noman seconded by Pirowski to table for study

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Purchase Offer of 207 Center

13. City Council

I have received a purchase offer from Malloche Ahmed of 205 Center St. to purchase the property located at 207 Center St. The parcel is currently vacant with a lot size of 30 x 120 and an assessed value of \$3,500.

It is my recommendation that the City Council NOT sell the parcel for \$500. Recommend price should be \$1,000 Minimum

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Pirowski seconded by Lewis to table for study

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Purchase offer of 48 Steelawanna

14. To: City Council

I have received a purchase offer from Mohammed Fayad of 28 Clark St. to purchase the property located at 48 Steelawanna. The parcel is being held for NPR group and should not be sold.

It is my recommendation that the City Council **NOT** sell the parcel for \$1000. Held for Development of new homes.

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Pirowski seconded by Lewis to table for study

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Sale of 2 Police Vehicles

15. To: City Council

This letter serves to request your honorable body allow the purchasing agent, Tom Nicometo, to sell the 2 police vehicles listed below after two (2) new vehicles are purchased and have been put into service.

2008 Ford- VIN 2FAHP71VX8X131067

2008 Ford- VIN2FAHP71V18X131068

DIRECTOR OF PUBLIC SAFETY DANA BRITTON

Moved by Pirowski seconded by Noman to grant request to sell the 2 police vehicles

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Adjusted Base Proportions

16. 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.

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Lewis seconded by Noman to approve the adjusted base proportions
Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Purchase Offer of 31 Holland

17. To: City Council

I have received a purchase offer from Candace Brown of 27 Holland Ave. in the amount of \$500. The parcel will be used to extend their current yard; we cannot sell this parcel to Candace Brown as she does not own any adjacent property.

It is my recommendation that the City Council **NOT** sell the parcel to Candace Brown for \$500.

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Noman seconded by Pirowski to table for study

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Purchase Offer of Swan St

18. To: City Council

I have received a purchase offer from Belinda Cruzado of 179 Willmuth St. in the amount of \$1,000. The parcel will be used to extend their current yard, we cannot sell this parcel which is currently a paper street and is access to rear of Willmuth property.

It is my recommendation that the City Council **NOT** sell the parcel to Belinda Cruzado for \$1,000.

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Noman seconded by Pirowski to table for study

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Purchase Offer of 4 Joseph Court

19. To: City Council

I have received a purchase offer from Marcus & Jennifer Rogowski of 6097 Woodford Dr in Lakeview NY in the amount of \$20,000. The parcel will be improved with single family home. The offer complies with the current covenants on file except for the request to have an asphalt driveway.

It is my recommendation that the City Council sell the parcel to Marcus & Jennifer Rogowski for \$20,000 plus Closing cost.

If approved by Council buyer shall be liable for all fees and cost of survey if needed.

CITY ASSESSOR FRANK KRAKOWSKI

Moved by Lewis seconded by Pirowski to deny request for sale of parcel

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Communications from Citizens:

Block Party –Washington St.

20. To: City Council

I request to obtain permission to have a block party on June 30th, 2012. Event is in honor of my son Marcus Rivers who has recently signed with the Green Bay Packers. I would like to block off Washington St between Steelawanna and Wilkesbarre Sts between 11 AM and 6 PM. The plan is to have music, food and activities.

ELAINE RIVERS

Moved by Kulczyk seconded by Pirowski to table for study

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Hard Entertainment Summer Basketball Program

21. To: City Council

Hard Entertainment has put together a Summer Basketball program open to anyone throughout the surrounding areas. With help from the city council I know we can make this program a great success. Your in-kind service whether it be security, equipment, or financial etc., will be dearly appreciated.

HARD ENTERTAINMENT PRESIDENT DAVID HARDY

Moved by Pirowski seconded by Noman to refer to Director of Recreation for further input

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Parade during City of Lackawanna Community Fun Days

22. To: City Council

The citizens of Lackawanna's future are asking the council for permission for a parade from the baseball field to Taggart Park on Saturday starting from 10:00 AM.

We also would like permission from the council to use some of the old staging for the band that will be playing.

JOHN INGRAM

Moved by Noman seconded by Pirowski to grant request for parade and use of staging for band

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski CARRIED 5-0

Permission to Address Council –Danielle Huber

23. To: City Council

As a founder of the newly formed Lackawanna Industrial Heritage Group and a resident of Lackawanna, NY, I request to be placed on the agenda for the Common Council meeting on Monday, June 4, 2012. There are additional residents and members of this group who would like to address a number of issues and concerns about the future of the Bethlehem Steel Administration Building and current demolition plans.

DANIELLE HUBER

24. Entertainment Licenses:

Sages 3rd Base – 1213 Ridge Rd – Class 1 live music - \$50.00

Lake Erie Co-op Society – 3200 South Park – Class 1 – live music = \$50.00

Bokans Pub – 2847 South Park – Class 1 - live music - \$50.00

Bears Den – 2048 Abbott Road – Class 1 – live music - \$50.00

Post 63 – 144 Kirby – Class 2 – mechanical reproduction - \$25.00

Moved by Pirowski seconded by Kulczyk to approve all Entertainment Licenses

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Ordinances:

Procurement Policy

1. An Ordinance amending Chapter 43 City of Lackawanna Municipal Code, Procurement Policy

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

That Section 43-2 Procedures for determining whether procurements are subject to bidding is hereby amended as follows:

E. Contract for public work-above \$20,000

Contract for public work-below \$20,000 is replaced with

E. Contract for public work-above \$35,000

Contract for public work-below \$35,000

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

CITY ATTORNEY NORMAN LEBLANC

Moved by Pirowski seconded by Lewis NOT TO ADOPT ORDINANCE

Yeas: Noman, Darch, Lewis, Pirowski Carried 4 - 1

Nays: Kulczyk

Ordinance – Procurement Policy

2. An Ordinance Amending Chapter 43 City of Lackawanna Municipal Code, Procurement Policy

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

That Section 43-3 Statutory exceptions from these policies and procedures is hereby amended as follows:

Contract for public work below \$20,000 is replaced with Contract for public work below \$35,000

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

CITY ATTORNEY NORMAN LEBLANC

Moved by Pirowski seconded by Lewis NOT TO ADOPT ORDINANCE

Yeas: Noman, Darch, Lewis, Pirowski

Nays: Kulczyk

CARRIED 4-1

Resolutions #16, 2012 Honorary Luis M. Matta Way – Gates Avenue

Whereas, members of the Hispanic community have reached out to the City of Lackawanna, honoring a member of the community, and

Whereas, occasionally, the City of Lackawanna will ceremonially rename a street in honor of an important person or place, and

Whereas, the City of Lackawanna has renamed certain streets in honor of Father Baker, Deacon John Burton, and Mount Olive.

Now, therefore, be it

Resolved, that the City of Lackawanna hereby grants the honorary ceremonial renaming of Gates Avenue to Luis M Matta Way.

THIS RESOLUTION TAKES EFFECT IMMEDIATELY

Moved by Pirowski seconded by Noman to adopt as amended to rename Gates Ave, to Luis M. Matta Way

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Tabled Items

Chamber of Commerce Contract

Moved by Pirowski seconded by Lewis to remove from table Communication #13 meeting of 5/21/12

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Moved by Pirowski seconded by Lewis to approve renewal of Chamber of Commerce Contract

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Adjournment

Moved by Pirowski seconded by Lewis – meeting is adjourned

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski

CARRIED 5-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**SPECIAL COUNCIL MEETING
SATURDAY, JUNE 9, 2012 – 8:00 A.M.
COUNCIL CHAMBERS
www.lackawannany.gov**

**Meeting called to order/Pledge of Allegiance
NB: Meeting being recorded.**

**Roll Call: Present: Noman, Darch, Kulczyk, Lewis, Pirowski
Dept. Heads: Present: City Attorney**

Ordinances:

An ordinance adopting the current expense budget of the City of Lackawanna for the fiscal year 2012-2013.

Moved by Pirowski, seconded by Noman to adopt budget ordinance with the Council's figures of adoption.

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski Carried 5-0
Nays: -0-

Moved by Pirowski, seconded by Lewis, meeting is adjourned.

Yeas: Noman, Darch, Kulczyk, Lewis, Pirowski Carried 5-0

Henry R. Pirowski, Jr. Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY JULY 9, 2012
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/Pledge of Allegiance

Roll Call: Present: Noman, Darch, Lewis, Pirowski

Absent: Kulczyk

Dept Heads: Present: Law, Pub. Safety, Recreation. Development

Absent: Public Works

**Approval of Minutes of special meeting of June 9, 2012 and regular meeting of June 18, 2012
Moved by Council Member Pirowski, seconded by Noman to adopt minutes as written**

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Departmental Reports:

1. City Compt. – AP Check Listing #42, June 14, 2012
2. City Compt. – AP Check Listing #43, June 21, 2012
3. City Clerk- Monthly report of June, 2012
4. City Treasurer-Receipts deposited into general funds, June 2012
5. City Compt.- AP Check Listing #44, June 29, 2012

Moved by Council Member Pirowski, seconded by Noman to receive and file departmental reports one through five.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from the Mayor

Veto Message

6. To: City Council

Submitted herewith is my veto message together with the ordinance adopted by the Council on June 9, 2012. Please place the message and ordinance on the agenda for the next regularly scheduled council meeting.

(Complete text on file in the City Clerk Office)

MAYOR-GEOFFREY M. SZYMANSKI

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from Department/Division Heads

Welded Tube USA

7. To: City Council

Welded Tube USA, Inc. and an affiliate to be formed to own and operate the portions of the Project described below, (collectively, "Welded Tube") as well as the Krog Corporation ("Krog") (jointly, Welded Tube and Krog shall be referred to as "Applicant") have submitted an application ("Application") to the City of Lackawanna Planning and Development Board for Site Plan Approval to construct and operate a cold formed steel pipe and tube manufacturing facility ("Project") on a portion of the former Bethlehem Steel site in the City of Lackawanna, New York..

In connection with the Application, Applicant requests that at its meeting on July 9, 2012. The City Council make a determination of the Project's consistency with the City's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 223 of the Code of the City of Lackawanna (City of Lackawanna LWRP Consistency Law) and prepare a written finding of the Project's consistency with the policies and purposes of the LWRP. Please see the completed Coastal Assessment Form.

DIRECTOR OF DEVELOPMENT- RALPH D. MIRANDA

Moved by Council Member Pirowski, seconded by Lewis to grant request, project is consistent with the City's Waterfront Revitalization Project.

Yeas: Noman, Darch, Lewis, Pirowski Nays: 0

Carried 4-0

Phone System- City Buildings

8. To: City Council

I kindly request approval to bid out the phone system, including internet, for all city buildings. The new system will be able to significantly lower our costs and increase internet speed while having one provider for all buildings.

PURCHASING AGENT-THOMAS NICOMETO

Moved by Council Member Noman seconded by Pirowski to grant request, Purchasing Agent is authorized to bid out phone system for City buildings

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Stop Sign- at Wilmuth at Olcott

9. To: City Council

I am requesting an ordinance for an existing erected sign on Wilmuth at Olcott. When I searched ordinance records on file in the City Clerk’s office, there is no ordinance on file for this sign.

Requested ordinance for new stop sign- Wilmuth at Olcott, north bound.

DIRECTOR OF PUBLIC SAFETY- DANA J. BRITTON

Moved by Council Member Pirowski, seconded by Noman to refer to City Attorney to prepare necessary ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Discussion of Bids for 187 Holbrook

10. To: City Council

As per your request, bids were opened this morning on the above property and I would like to discuss the results of the bids.

COMMISSIONER OF DEVELOPMENT- RALPH D. MIRANDA

Moved by Council Member Pirowski, seconded by Lewis to received and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

City Owned Property for Sale

11. To: City Council

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

CITY ASSESSOR- FRANK E. KRAKOWSKI

Moved by Council Member Pirowski seconded by Noman to approve request, adopt list of City owned properties available for sale.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Standard Work Day Report

12. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the work day for each position within the City as required by the New York State and Local Retirement System.

CITY COMPTROLLER- ROBERT C. MARCINIAK

Moved by Council Member Pirowski seconded by Lewis to approve standard work day reporting resolution as required by NYS Retirement System.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Installation of “Disabled Child Area” sign

13. To: City Council

This letter serves to request your honorable body approve the installation of a “**DISABLED CHILD AREA**” sign at 29 Holbrook for a special needs child.

This is at the request of parents and the Heritage Center.

DIRECTOR OF PUBLIC SAFETY- DANA J. BRITTON

Moved by Council Member Noman seconded by Pirowski to approve request, “Disabled Child Area” sign to be installed at 29 Holbrook.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Traffic Ordinances

14. To: City Council

Results of a traffic study conducted by Traffic Safety Advisory Board indicate the following:

- Increase the time for the green arrow for westbound traffic turning south onto Abbott Rd by seconds at Ridge and Abbott, and then traffic travelling westbound on Ridge Rd. should go to green.
- Make Nason Parkway, between Electric and alley, a two-way street. Also, install a “**NO OUTLET**” sign at Electric and Nason.

DIRECTOR OF PUBLIC SAFETY- DANA J. BRITTON

Moved by Council Member Pirowski, seconded by Noman to table for study, refer to City Attorney for necessary ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Adjusted Base Proportions

15. To: City Council

The City Council at the June 4, 2012 Meeting Passed the Adjusted Base Proportions with a 5-0 vote, attached are the resolutions needed to support that vote.

CITY ASSESSOR- FRANK E. KRAKOWSKI

Moved by Council Member Pirowski, seconded by Noman to receive and file and act on resolution.

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Nays: 0

Lackawanna City School District- Homestead/Non-Homestead Base Proportions

16. To: City Council

In adopting your budget for Fiscal Year 2012-13, you authorized a shift of 20% from the Non-Homestead Base Proportion to the Homestead Base Proportion to provide some relief to our Non-Homestead tax payers. In order to effectuate this shift, it is necessary to adopt a resolution to this effect.

City Assessor Krakowski has submitted two (2) resolutions for your consideration which would result in a shift of 20% to not only the base proportions of the City but of the Lackawanna School District as well. Mr. Krakowski understood that, since the City is the assessing unit for the School District, any shift in the City's base proportions required the same shift in the proportions for the School District.

On June 15, 2012, Carl Morgan, School Board Attorney wrote the Mayor and the Council and included a Resolution adopted by the School Board requesting that the City not make the shifts. At the June 18, 2012 Council meeting, several residents, including Diane Kozak, spoke in support of the District's request, based upon the belief that a shift in the City's base proportions required an identical shift for the School District.

Admittedly, my reading of section 1903 of the Real Property Tax Law made me uncertain as to whether or not the City was required to adopt an identical shift for the School District. I subsequently spoke with Christine Bannister at the Batavia office of NYS Real Property Tax Services, who interpreted the statute as required a shift in the base proportions used by the District. However, she recommended that I speak with Joseph Gerber, an attorney in charge of this area of the Real Property Tax Law at the Albany office of Real Property Tax Services. Ms. Bannister is not an attorney.

After several unsuccessful attempts, I finally reached Mr. Gerber. He disagreed with Ms. Bannister's reading of the law. He informed me that his office was of the opinion that only the City, as the assessing unit for the School District, can establish the base proportions for the School District. However, it could accede to a request by the District to adopt a different base proportion for the School District.

The Resolutions submitted by Mr. Krakowski would shift the base proportions for both the City and the School District. However, submitted herewith is an alternate Resolution which would, if adopted, leave unchanged the proportions for the School District for Fiscal Year 2012-2013.

Again, the decision of whether or not to shift the base proportions is one totally resting with the Council. However, if you wish to honor the School Board's request, then I would ask that you adopt the Resolution I am submitting, which would provide for no shift in the base proportions for the School District. If you wish to make a shift, then you should adopt the Resolution submitted by Mr. Krakowski. Of course, we ask that you adopt the resolution providing for the 20% shift in the City's base proportions.

It is imperative that you act at the Council meeting scheduled for July 9, 2012. If you do not adopt the Resolutions, we will not have time to do so before the first-half tax bills must be sent out.

CITY ATTORNEY- MORMAN A LEBLANC

Moved by Council Member Pirowski, seconded by Noman to receive and file, act on Resolution.

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Nays: 0

BOYS Association Funding

17. To: City Council

I have been informed of the opportunity for our organization to receive reimbursement from the Recreation department for the 2012 baseball and softball season. Enclosed is a list of Lackawanna city residents that participated in our organization this year. Any reimbursement funds are greatly appreciated and can be made out to the B.O.Y.S. Association of Lackawanna.
RANDY KRAKOWSKI- PRESIDENT OF BOYS ASSOCIATION

Moved by Council Member Noman, seconded by Pirowski to approve request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Business License

18. Bishops Takeout-145 Steelawanna Ave.

Moved by Council Member Lewis, seconded by Noman to approve the Business License

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolutions

Resolution No. , 2012

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 2012-2013, It is hereby established:

That the Council hereby adopts a 0% shift of its adjusted base Proportions Resulting in the flowing *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
0%	45.29755	54.70245

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolution No. 17, 2012

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 2013-2013, It is hereby established:

That the Council hereby adopts a 20% shift of its adjusted base Proportions Resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
20%	50.638540	49.361460

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Lewis to adopt Resolution as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolution No. 18, 2012

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 2012-2013, It is hereby established:

That the Council hereby adopts a 20% shift of its adjusted base Proportions Resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
20%	51.23640	48.763760

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Lewis to adopt Resolution as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Ordinances

AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CITY OF LACKAWANNA FOR THE FISCAL YEAR 2012-2013

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

Section1 The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10th day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2012 through July 31, 2013, showing all City expenditures and revenues and including the Real property tax rate.

Section 2 That the sum of \$8,922,289.00 being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2012-2013 fiscal year, apportioned in the amount of \$4,571,445.00 qualifying as a homestead properties and \$4,350,844.00 non-homestead properties, in accordance with the detailed statement of revenues and expenses as estimated and adopted by the City Council, be and the same is hereby levied upon all Real and personal property subject to taxation upon the assessment roll of the City of Lackawanna for the 2012-2013 fiscal year.

Section 3 That the sum of \$975,000 is adopted by the City Council for the Fiscal year 2012-2013 as its Capital Budget Appropriation

Tabled Items:

Moved by Council Member Pirowski to remove Communication #21, meeting of June 4, 2012 from the table

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Moved by Council Member Pirowski, seconded by Lewis to retable Communication #21.

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Adjournment

Moved by Council Member Pirowski, seconded by Lewis to adjourn.

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**SPECIAL COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY JULY 19, 2012
www.lackawannany.gov**

Special 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/Pledge of Allegiance
NB: Meeting is being recorded

Council President Pirowski requests a moment of silence in honor of Council Member Kulczyk

Roll Call: Present: Noman, Darch, Lewis, Pirowski

Communications from Department Heads/Division Heads:
2012 Pavement Replacement Project-Resurfacing of Ingham Avenue

1. To: City Council

This office has completed its due diligence in thoroughly checking the references of Occhino Corporation regarding previous project performance. Based on this process, It is felt that they can satisfactorily complete the 2012 Paving Project.

Attached please find a letter from TVGA Consultants summarizing the bids of the City of Lackawanna's 2012 Pavement Replacement Project for Ingham Avenue and South Street. I respectfully request that your Honorable Body schedule a special meeting and take the appropriate action to award this contract, as soon as possible. Failure to act immediately will result in a delay in the project as the County Representative for the Community Development Block Grant Program is scheduled to be on vacation from 7/24/12 to 8/1/12.

COMMISSIONER OF PUBLIC WORKS-TOM LOVE

Moved by Council Member Pirowski seconded by Noman to approve request, to award contract for resurfacing of Ingham Avenue to Occhino Corporation, low bid.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Fire Pumper- Advertise for Bids

2. To: City Council

I would like permission to rebid the new pumper. All seven proposals in the former bid did not meet our required specifications and the committee feels that we can offer new specifications that will meet the department’s needs at the lowest cost to the City.

FIRE CHIEF- RALPH GALANTI

Moved by Council Member Pirowski, seconded by Lewis to grant request, City Clerk to advertise for bids.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

City Comptroller Agreement Resolution and Assistant City Comptroller Agreement Resolution

3. To: City Council

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

CITY ATTORNEY-NORMAN LEBLANC

Moved by Council Member Pirowski, seconded by Noman to adopt the ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

. Request for Permission to Bid New Police Vehicle:

4. To: City Council

Director of Public Safety Dana J. Britton is requesting your honorable body grant permission to bid the purchase of a 2012 Ford Taurus Police Vehicle.

. DIRECTOR OF PUBLIC SAFETY- DAN A BRITTON

Moved by Council Member Pirowski seconded by Lewis to grant request, City Clerk to advertise for bid for purchase of (1) one 2012 police vehicle.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

5. Entertainment Licenses:

Our Lady of Victory-Pennies to Heaven- 767 Ridge Rd- 2 day license

Moved by Council Member Pirowski, seconded by Lewis to approve entertainment permit for Our Lady of Victory, “Pennies to Heaven”, Lawn Fete.

Yeas: Noman, Darch, Lewis Pirowski

Nays: 0

Carried 4-0

Resolution #19, 2012- Agreement between City and Robert Marciniak

NOW THEREFORE, BE IT

RESOLVED, that the City Council does hereby approve the attached agreement between the City of Lackawanna and Robert Marciniak and hereby authorizes the Mayor to sign said agreement.

RESOLVED, that this resolution shall take effect immediately.

Moved by Council Member Pirowski seconded by Lewis to approve agreement.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolution #20, 2012- Agreement between City and Peggy Bigaj-Sobol

NOW THEREFORE BE IT

RESOLVED, that the City Council does hereby approve the attached agreement City of Lackawanna and Peggy Bigaj-Sobol and hereby authorizes the Mayor to sign said agreement.

Moved by Council Member Pirowski, seconded by Lewis to approve agreement.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Ordinance:

AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE ADOPTED JUNE 9, 2012

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

SECTION 1. That the 2012-2013 Budget Ordinance adopted June 9, 2012 is
Hereby amended to provide the additional funding for the Office
Of the City Comptroller.

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add
\$34,695 to budget code A.1315.0101, City Comptroller, Personal

Services.

SECTION 3. That \$650 is hereby added to Code A.1315.0403, Books and Periodicals.

SECTION 4. That the 2012-2013 Budget Ordinance is hereby amended to Appropriate \$34,345 of the City's Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Motion made by Council Member Pirowski seconded by Lewis to approve ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Adjournment- adjourn in memory of Council Member Frank Kulczyk

Moved by Council Member Pirowski, seconded by Lewis – meeting is adjourned

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Henry R. Pirowski, Council President

Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY AUGUST 13, 2012
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/Pledge of Allegiance

Roll Call: Present: Noman, Darch, Lewis, Pirowski

Dept Heads: Present: Law, Pub. Safety, Recreation. Development

Absent: Public Works

Approval of Minutes of special meeting of July 9, 2012 and regular meeting of July 19, 2012.

Moved by Council Member Pirowski, seconded by Noman to adopt minutes as written

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Departmental Reports:

1. City Compt. – AP Check Listing #45, July 12, 2012
2. City Compt. – AP Check Listing #46, July 19, 2012
3. City Compt.- A/P Check Listing #47, July 26, 2012
4. City Compt.- A/P Check Listing #48, July 31, 2012
5. City Compt. - Statement of Con. Of Approp. As of June 30, 2012
6. City Treasurer- receipts deposited to General Fund for month of July 2012
7. City Clerks Monthly Report for July 2012

Moved by Council Member Pirowski, seconded by Lewis to receive and file departmental reports one through seven.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from the Mayor

Mayor Szymanski- Various Concerns

8. To: City Council

I wanted to provide you with a brief review of critical issues facing the City of Lackawanna and what is presently being done to address them: (i.e.)

Proposed Garbage and Recycling Totes, Flood Plain, Ridge Road Bridge at Rosary Avenue, City Bridges, Melroy Avenue Crosswalk at Catholic Health Systems, Recreation and the Incinerator Site at DPW.

(Complete text on file with City Clerk)

MAYOR-GEOFFREY M. SZYMANSKI

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Sharon Pkwy-Stream Bank Stabilization

9. To: City Council

On July 12th, 2012, I met on-site with members of the US Army Corps of Engineers (USACOE) as well as the New York State Dept of Environmental Conservation to discuss the above referenced issue. The areas of concern involve the stream bank behind some residences on Sharon Parkway and an area behind the Croatian Church on Abbott Rd. As you are aware, this administration has been very proactive over the past several months in corresponding with these Agencies, in an attempt to remedy the situation. In addition, the DPW Commissioner had been seeking approval from these Agencies to access the stream and implement measures in an attempt to temporarily mitigate the stream bank erosion. This would be completed to give the City additional time to find the necessary resources to permanently restore the stream bank in accordance with the applicable Regulatory requirements. The result of the meeting was that the City of Lackawanna will have to prepare detailed engineering drawings and secure the proper permits from both Agencies prior to accessing the creek and completing any remedial work.

Based on this information, as a first phase of completing this work I have authorized a detailed topographic survey be completed to determine the extent of the erosion. The topographic survey that is obtained will be compared to the origin USACOE Flood Control Project as-built drawings to determine the scope of the work that is required to bring the stream banks back to their original cross sections. In addition, this will allow detailed construction cost estimates to be prepared so we know what the financial scope of the project is as well. From there, we can identify how the project may be funded by the City so that the referenced issue can be permanently resolved.

I am available to discuss this with any of the council members at your convenience.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from Council

Council Member Lewis- Various Concerns

10. To: City Council

I request Council approval for the following procedures:

1. I seek approval to direct and authorize our Purchasing Agent to seek out cost estimates for lining the crosswalk, as well as the eight traffic signs for Melroy Avenue, presented to the

Mayor and Council by the Inter-Parish Social. This would greatly assist the senior residents living in the Victory Ridge apartment complex.

2. I seek approval to direct John Stehlin, webmaster for the city website to post the adopted 2012-2013 Budget on the official website immediately.

3. I seek approval to direct and authorize the Director of Development and the City Assessor to solicit Proposals from the Western New York Builders Association and its members regarding the Martin Rd Subdivision Project.

COUNCIL MEMBER- KEITH E. LEWIS

Moved by Council Member Pirowski, seconded by Noman to grant request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Bolton St. Johns Contract

11. To: City Council

I am extremely dissatisfied with the services provided by Bolton St. Johns, LLC-Lobbying services. It costs the City of Lackawanna \$2,000.00 a month, I am asking you to cancel this contract.

COUNCIL MEMBER ABDULSALAM NOMAN

Moved by Council Member Pirowski, seconded by Lewis to table for study.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

89 Holland Foreclosure Procedure-Demolition

12. To: City Council

I am requesting the city attorney foreclosure proceedings and begin the process to demolish the property at 89 Holland Ave. Due to the uninhabitable condition of this property as per attached, the prospective purchaser of 89 Holland Ave, can no longer afford the upkeep or pay taxes of this property.

COUNCIL MEMBER ABDULSALAM NOMAN

Moved by Council Member Pirowski, seconded by Lewis to receive and file and refer to City Attorney.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Reverter Clause Extension Request

13. To: City Council

I am requesting an extension of the reverter clause as the owner of the property, of SBL-

141.52-5-13.12 149 Ingham Ave

141.5-5-13.11 31 James St

141.5-5-18 161 Ingham Ave

I am asking you to transfer the property back to me so I could build a house.
COUNCIL MEMBER ABDULSALAM NOMAN

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Reverter Clause Property Request

14. To: City Council

I am requesting from the city attorney a list of properties with provision that reverter clause was included with sale. I am requesting the list within 10 days of this meeting.

COUNCIL MEMBER ABDULSALAM NOMAN

Moved by Council Member Pirowski, seconded by Lewis to grant request and refer to City Attorney.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Floodplain Coordinator

15. To: City Council

I am requesting that the Mayor appoint a Floodplain Coordinator for the City of Lackawanna. This responsibility can be added to the job duties of a current employee of the City (i.e., someone in the development department).

The residents of Lackawanna are burdened with the responsibility of purchasing flood insurance as requested by their mortgage holders; such flood insurance is costly and in most cases, is completely unnecessary for the homeowners.

Along, with New York State Assemblyman Mickey Kearns and Erie County Legislator Lynne Dixon, a survey has been developed. The goal of the survey is to gain information regarding the floodplain in the City of Lackawanna as well as financial information regarding annual insurance costs and household income. It is imperative that there is an individual appointed in the City of Lackawanna as the Floodplain Coordinator to investigate and organize information regarding the City's flood zone.

COUNCIL MEMBER REBECCA DARCH

Moved by Council Member Pirowski, seconded by Darch to receive and file and act on resolution.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from Department/Division Heads

Lehigh Soccer Field- Use of

16. To: City Council

I received a request to use the Lehigh Soccer Field from the Athletic Director at Global Concepts Charter School for their JV Boy's and Girl's soccer teams to practice and have games. He is requesting the use of the field from 3:30pm-6:30pm Monday thru Friday and 9am-1pm on Saturdays. They are requesting to use the field from August 20th thru October 31st.

I have attached the letter of request and a copy of their Insurance policy.

DIRECTOR OF RECREATION

Moved by Council Member Pirowski, seconded by Lewis to grant request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

NYS Retirement System-Standard Work Day

17. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State Local Retirement System.

CITY COMPTROLLER- ROBERT C MARCINIAK

Moved by Council Member Pirowski seconded by Lewis to approve request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Executive Session Request

18. To: City Council

I am requesting that you meet with me in executive session on the evening of August 13, 2012, the date of the next regularly scheduled council meeting. My request is to provide me the opportunity to discuss an important litigation matter with you.

CITY ATTORNEY- NORM LEBLANC

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Hard Basketball

19. To: City Council

At the July 9, 2012 meeting of the Lackawanna city Council you were prepared to authorize \$500.00 as a contribution toward the summer basketball program which has been organized by David Hardy. At that time, I advised you not to do so as there were still unresolved questions with respect to who was going to be running the program and how it was to be run. I advised you that I had concerns about this contribution, but that if I could resolve those concerns I would authorize the payment to support the program and ask you to ratify and confirm it at the next regularly scheduled council meeting.

On June 16, 2012 I authorized payment of \$500.00 to the Baker Homes Tenant Council, after being assured by Mr. McManus, Executive Director of the Lackawanna Municipal Housing Authority, that the program was being sponsored and overseen by the Tenants Council. On said date I sent you copies of my letter transmitting payment.

I would now ask that you approve and ratify this transfer. I am submitting a resolution for the agenda at the regularly scheduled meeting for August 13, 2012. I request that you adopt same.

CITY ATTORNEY- NORM LEBLANC

Moved by Council Member Pirowski, seconded by Lewis to received and file and act on resolution.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Building Code Enforcement Classification

20. To: City Council

Attached for your information is a Report from ISO on the City of Lackawanna's Building Code Enforcement Agency (BCEGS). ISO reviews a community's classification about every five years. Lackawanna has been classified as a Class 4 for 1 & 2 family residential properties and a Class 4 for commercial and industrial property.

Classifications range from 1 to 10, Class 1 is exemplary with Class 4 being highly effective.

DIRECTOR OF DEVELOPMENT-RALPH MIRANDA

Moved by Council Member Pirowski seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Melroy Crosswalk

21. To: City Council

Attached is a proposal by Delta Development to create a crosswalk on Melroy Avenue. Also, on the same proposal is the recommendation by the Lackawanna Traffic Safety Advisory Board. I recommend the Lackawanna Traffic Safety Advisory Board's recommendation.

DIRECTOR OF SAFETY- DANA BRITTON

Moved by Council Member Pirowski seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Wilmuth at Olcott Stop Sign

22. To: City Council

The Traffic Safety Advisory Board is requesting your honorable body approve a stop sign northbound on Wilmuth at Olcott,

DIRECTOR OF PUBLIC SAFETY- DANA J. BRITTON

Moved by Council Member Pirowski seconded by Noman to receive and file and act on ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Traffic and Vehicle Ordinances

23. To: City Council

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

ASSISTANT CITY ATTORNEY-ANTONIO SAVAGLIO

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

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Lackawanna Soccer Club Players- City Funding Request

24. To: City Council

I am enclosing the list of all players Lackawanna City residents who registered and participated with the Lackawanna Yemen Soccer Club during this 2012 Soccer Season. Rosters show 212 players at \$6.00, which would be a subsidy of \$1,272.00. I am requesting for funding from the Lackawanna Recreation Department.

RECREATION DIRECTOR- MARCIA CULLENS

Moved by Council Member Pirowski, seconded by Noman to approve request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Lackawanna Little Loop Portable Toilets

25. To: City Council

I am writing to you on behalf of Lackawanna Little Loop requesting 3 portable lavatories for our season starting July 17, 2012. We would require the facilities until the end of our season no later than November 1, 2012.

Thank you in advance for your generosity and support of our Lackawanna young athletes.

LACKAWANNA LITTLE LOOP PRESIDENT-STEVEN HORVATH

Moved by Council Member Pirowski, seconded by Noman to grant request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Gates Ave Closed for Ceremony

26. To: City Council

On Friday evening August 31st, 2012, our church, Assembly of Christian Churches, Inc., located at 97 Ridge Rd, Lackawanna, NY, will be having a ceremony to rename Gates Ave as "Reverend Luis M. Matta Way. The remaining of this portion of Gates Ave has been previously approved by your honorable body, which we would like to thank you for.

To facilitate the ceremony, I am respectfully requesting permission to close off the portion of Gates Ave from Ridge Rd to the North side of Church St. The street will be closed from 6:00pm until 9:00pm. There are no residences on this portion of Gates Ave. The open portion of Gates Ave will be accessible by using both Church and Simon Streets so no emergency response vehicles will be obstructed.

REV ERNESTO ALVAREZ, PASTOR

Moved by Council Member Pirowski, seconded by Noman to grant request and refer to Public Safety and Police Chief.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Operations Pets Director Request to Addresses Council

27. To: City Council

As concerned local business founders and citizens please add the following request for agenda time for the Monday, August 13, 2012 council meeting.

Topic: Modification to Article II 66:24, Seizure of cats at large: implies that NOT wearing a collar and tag would be deemed the cat as un-owned and therefore, subject to removal as seen fit by the animal control officer and other authorities as outlines in Article II 66:24.

Our request is to modify the current proposal to include terminology that acknowledges the following industry standard methods of identifying casts through; collar and ID tag, left ear tip and micro chipping. Cats that have a left ear tip, or have been micro chipped, will indicate that a cat has been seen by a veterinarian, spayed/neutered and rabies vaccinated.

These three methods of identification, further indicate that if cats have any one of these industry standard methods of identification that these identifiers will serve as sufficient proof that cat(s) are being cared for by an owner or caregiver in our community and may remain at that location.

EXECUTIVE DIRECTOR LINDA D. ROBINSON

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Islamic Mosque-Cemetery Acreage Request

28. To: City Council

On behalf of the Lackawanna Islamic Mosque I am writing this letter requesting the city council to come up with a resolution to reduce the required acreage for cemetery use from 20 acres to less than 10 acres.

We thank you for your consideration and look forward to hearing from you.

LACKAWANNA ISLAMIC MOSQUE BOARD MEMBER MOHAMED ALI SALEH

Moved by Council Member Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Lackawanna Soccer Use of Field

29. To: City Council

On behalf of the Lackawanna Islamic Mosque I am writing this letter requesting the city council to approve the use of the Lackawanna Soccer Field located on Lehigh St in the 1st Ward on wither August 18 or 19th depending on when we witness the full moon. We will be using the area to gather the community to celebrate our Eid holiday for the month of Ramadan. We will only be using it from 8AM-12PM Noon on one of those two days. We will also be using both Lehigh and Ingham Ave for parking as will during this time frame.

LACKAWANNA ISLAMIC MOSQUE PRESIDENT ANWAR ALKALAI

Moved by Council Member Pirowski, seconded by Noman to grant request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Council Chambers Court System Request

30. To: City Council

We would like to thank you for your consideration and approval regarding the utilization of your Council Chambers for the weekly GED program. When finalizing the plans, the Court was made aware that due to staffing concerns ECC would like to change the GED programming time from 12:00-3:00PM to 1:00-4:00PM. We apologize for the change of plans, and hope that this does not create any complications. As previously stated, the collaboration of this program would aide in developing the minds of the youth and other members of our community to enhance their lives. Please contact the undersigned if you have any questions or concerns regarding this change.

CHIEF JUDGE LACKAWANNA CITY COURT-HONORABLE FREDERIC J MARRANO

Moved by Council Member Pirowski, seconded by Noman to waive the rules.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Moved by Council Member Pirowski, seconded by Lewis to approve request.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Police Vehicles- Advertise for Bids

31. To: City Council

I am asking that the Council waive the rules at the council meeting to authorize the Purchasing Department to re-bid the purchase from one to two police vehicles and amend the specifications to read "equal or comparable to a Taurus".

PURCHASING AGENT-THOMAS J. NICOMETO

Moved by Council Member Pirowski, seconded by Lewis to waive the rules.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Moved by Council Member Pirowski, seconded by Lewis to approve request to re-bid for 2 police vehicles

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Dynasty Football- Use of Veterans Stadium

32. To: City Council

Attached for review is a copy of the contract between the City of Lackawanna and LA Dynasty football team. I am asking your honorable body to waive the rules and agree to authorize the Mayor to enter into this agreement. The United Elite Football League is forwarding signed original in the mail today.

DIRECTOR of RECREATION-MARCIA CULLENS

Moved by Council Member Pirowski, seconded by Lewis to waive rules.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Moved by Council Member Pirowski, seconded by Lewis to approve contract for use of Veteran's Stadium by Dynasty Football.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolutions

Resolution #21, 2012- Floodplain Coordinator

Sponsored by Council Member Rebecca Darch

RE: Appointing Floodplain Coordinator

Whereas: The residents of Lackawanna are burdened with the responsibility of purchasing flood insurance as requested by their mortgage holders. Such Flood insurance is costly and in most cases, is completely unnecessary for the homeowners: and

Whereas: Property owners who currently hold mortgages or home improvement loans on properties located in the designated flood plains in Lackawanna are required by the Federal Emergency Management Agency (FEMA) to purchase flood insurance policies on their property; and

Whereas: This mandatory payment of flood insurance is creating a financial hardship on many residents who live in close proximity to Smokes Creek. In some areas it is contributing to the deterioration of neighborhood by preventing new Development while also deterring the sale of property in the designated flood plain; and

Whereas: To date nothing has been resolved to offer relief to the residents who live in the designated flood plains.

Now, Therefore, Be It Resolved:

Mayor Geoff Szymanski of the City of Lackawanna appoint a Floodplain Coordinator to assist in an investigation as to the status of all encumbered funding and to the status of need for mortgage holders to have special flood insurance while in the 100 year flood zone.

Now, Therefore, Be it Finally Resolved:

That the City of Lackawanna City Clerk send certificated copies of this resolution to Mayor Geoff Szymanski.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Darch to adopt as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolution #22, 2012- Transfer Funds- Hard Basketball

NOW, THEREFORE, BE IT

RESOLVED, that the council hereby ratifies and confirms the transfer of \$500.00 to the Baker Homes Tenant Council for operation of the summer basketball program.

RESOLVED, that this resolution shall take effect immediately.

Moved by Council Member Pirowski, seconded by Noman to adopt resolution as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Ordinances

TRAFFIC ORDINANCE-NASON PKWY

- (1.) **AN ORDINANCE AMENDING CHAPTER 215, CITY OF LACKAWANNA MUNICIPAL CODE, TRAFFIC AND VEHICLES**

BE IT ENACTED by the City Council that Chapter 215 of the Municipal Code, Vehicle and Traffic Law Section 215.22 is hereby amended as the follows:

Nason Parkway. 215.7(11) is hereby rescinded.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Moved by Council Member Pirowski, seconded by Lewis to adopt ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

TRAFFIC ORDINANCE-STOP SIGN OLCOTT/WILMUTH

- (2.) **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 Olcott Street with stop sign on Wilmuth north bound. 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 Council Member Pirowski, seconded by Noman to adopt ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

TRAFFIC ORDINANCE-STOP SIGN OLCOTT/WILMUTH

- (3.) **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 as follows:

Add: Intersection of Olcott Street with stop sign on Wilmuth entrance South bound. Stop signs shall be erected at a height and distance from curb in accordance with New York State Vehicle & Traffic Law.

Delete: Intersection of Wilmuth Avenue with stop sign on Olcott Street Entrance west.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Noman to adopt as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

TRAFFIC ORDINANCE- RIDGE RD. PARKING-MEADOW LANE

(4.) AN ORDINANCE AMENDING CHAPTER 215, CITY OF LACKAWANNA MUNICIPAL CODE, TRAFFICE AND VEHICLES

BE IT ENACTED BY THE City Council that Chapter 215 of the Municipal Code, Vehicle and Traffic Law Section 215.22 is hereby amended in the following manner:

1. Rescind Section 215.45 Subsection (A) (6); and
2. Add Section 215.45, Subsection © Maximum Two Hour Parking-
Maximum two hour public parking provided by the City of Lackawanna is hereby designated in the following location:
 1. On the north side of Ridge Road, one hundred forty-five (145) feet west of Meadow Lane.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Lewis to adopt as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Tabled Items

Moved by Council Member Pirowski, seconded by Lewis to enter in to executive session at 8:25 PM.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0
Meeting reconvened at 8:55 PM

Carried 4-0

Roll Call: Present: Noman, Darch, Lewis, Pirowski

Adjournment

Moved by Council Member Pirowski, seconded by Lewis. Meeting adjourned.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Henry R, Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
TUESDAY SEPTEMBER 4, 2012
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/Pledge of Allegiance

Roll Call: Council: Present: Noman, Lewis, Pirowski

Excused: Darch

Dept Heads: Present: Law, Pub. Safety, Recreation. Development

Absent: Public Works

Approval of Minutes of regular meeting of August 13, 2012.

Moved by Council Member Pirowski, seconded by Lewis to adopt minutes as written

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Departmental Reports:

1. City Compt. – A/P Check Listing #1, Aug. 9, 2012
2. City Compt. – A/P Check Listing #2 Aug. 21, 2012

Moved by Council Member Pirowski, seconded by Noman to receive and file departmental reports one and two.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Communications from Department/Division Heads:

Bond Ordinance

3. To: City Council

Attached for your approval is the \$975,000 Bond Ordinance, for Playground Equipment, a Snow Plow Truck and Demolition of Buildings, as prepared by Orrick, Herrington & Sutcliffe, LLP.

CITY COMPTROLLER- ROBERT MARCINIAK

Moved by Council Member Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Agreement between the City and Research Foundation of State University of New York

4. To: City Council

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

CITY ATTORNEY- NORM LEBLANC

Moved by Council Member Pirowski, seconded by Noman to approve request.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Fire Department Budget Amendment 2012-2013

5. To: City Council

This letter serves to request your honorable body amend the fire department budget due to the addition of four new recruits and possible retirement of two firefighters in the future. Please amend the budget as follows:

3410.010	4 Firefighters, Step 1	\$165,048
	Uniform Allowance	\$ 2,000
3410.0253	Protective Clothing	\$ 12,000
3410.0418	Uniforms & Accessories	\$ 1,310
3410.0467	Training Schools	\$ 20,550

We will be reimbursed for the salary through the SAFER grant, but the reimbursement is after the money for salaries is spent. The additional \$35,860 is for expenses which cannot be covered under the current budget but which will be needed.

DIRECTOR OF PUBLIC SAFETY-DANA BRITTON

Moved by Council Member Pirowski seconded by Lewis to receive and file.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Fire Pumper Bid Award

6. To: City Council

The bids have been reviewed for the new pumper for the fire department. I recommend the bid be awarded to the lowest bidder, Empire Emergency Apparatus of Niagara Falls, NY for the amount of \$307,628.00.

DIRECTOR of PUBLIC SAFETY- DANA BRITTON

Moved by Council Member Pirowski seconded by Lewis to award contract to Empire Emergency for the new pumper in the Fire Dept.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Miscellaneous

Business License

7. LA Laundry- 990 Ridge Rd

Moved by Council Member Pirowski seconded by Noman to approve business license.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Resolutions

Resolution, 2012- Agreement between the City and the Research Foundation

NOW, THEREFORE, BE IT

RESOLVED, that the attached agreement between the City and the Research Foundation of the State University of New York is approved and the mayor is hereby authorized to sign same.

RESOLVED, that this resolution shall take effect immediately.

Moved by Council Member Pirowski, seconded by Noman to adopt resolution as written.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Ordinances

(1). An Ordinance authorizing the issuance of \$975,000 bonds of the City of Lackawanna, to pay the cost of various capital items

Moved by Council Member Pirowski, seconded by Lewis to table ordinance.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

(2). An Ordinance amending the 2012-2013 budget to allow funding for new firefighters

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

SECTION 1. That the 2012-2013 Budget Ordinance adopted July 9, 2012 is hereby amended to provide the additional funding for the Fire Department Grant adding four new firefighter positions.

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$229,376 to budget code A.3410.0101, Fire Department, Personal Services.

SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add the sum Of \$229,376 to new revenue code A..3389, State Aid-Fire Grant.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski to adopt Ordinance as written, no second Motion failed

Adjournment

Moved by Council Member Pirowski, seconded by Lewis Meeting is adjourned.

Yeas: Noman, Lewis, Pirowski

Nays: 0

Carried 3-0

Henry R, Pirowski, Council President

Gail A. Nicholson, Deputy City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY SEPTEMBER 17, 2012
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/Pledge of Allegiance

**Roll Call: Council Present: Noman, Darch, Lewis, Pirowski
Dept Heads: Present: Law, Pub. Safety, Recreation. Development
Excused: Public Works**

Approval of Minutes of regular meeting of September 4, 2012.

Moved by Council Member Pirowski, seconded by Noman to adopt minutes of September 4, 2012 as written

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Departmental Reports:

1. City Compt. – A/P Check Listing #3, Aug. 31, 2012
2. City Clerk’s Monthly Report for August 2012
3. City Treasurer- receipts deposited to general fund for month of August 2012

Moved by Council Member Pirowski, seconded by Noman to receive and file departmental reports one through three.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from Council:

3rd Ward Council Appointment

4. To: City Council:

Council President Pirowski seeks Council approval of resolution appointing Joseph Jerge as 3rd Ward Council Member

COUNCIL PRESIDENT-HANK PIROWSKI

Moved by Council Member Pirowski, seconded by Noman to receive and file act on resolution

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from Department/Division Heads:

Coin Controlled Devices

5. To: City Council

I submit an ordinance for council approval amending Chapter 63-Coin controlled devices. We do not establish fees under the coin controlled/amusement devices to apply to washers and dryers operated by coins.

In order to include these fees for the newly built laundry facility on Ridge Road, we need to codify these into our municipal code. Any questions or concerns please contact me.

CITY CLERK-JACQUELINE A. CAFERRO

Moved by Council Member Pirowski, seconded by Noman to receive and file, act on ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Budget Transfers for 2011-2012

6. To: City Council

Please be advised, pursuant to Chapter 12.12, Subdivision © 2 of the City Charter, after a review of the Office of the Mayor, Department of Administration and Finance, Office of the City Clerk, Department of Development, Department of Public Works, Department of Public Safety, and Department of Recreation, the attached lists of transfers were made to balance many of the 2011-2012 accounts.

CITY COMPTROLLER-ROBERT C. MARCINIAK

Moved by Council Member Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Standard Work Day Reporting

7. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System.

CITY COMPTROLLER-ROBERT C. MARCINIAK

Moved by Council Member Pirowski seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Police Vehicle Bid

8. To: City Council

This letter serves to request that your honorable body accept the bid proposal from DeLacy Ford for the purchase of 2 new police vehicles.

DeLacy Ford was the lowest bid with a price of \$26,273.00 for each vehicle for a total of \$52,546.00. The price for the vehicle was also within the bid specifications required.

Thank you for your anticipated cooperation in the above regard.

DIRECTOR of PUBLIC SAFETY- DANA BRITTON

Moved by Council Member Pirowski seconded by Noman to table for study.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Fire Department Budget

9. To: City Council

City Attorney seeks City Council approval of ordinance to amend budget of Fire Department

CITY ATTORNEY- NORM LEBLANC

Moved by Council Member Pirowski, seconded by Noman to receive and file and act on ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Purchase offer of 1700 Electric Ave- Daniel Eckert

10. To: City Council

I have received a purchase offer from Daniel Eckert of 248 Warsaw St., in the amount of \$500. The parcel currently consists of a two family structure that is currently ready for demo; Mr. Eckert will be structure into compliance.

It is my recommendation the City Council sell the parcel to Daniel Eckert for \$500, with a reverted clause that the building must be brought into compliance within 12 months.

CITY ASSESSOR-FRANK KRAKOWSKI

Moved by Council Member Pirowski seconded by Noman to receive and file, act on ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Purchase offer of 63 Madison- Mark Elliott

11. To: City Council

I have received three (3) purchase offers for the above mentioned property (see attached). The parcel currently consists of a single family home that is in need of extensive repairs.

It is my recommendation the City Council sell the parcel to Mark Elliot for \$4100, with a reverted clause that the building must be brought into compliance within 12 months.

CITY ASSESSOR-FRANK KRAKOWSKI

Moved by Council Member Pirowski seconded by Noman to receive and file, act on ordinance.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Communications from Citizens

Lackawanna Firefighters Local #3166

12. To: City Council

Thomas Mendez and Gary Strzelczyk of IAFF Local #3166 respectfully request permission to address the floor regarding staffing issues and the closure of Fire Station #2 at the September 17, 2012 City Council meeting.

Thank you for your time and concern in this matter.

THOMAS MENDEZ and GARY STRZELCZYK

Moved by Council Member Pirowski seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Resolutions

Resolution #24, 2012 – Appointment of 3rd Ward Council Member

Whereas, a vacancy exists in the elective office of Council Member 3rd Ward; and

Whereas, said vacancy shall be filled in accordance with Chapter 3, Section 3.2 of the City Charter by council appointment of a qualified person to serve as Council Member Third Ward, expiring on December 31, 2012; and

Now, therefore, be it

Resolved, that Joseph Jerge is appointed to serve as council member of the Third Ward, City of Lackawanna, expiring on December 31, 2012; and be it further

Resolved, that the City Clerk be and is hereby authorized to forward a certified copy of this resolution to the Mayor, City Comptroller, City Council and other concerned parties.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Ordinances:

(1). An Ordinance Amending the Budget to Allow for Funding for New Firefighters Positions

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

- SECTION 1. That the 2012-2013 Budget Ordinance adopted July 9, 2012 is hereby amended to provide the additional funding for the Fire Department Grant adding four new firefighter positions.
- SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$229,376 to budget code A.3410.0101, Fire Department, Personal Services.
- SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add the sum Of \$229,376 to new revenue code A.3389, State Aid-Fire Grant.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Noman to adopt ordinance as written

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

(2). An Ordinance Authorizing the Sale of 1700 Electric Ave to Daniel Eckert

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

- SECTION 1. That the City Council hereby approves of the transfer of property known as SBL 142.78-3-3 a parcel 40 feet by 120, a Two Family Home to Daniel Eckert..
- SECTION 2. That transfer is made for the sum of \$500 in cash to the City of Lackawanna.
- SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.
- SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Lewis to adopt ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

(3). An Ordinance Authorizing the Sale of 63 Madison to Mark Elliott

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

- SECTION 1. That the City Council hereby approves of the transfer of property known as SBL 141.83-4-5 a parcel 35 feet by 110, a Single Family Home to Mark W. Elliott.
- SECTION 2. That transfer is made for the sum of \$4100 in cash to the City of Lackawanna.
- SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.
- SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Noman to adopt ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

(4.) An Ordinance Amending Chapter 63-11 of the City of Lackawanna Municipal Code, "Amusement/Coin Controlled Devices"

BE IT ENACTED by the City Council of the City of Lackawanna that Chapter 63-11 © is added as follows:

Fees:

A fee of \$5.00 per year shall be established for coin controlled devices to include: beverages, sundry, candy, cigarettes, gum, novelty, sandwich, snacks, bowling ball cleaner machines, air dispensing machines, car wash stalls, car wash vacuum machines, coin operated washers/dryers, soap dispensing and any other coin dispensing machines not categorized as amusement devices.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Noman to adopt ordinance as written.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Adjournment

Moved by Council Member Pirowski, seconded by Lewis meeting is adjourned.

Yeas: Noman, Darch, Lewis, Pirowski

Nays: 0

Carried 4-0

Henry R, Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY OCTOBER 1, 2012
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/Pledge of Allegiance

Roll Call: Council Present: Noman, Darch, Jerge, Lewis, Pirowski

Dept Heads: Present: Law, Pub Works, Pub. Safety, Recreation. Development

Approval of Minutes of regular meeting of September 17, 2012.

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

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

Departmental Reports:

1. City Compt. – A/P Check Listing #4, Sept. 7, 2012
2. City Compt. – A/P Check Listing #5 Sept. 13, 2012
3. City Compt. A/P Check Listing #6, Sept. 20, 2012
4. City Compt. Revenue Report & Condition of Appropriations as of Aug. 31, 2012

Moved by Pirowski, seconded by Lewis to receive and file departmental reports.

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

Communications from Council:

Demolition of 33 Center St.

5. To: City Council

I am requesting your support to allocate funding for the demolition of the property at 33 Center St. in the First Ward. This house is an eyesore and a hazard to the neighborhood.

Councilman Abdulsalam Noman

Moved by Pirowski, seconded by Noman to approve request to allocate funding for the demolition of 33 Center Street.

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

Resurfacing of Eight (8) Streets in the First Ward

6. To: City Council

The following streets in the First Ward are in poor condition and are in desperate need of paving:

Washington St., Pearl St., Glenwood St., Homestead St., Bethlehem St., Lebanon St., Kane St. and McGuire St.

Funding needs to be allocated for paving of these streets, and I am looking for your help in obtaining these funds to start the paving in the year 2013. The above city streets haven't been paved in many years, and I am also asking Mr. Thomas Love, commissioner of Public Works, to show a detailed cost of paving eight streets in the First Ward. Thank you for your support.

Councilman Abdulsalam Noman

Moved by Pirowski, seconded by Lewis to table for study.

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

Communications from Department/Division Heads:

“No Parking Here to Corner” Modern and South Park Ave

7. To: City Council

I am requesting an ordinance for a “No Parking Here to Corner” sign on the corner of Modern and South Park Avenue. The sign should be 15 feet west of the sidewalk on the north corner of Modern.

Thank you for your anticipated cooperation in the above regard.

DIRECTOR of PUBLIC SAFETY- DANA BRITTON

Moved by Pirowski, seconded by Noman to approve request, city attorney is directed to prepare necessary traffic ordinance.

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

“No Parking” Ridge Road and Orchard Place

8. To: City Council

I am requesting an ordinance for a “No Parking” sign on the corner of Ridge Road and Orchard. The sign should be 25 feet south of the sidewalk on the east side of Orchard.

Thank you for your anticipated cooperation in the above regard.

DIRECTOR of PUBLIC SAFETY- DANA BRITTON

Moved by Pirowski, seconded by Darch to approve request, city attorney to prepare necessary traffic ordinance.

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

Budget Transfers for 2011-2012

9. To: City Council

Attached please find a list of transfers for your approval. These transfers will balance all of the accounts that were in the red at July 31, 2012.

(Complete list on record at City Clerk’s office)

CITY COMPTROLLER- ROBERT MARCINIAK

Moved by Pirowski seconded by Noman to approve transfers to balance accounts.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0 Carried 5-0

Chapter 66 Ordinances “Animals”

10. To: City Council

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

ASSISTANT CITY ATTORNEY-ANTONIO SAVAGLIO

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

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

City Phone System

11. To: City Council

I kindly request approval to accept the low bid from Hover Networks for a new phone system. The set-up cost is \$1,055. With this new phone system the city will see an average savings of \$14,770 a year. High speed internet will also be installed in all city buildings.

PURCHASING AGENT-THOMAS NICOMETO

Moved by Pirowski, seconded by Lewis to approve request and award contract to Hover Networks, low bidder, for phone system.

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

Communications from Citizens

Halal Market – Animal Treatment

12. To: City Council

I would like to speak before the council on the matter regarding the Halal Market in Lackawanna:

I went behind the scenes in this market/slaughterhouse (you can pick out your animal to be killed) and I was appalled. Workers poking cramped chickens in cages with a huge poker that looks like something you would use for a grill, no adequate food or water, and animals in bad shape. A rabbit with a broken leg and back that was left there to suffer. (I bought him and sadly he was in such bad shape that he had to be euthanized). It is illegal to sell injured animals yet they did for \$20.00. Animals left in filth, goats petrified when you approach them, just a horrible atmosphere all around.

STEPHEN PATRONIK

Moved by Pirowski, seconded by Jerge to receive and file.

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

Parking on Keever Ave.

13. To: City Council

I am requesting permission for my Christmas Party guests to be able to park on both sides of Keever Ave. between South Park and Electric Ave. from approx. 3 pm to 10 pm on Monday Dec. 24, 2012 (Christmas Eve) weather permitting.

MARNIE NOVAK

Moved by Pirowski, seconded by Lewis to approve request for parking on both sides of Keever Avenue on December 24th for Christmas party, weather permitting.

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

Use of Bocce Club for Bethlehem Park Halloween Parade

14. To: City Council

I request the use of the Pappy Amadori Memorial Bocce Club Building, on behalf of the Bethlehem Park Halloween Committee for our 22nd annual Bethlehem Park Halloween Parade.

We also request a "Parade Permit" and any public safety details necessary to complete our fun filled day for the children of Bethlehem Park and City of Lackawanna.

Any other help you can give, will, be greatly appreciated too!

Date: Saturday October 27, 2012, 3:30 pm

Place: Bocce Club end of Madison Avenue, Lackawanna

I thank you in advance for your support, and please bring your family and join us.

ANDREA HAXTON

Moved by Pirowski, seconded by Jerge to approve request for the Bethlehem Park Halloween parade, refer to public safety for patrol car to cover event.

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

Ordinances

An Ordinance Amending Chapter 66.13- Penalties for Persons that Do Not Pick Up After Their Dog

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

SECTION 1. That Chapter 66.13 "Penalties for offenses" is hereby repealed and replaced with:

Except as otherwise provided for in Agriculture and Markets Law 119, any person who violates this article or knowingly permits the violation of this article or any of its provisions shall be liable to a fine of not more than \$100.00 and/or imprisonment for not more than 15 days for first violation; not more than \$150.00 and/or imprisonment for not more than 15 days for the second violation; and not more than \$250.00 and/or imprisonment for not more than 15 days for the third violation and all subsequent violations occurring within 18 months of the first violation.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Noman to adopt ordinance as written.

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

An Ordinance Amending Chapter 66-24- Seizure of Cats at Large”

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

SECTION 1. That Chapter 66-24 “Seizure of cats at large” is hereby amended by adding the following:

C. All domestic cats in the City of Lackawanna shall wear an identifying collar and tags which provides the name and address of the owner. All cats which are not wearing such collar and tags shall be considered to be found at large and shall be subject to the provisions of this section.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Darch to table for study.

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

An Ordinance Amending Chapter 66-19.1 “Feeding of Wild Animals”

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

SECTION 1. That Chapter 66-19.1 “Feeding of Wild Birds” is hereby repealed and replaced with:

66-19.1 Feeding of Wild Animals

- A. It shall be deemed unlawful for any person to provide food or feed any non-domestic animal, including, but not limited to, birds, deer, rabbits, squirrels, turtles, ferrets and stray cats or dogs.
- B. The use of bird feeders, wildlife feeders and/or outdoor pet food bowls shall be prohibited.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Noman to adopt ordinance as written.

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

Tabled Items:

Moved by Pirowski, seconded by Lewis to remove from table Item #8, meeting of September 17, 2012 regarding purchase of police vehicles

Yeas: Noman, Darch, Jerge, Lewis, Pirowski. Carried 5-0

Purchase of two (2) Police Vehicles

15. To: City Council

This letter serves to request that your honorable body accept the bid proposal from DeLacy Ford for the purchase of 2 new police vehicles.

DeLacy Ford was the lowest bid with a price of \$26,273.00 for each vehicle for a total of \$52,546.00. The price for the vehicle was also within the bid specifications required.

Thank you for your anticipated cooperation in the above regard.

DIRECTOR of PUBLIC SAFETY- DANA BRITTON

Moved by Pirowski, seconded by Lewis to approve transfer of funds to cover the cost of the two police vehicles.

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

Moved by Pirowski, seconded by Lewis to enter into executive session at 7:40 PM

Meeting reconvened at 8:02 PM

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

Adjournment

Moved by Pirowski, seconded by Jerge, meeting is adjourned.

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

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY OCTOBER 15, 2012
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/Pledge of Allegiance

**Roll Call: Council: Present: Noman, Darch, Jerge, Lewis, Pirowski
Dept Heads: Present: Law, Pub Works, Pub. Safety, Recreation. Development**

Approval of Minutes of regular meeting of October 1, 2012.

Moved by Pirowski, seconded by Jerge to adopt minutes as written
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Departmental Reports:

1. City Compt. – A/P Check Listing #7, Sept. 28, 2012
2. City Compt. – A/P Check Listing #8 Oct. 4, 2012
3. City Treas. Total Receipts deposited to General Fund for Sept. 2012
4. City Clerk.-Monthly Report for Sept. 2012

Moved by Pirowski, seconded by Noman to receive and file departmental reports.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Communications from Mayor:

Acquisition of "Totes"

5. To: City Council

As we are all aware, there is a serious problem in the city with infestation of rats. This led me to call for the acquisition of "Totes" by the city, to be used at all property, whether owned or leased, for the disposal of trash and garbage.

To this end, I have discussed with Hon. Shelia M. Meegan, Supervisor of the Town of West Seneca, joining in a cooperative effort to acquire the containers. By doing so, we are both confident that we can significantly lower the cost of same, which will be a benefit to the taxpayers while at the same time addressing the serious health and safety issues presented by the problem.

At my direction, The City Attorney has been meeting with the West Seneca Town Attorney, Shawn P. Martin, Esq., over the past several weeks to collaborate on requests for proposals and an Inter-municipal Agreement to accomplish our goal of acquiring the receptacles at the lowest possible cost. The attorneys are also exploring whether other municipalities would be interested in participating in this project. We believe that the larger the number to be purchased, the lower the cost to each municipality.

I am confident that you will support this effort. I have directed the City Attorney to keep you advised as this project proceeds, and to submit, when finalized, the proposed agreement for your consideration and approval.

Please feel free to contact either myself or Mr. LeBlanc to offer suggestions or if you have any questions. We would also be happy to meet with you to explore this project in greater detail.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Noman to receive and file.

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

Future Projects and Funding Work Session

6. To: City Council

On October 1, 2012, Councilman Noman requested paving for eight streets in the First Ward. The costs of these projects are not specifically known at this time due to the fact that the infrastructures of many first ward streets are not common throughout the rest of the city. It is assumed that the cost of these streets will be well over \$300,000.00. I am not, however, against such a project. I would, however, like to discuss other streets and projects in other areas of the city that also need significant attention.

I am asking the council to discuss whether they would like to have to work session with me and a few department heads to review future projects and potential funding. Bond rates are at an incredibly low level and it is the belief of myself and others that these rates are too good to lose while we have many projects that desperately need attention.

Council President Pirowski, please feel free to contact me for discuss on such a work session.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Jerge to receive and file.

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

Communications from Department/Division Heads:

“No Parking” Ridge Road at Orchard Place

7. To: City Council

I am requesting an AMENDED ordinance for a “No Parking” sign on the corner of Ridge Road and Orchard. The sign should be **75 feet south** of the sidewalk on the east side of Orchard. The original ordinance request was 25 feet south of the sidewalk.

Thank you for your anticipated cooperation in the above regard.

DIRECTOR of PUBLIC SAFETY- DANA BRITTON

Moved by Pirowski, seconded by Darch to receive and file.

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

Communications from Citizens

Ban on Bird Feeding

8. To: City Council

I would like to address the council at the meeting on Monday, October 15 about the ban on bird feeding.

DANIELLE J. PECORARO

Moved by Pirowski, seconded by Noman to receive and file.

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

Adjournment

Moved by Pirowski, seconded by Noman, meeting is adjourned.

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

Henry R. Pirowski, Council President

Gail A. Nicholson, Deputy City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY NOVEMBER 5, 2012
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/Pledge of Allegiance

NB: Meeting being recorded

Roll Call: Council Present: Noman, Darch, Jerge, Lewis, Pirowski

Dept Heads: Present: Law, Recreation, Development

Excused: Public Safety

Absent: Public Works

Approval of Minutes: of regular meeting of October 15, 2012.

Moved by Pirowski, seconded by Noman to adopt minutes as written.

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

Departmental Reports:

1. City Compt. – A/P Check Listing #9, Oct 11, 2012
2. City Compt. – A/P Check Listing #10, Oct.16, 2012
3. City Compt. - A/P check listing #11, Oct. 18, 2012
4. City Compt.- A/P check listing #12, Oct. 26, 2012

Moved by Pirowski, seconded by Jerge to receive and file departmental reports 1-4.

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

Communications from Mayor:

CDBG Contract

5. To: City Council

I have submitted a resolution which I urge you to adopt at your meeting of November 5, 2012. The resolution authorizes me to make application for funding from the County's CDBG program to assist with various needed projects within the City. It further authorizes me to enter into a contract if our projects are approved for CDBG funding.

We have been advised by the County that if the resolution is not adopted on November 5, 2012, Lackawanna will be precluded from the process and will not receive any CDBG funds. Therefore, I urge you to adopt the resolution so that we do not risk being deprived of these necessary funds.

If you have any further questions please do not hesitate to contact me.

MAYOR GEOFFREY M. SZYMANSKI

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

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

Rental Homes - Development

6. To: City Council

This letter shall serve to confirm that the City of Lackawanna has reserved the attached list of 32 properties for utilization by Lackawanna Housing Development Corp (LHDC) and the NRP Group, LLC (NRP) to be included in the development of forty-eight (48) newly constructed single-family rental homes, and a Clubhouse, as part of the Homes of Lackawanna (the "Development"). These parcels will be sold to NRP Properties, LLC on behalf of the Development by the City of Lackawanna for an acquisition price of One Hundred Fifty Thousand and Nine/100 Dollars (\$150,000.00). This represents a significant reduction in the sales price of over \$225,000.00 for these parcels.

You are hereby advised that the transfer of title of these properties from the City of Lackawanna is contingent upon confirmation that an allocation of tax credits under Section 42 of the Internal Revenue Code has been made through the New York State Division of Housing and Community Renewal (NYSHCR) to the Development.

The City of Lackawanna and the Office of Economic Development strongly support this Development as evidenced by its participation in the planning of this development, Further City support of this project is evidenced by its advocacy of the \$100 K Awards to the Development received from the Erie County Home Funds Consortium; and, by the granting of a PILOT for the Development that is in accordance with the Erie County Policy on PILOTS for Housing for Low and Very Low Income Households. The City will also be making street and sidewalk infrastructure improvements through-out the First Ward as part of the City's integrated neighborhood revitalization plan (the Plan). This Development is a critical component of that Plan. Finally, the City Council of the City of Lackawanna will express its support of the Development in the form of a Council Resolution.

The City stands ready to continue our partnership with you in the successful redevelopment of safe, decent, and affordable high-quality rental housing in the City of Lackawanna.

(Full list of said properties on file with City Clerk)

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Noman to grant request.

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

LHDC/NRP-Donation of Properties

7. To: City Council

This letter shall serve to confirm that the City of Lackawanna will donate the attached list of 2 properties to be used by Lackawanna Housing Development Corp (LHDC) and the NRP Group, LLC (NRP) in the development of forty-eight (48) newly constructed single-family rental homes, and a Clubhouse, as part of The Homes of Lackawanna (the Development). These parcels will be donated to NRP Properties, LLC on behalf of the Development by the City of Lackawanna which represents a cost-savings of in excess of Fifteen Thousand and Nine/100 Dollars (\$15,000.00).

You are hereby advised that transfer of title of these properties from the City of Lackawanna is contingent upon confirmation that an allocation of tax credits under Section 42 of the Internal Revenue Code has made through the New York State Division of Housing and Community Renewal (NYSHCR) to the Development.

The City of Lackawanna and the Office of Economic Development strongly support this Development as evidenced by this donation of land. This Development is a critical component in our City's overall Community Revitalization Plan,

The City stands ready to continue our partnership with you in the successful redevelopment of safe, decent, and affordable high-quality rental housing for Lackawanna residents.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Noman to grant request.

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

Commissioner of Public Works-Salary

8. To: City Council

I am writing to you regarding increasing the Commissioner of Public Works (CPW) salary. In the initial budget that I submitted to your honorable body, the CPW was proposed at the rate of \$30,000. In my view, for the amount of

work that comes out of that office, this is a tremendous savings as opposed to hiring a public engineer or a worker that can be elevated but is not retired.

As Hurricane Sandy was threatening to hit is, Mr. Love had his department make all the necessary provisions to minimize potential damage, and He also stayed late, as usual, in preparations for damage control.

Also, winter is coming and we most likely will not be as lucky as last year to avert snow fall and typical winter problems. Mr. Love is preparing the necessary steps in order to allow the Department of Public Works (DPW) to operate in a smooth and orderly fashion.

The City Council reduced the CPW's salary to \$10,000. In my view, this is an unreasonable value for the time, work, experience, and effort that Mr. Love puts in to his daily routine. There is not one person on the City Council, or anywhere else in City Hall that would work this much time for that little money.

In the City Charter it states: Section 4.6 Department heads generally.

Each department head shall be appointed by the Mayor, to serve at the pleasure of the Mayor. A department head shall be, prior to his or her appointment, qualified by such training and experience as may be required by the Charter or by local law or ordinance. Under the supervision of the Mayor, each department head shall:

A. Subject to the provisions of the Civil Service Law, appoint and remove subordinate officers and employees within his or her department;

B. Direct and supervise the work of the department and its employees through the divisions established by or under this Charter;

C. Assign functions, powers and duties to subordinate officers and employees within the department and modify such assignments as need appear;

D. Delegate to division heads such of his or her powers as he or she may deem necessary for efficient administration.

Also; Section 5-63. Department heads responsible to Mayor

Each department head appointed by the Mayor shall be immediately responsible to the Mayor for the effective administration of his or her respective department and all activities assigned thereto.

It is my view as Mayor that the CPW should be compensated for the work and effort that is provided and \$10,000 is highly unreasonable. Mr. Love has states that he is preparing his exit from city service, but his exact date of exit is not yet known

I am requesting that Budget Line Item: Code A5110.101 is amended to \$58,000. Mr. Love cannot make more than \$30,000; the additional funds will be the requested new salary of the next CPW.

AS you see in the previous paragraph, the value I am requesting for Mr. Love is far lower than the next Commissioner, and therefore no one can deny that Mr. Love is providing great service with great savings toward the city with 38 years of experience.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Darch to receive and file.

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

Communications from Council:

Reverter Clause-Council Request of Properties

9. To: City Council

I request Council approval to direct the City Assessor to forward the Council an update of all properties sold in the city that include a reverter clause as part of the conditions of sale of property.

HENRY R. PIROWSKI, JR-COUNCIL PRESIDENT

Moved by Pirowski, seconded by Noman to receive and file.

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

Playground Equipment-Unused

10. To: City Council

Attached please find the memo I have sent to the Commissioner of Public Works requesting a list of unused playground equipment stored in his department.
HENRY R. PIROWSKI, JR-COUNCIL PRESIDENT

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

Communications from Department/Division Heads:

Commissioner of Deeds- Council Members

11. To: City Council
I hereby request a commission of deeds status for Council Members as follows:
Henry R. Pirowski, Council President
Abdulsalam Noman, Council Member 1st Ward
Joseph Jerge, Council Member 3rd Ward
Keith E. Lewis, Council Member 4th Ward
Thank you for your anticipated approval.
JACQUELINE A. CAFERRO-CITY CLERK

Moved by Pirowski, seconded by Noman to grant request.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Commissioner of Deeds-City Clerk Personnel

12. To: City Council
I request council approval for commissioner of deeds status for the personnel in the City Clerk's Office. The request includes the following personnel:
Jacqueline Caferro, Gail Nicholson, Colleen Mure and Linda Smerka.
Thank you for your anticipated consideration.
JACQUELINE A. CAFERRO-CITY CLERK

Moved by Pirowski, seconded by Noman to grant request.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Communications from Citizens:

Commissioner of Deeds-Brandon Falbo

13. To: City Council
I hereby request an appointment as a Commissioner of Deeds for 2013-2014. This appointment would be used solely for my duties at the Lackawanna Municipal Housing Authority.
BRANDON FALBO, LMHA

Moved by Pirowski, seconded by Jerge to grant request.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

School Election-Use of Bocce Court

14. To: City Council
Please allow this correspondence to confirm that the Lackawanna City School District has called for a special School District election to be held on Tuesday, December 4, 2012 between the hours of 12:00 noon and 9:00 PM for the purpose of voting on three separate propositions to be submitted to the voters.
As such, please be advised that the School District will require the use of the Bethlehem Park Bocce Court Building, 175 Madison Avenue, Lackawanna, New York for the conduct of said election and proposition vote.
Thank you, in advance, for your courtesy and cooperation in this matter.

CARL W. MORGAN-ATTORNEY AT LAW

Moved by Noman, seconded by Pirowski to grant request.

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

Resolutions

Resolution #25, 2012- CDBG Program

WHEREAS: The City of Lackawanna is in need of funds for eligible programs under the Community Development Block Grant program, and

WHEREAS: the City of Lackawanna is desirous of obtaining financial assistance for these proposals, and

WHEREAS: it is in the public interest that the City of Lackawanna apply for such financial assistance from the Community Development Block Grant program through the Erie County Department of Environment and Planning.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and hereby is authorized and directed to file applications on the forms prescribed by the County of Erie for financial assistance in accordance with the provisions of the CDBG program and upon approval of said requests to enter into and execute an agreement with the County of Erie for such financial assistance for the following projects:

1. City of Lackawanna 2013 Pavement Replacement Project
2. City of Lackawanna Bridge Repair Project

NOW, Therefore, Be it Finally Resolved:

That the City of Lackawanna City Clerk sends certificated copies of this resolution to Mayor Geoff Szymanski.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Darch to grant request

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Resolution #26, 2012- Opposing ECIDA Standard Pilot Agreements

A RESOLUTION TO BE SUBMITTED BY LACKAWANNA CITY OFFICIALS, et al

WHEREAS, the Erie County Industrial Development Agency is an organization whose mission is stated as: *The mission of the Erie County IDA is to provide the resources that encourage investment, innovation, growth and global competitiveness-creating a successful business climate that improves the quality of life for the residents of the region;* and

WHEREAS, one of the many benefits of businesses dealing with the ECIDA are PILOT (Payment in Lieu Of Taxes) agreements in which new businesses receive tax breaks with the understanding that new businesses need these breaks to ensure early profitability; and

WHEREAS, PILOT agreements can have a negative effect on the host communities in many different facets, which may include heavy abuse of infrastructure, leaving prior to the end of the agreement, leaving unusable buildings, along with police, fire, and other service; and

WHEREAS, the City of Lackawanna has worked diligently with Erie County and Welded Tube to help assist in bringing in this new company and return industry to the City of Lackawanna; and

WHEREAS, the projected PILOT for the new companies has a tax payment of 0% for the first seven years followed by 10%, 20%, and 30% in the last three years of this ten year PILOT.

NOW, THEREFORE, BE IT

RESOLVED, that the City Officials of the City of Lackawanna request that we are brought into the negotiations of any tax alleviation in dealing with businesses projected for our city.

Moved by Council Member Pirowski, seconded by Jerge to approve resolution.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Tabled Items:

Adjournment

Moved by Pirowski, seconded by Jerge, meeting adjourned.

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

Henry R. Pirowski, Council President

Gail A. Nicholson, Deputy City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY NOVEMBER 19, 2012
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/Pledge of Allegiance

NB: Meeting being recorded

Roll Call: Council Present: Noman, Darch, Jerge, Lewis, Pirowski

Dept Heads: Present: Law, Public Safety, Recreation, Development

Absent: Public Works

Approval of Minutes: of regular meeting of November 5, 2012.

Moved by Pirowski, seconded by Darch to adopt minutes as written.

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

Departmental Reports:

1. City Clerk – Monthly report for October 2012
2. City Treas. – Receipts deposited into general fund-October 2012
3. City Compt. – Statement of Condition of Appropriations- October 31, 2012
4. City Compt.- A/P Check Listing #13, Oct. 31, 2012

Moved by Pirowski, seconded by Noman to receive and file departmental reports one through four.

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

Communications from Council:

Melroy/Ridge Senior Complex Crosswalk

5. To: City Council

Would you please let me know the status of the crosswalk to be placed at the Melroy-Ridge Senior Complex on Melroy St? Thank you for your anticipated cooperation.

HENRY R. PIROWSKI, JR-COUNCIL PRESIDENT

Moved by Pirowski, seconded by Darch to receive and file.

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

Marriage Officer Appointment-Keith Lewis

6. To: City Council

I am requesting your support to appoint, Fourth Ward Councilmember, Keith Lewis, as a marriage officer for the City of Lackawanna, New York.

I appreciate your help in this matter.

ABDUSALAM NOMAN- FIRST WARD COUNCILMAN

Moved by Pirowski, seconded by Noman receive and file, act on resolution.

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

Communications from Department/Division Heads:

Melroy/Ridge Crosswalk- Update

7. To: City Council

In response to your letter of November 15, 2012 to Commissioner of Public Works Love, which was copied to me, I am responding on behalf of the Commissioner. Some months ago, Mayor Szymanski and I met with Gene Nowicki and Bernadette Harlan of Delta Development, to discuss the matter of the crosswalk at the Melroy complex. That meeting was very productive and we agreed to provide the necessary and requested signage and the stripping for the crosswalk on behalf of the senior complex.

At that time Ms. Harlan advised us that they were advertising for bids to make the cut necessary to provide a path for residents from the building to the street. It was also clearly understood that this would have to be accomplished before the signage and the stripping would be installed.

Although we were told that Delta Development anticipated completing this project within a couple of months, we have heard nothing further from Ms. Harlan with regard to the work to be done. I have called Ms. Harlan and left messages requesting that she update me with respect to this.

The City has been prepared to proceed with our understanding as soon as the work required by Delta is completed. We have acquired the signs and are prepared to do the stripping. However, after speaking with Mr. Love, he advises me that it will not be possible to do the stripping now until the spring. However, this is again dependent upon when Delta Development does the necessary work which they agreed to undertake

I would suggest that any further questions be directed to Ms. Harlan at Delta Development. Her phone number is 847-1635, ext. 2.

NORMAN LEBLANC- CITY ATTORNEY

Moved by Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Commissioner of Deeds-Dept. of Development Personnel

8. To: City Council

I request council approval for commissioner of deeds status for personnel in the Development Office. The request includes the following personnel- Ralph D. Miranda, Joseph Geyer and Steve Bremer.

RALPH D. MIRANDA-DIRECTOR OF DEVELOPMENT

Moved by Pirowski, seconded by Jerge to approve request for commissioner of deeds status.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Bullet Proof Vests-Fund Transfer

9. To: City Council

Please transfer monies in the amount of \$30,400.00 to account A3120-418 for the purchase of bullet proof vests for the police department.

When the vests are delivered and the bill is totally paid, the federal government will reimburse the city at 50% of the total cost of the vests.

DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY

Moved by Pirowski, seconded by Jerge to approve request, refer to city attorney to prepare necessary ordinance for budget transfer.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Detective Car #4-2004 Ford

10. To: City Council

This serves to request that your honorable body give your permission to sell detective car #4. It is a 2004 Ford 4DSD, bearing VIN # 2FAHP71W24X119305.

Thank you for your anticipated cooperation in the above request.

DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY

Moved by Pirowski seconded by Noman to approve request to sell detective car #4.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Standard Work Day Reporting

11. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State Local Retirement System.

ROBERT C. MARCINIAK-CITY COMPTROLLER

Moved by Pirowski seconded by Noman to approve the standard work day reporting as per NYS retirement system.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Structural and Safety Flags on City Bridges

12. To: City Council

Once again this office is in receipt of Structural and Safety Flags issued by the NYSDOT on City Bridges. Two flags were received on October 25th, 2012 and one was received on October 26th, 2012. The flags are summarized as follows:

Safety Flag- BIN 2255300 McKinley Parkway Bridge Flag No. 52120075

Structural deterioration at the concrete base of the light standards which could cause failure and collapse of the light standards at any time.

Safety Flag – BIN 2255300 McKinley Parkway Bridge Flag No. 5212 52120076

Concrete sidewalks are heavily spalled and may pose a tripping hazard for pedestrian traffic. This is certainly a liability to the City of Lackawanna it will be an expensive rehabilitation as the steel reinforced sidewalks are tied directly into the bridge deck.

Yellow Structural Flag- Bin 2260270 Ridge Rd Bridge at Rosary Ave Flag 51120082 which supersedes Flag 52110073

The Yellow structural flag was issued due to the advanced deterioration of the pre-stressed, hollow core box beams at the begin, or west abutment. The super structure consists of nineteen (19) pre-stressed, hollow core beams, fifteen of which have some form of deterioration over the begin abutment. The deterioration is typically exhibited by cracking, delamination and spalling behind and to the sides of the elastomeric bearings.

This is the third time in the last eleven months that the City Council has been notified of this structural condition and no action has been taken to allocate the resources to properly address this problem.

It must be noted that the DPW had been proactively working with Senator Kennedy's Office in the hope to obtain at least a portion of the funding required to complete the rehabilitation. However this effort is futile as it appears that if, and when, any funding may become available it would be years before the City could apply for it. Therefore, the Council should provide the DPW with the resources that are necessary to rehabilitate the structure, so the time frame for rehabilitation can be established, and the safety issues with this structure can be eliminated.

It must be noted that the City of Lackawanna will need to address this problem in a timely manner in order to maintain safe passage of truck, vehicular and pedestrian traffic over this structure.

This office has six weeks to respond to the NYSDOT on the status of the referenced flags.

THOMAS N. LOVE-COMMISSIONER OF PUBLIC WORKS

Moved by Pirowski, seconded by Jerge to receive and file.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Playground Equipment (Unused) and Melroy/Ridge Crosswalk

13. To: City Council

On October 31st, 2012 you sent a memo to my office requesting for an inventory of all unused playground equipment currently being housed by the Department of Public Works. I formally responded to you and copied

the Mayor on that very same day, advising you that it is not the responsibility of the Department of Public Works to keep an inventory rather it is the responsibility of the Recreation Department.

On November 14th, 2012, I received a memo from you dated November 15th, 2012 asking me the status of the crosswalk on Melroy Avenue at Ridge Road. Once again, I must inform you that it is not the responsibility of the Department of Public Works, but instead is the responsibility of the Department of Public Safety.

May I suggest meeting with all Department Heads to discuss areas of responsibility, to enable your request to receive a response from the appropriate officials. You have been in office for almost 11 months now, and I though you would be acclimated with what City Department is responsible for what.

Once again, if you would like the Department of Public Works to assist you with your requests about other City Departments we would gladly do so. This can only be done when the Department of Public Works has fulfilled our duties for your constituents.

THOMAS N. LOVE-COMMISSIONER OF PUBLIC WORKS

Moved by Pirowski, seconded by Jerge to receive and file.

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

Capital Projects

14. To: City Council

Attached please find a list of Capital Projects that also need to be completed and their associated costs. Several of the projects do not have a cost associated with them as they are in the study and development phase, and a cost cannot be determined.

Your honorable body should seriously consider these projects when determining what projects will be prioritized and completed in the near future and what projects may be phased in under future City budgets.

If you need any additional information regarding these projects please feel free to contact me.

THOMAS N. LOVE-COMMISSIONER OF PUBLIC WORKS

Moved by Pirowski, seconded by Jerge to receive and file.

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

City Streets in Need of Repaving

15. To: City Council

This office has reviewed the physical condition of all streets in the City of Lackawanna. I have attached a copy of all the streets which are in need of re-paving and the associated costs to complete a "mill and fill" paving project to improve the roadway conditions. Many of the streets are in need of full depth reconstruction to improve drainage and install new curbs and sidewalks; however, as you know the City does not have the necessary resources to complete that type of project at this time.

The priority to complete paving of these streets for the 2013 calendar year should be as follows:

1. Steelawanna Ave- A portion of Steelawanna Ave between Wilson and Olcott Streets has been settling and moving due to unstable subsurface conditions creating a hazard to pedestrians and vehicular traffic. This area will have to be totally reconstructed and the soils undercut by three (3) to four (4) feet to adequately stabilize the sub-base to be able to properly reconstruct the roadway.
2. Olcott St from Steelawanna Ave to Wilmuth St
3. McGuire from Wilkesbarre to Holland Ave
4. South Park Ave from City of Buffalo to the Village of Blasdell
5. Ridge Rd from South Park Ave east to Abbott Rd
6. Electric Ave from Nason Parkway to the Village of Blasdell

The total cost of the referenced paving is \$3,145,300.00

THOMAS N. LOVE-COMMISSIONER OF PUBLIC WORKS

Moved by Pirowski seconded by Noman to receive and file

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

Communications from Citizens:

Commissioner of Deeds-Robert McManus

16. To: City Council

I hereby request an appointment as a Commissioner of Deeds for 2013-2014. This appointment would be used solely for my duties at the Lackawanna Municipal Housing Authority.

ROBERT W. MCMANUS-LACKAWANNA MUNICIPAL HOUSING AUTHORITY

Moved by Pirowski, seconded by Jerge to approve request for commissioner of deeds status.

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

Commissioner of Deeds- Roxanne Sorensen/Florika E. Miranda

17. To: City Council

I request council approval to renew commissioner of deeds status for myself and Florika E. Miranda in the City of Lackawanna.

ROXANNE SORENSEN-ELDER CARE SOLUTIONS OF WNY

Moved by Pirowski, seconded by Jerge to approve request for commissioner of deeds status.

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

Business Registration:

18. Jennifer Zmuda- (dba) McMudz- 1441 Electric Ave

Moved by Pirowski seconded by Lewis to approve business license

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

Resolutions

Resolution #27, 2012- Marriage Officer-Keith Lewis

Whereas, New York State on April 15, 1988, amended the Domestic Relations Law A-1077, allowing the governing body of a municipality the right to appoint Marriage Officers for a period not to exceed four years, and

Whereas, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes such appointments, and

Whereas, the Lackawanna City Council is desirous of appointing a Marriage Officer in conformance with Domestic Relations Law; and

Now, therefore be it resolved, that Keith E. Lewis, be and he is hereby appointed as a Marriage Officer for the City of Lackawanna, said term not to exceed four (4) years, a limitation as imposed by the law of New York State, and

Be it finally resolved, that this resolution shall take effect immediately.

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

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

Tabled Items:

Adjournment

Moved by Pirowski, seconded by Darch, meeting adjourned.

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

Henry Pirowski, Council President

Jacqueline Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY DECEMBER 3, 2012
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, Darch, Lewis, Pirowski

Excused: Jerge

Dept Heads: Present: Law, Public Safety, Public Works, Recreation, Development

Approval of Minutes: of regular meeting of November 19, 2012.

Moved by Pirowski, seconded by Lewis to adopt minutes as written

Yeas: Noman, Darch, Lewis, Pirowski Carried 4-0

Departmental Reports:

1. City Compt. – A/P Check Listing #14, November 8, 2012
2. City Compt. – A/P Check Listing #15, November 15, 2012
3. City Compt. – A/P Check Listing #16, November 20, 2012

Moved by Pirowski, seconded by Noman to receive and file departmental reports one through three.

Yeas: Noman, Darch, Lewis, Pirowski Carried 4-0

Communications from Council:

Melroy/Ridge Senior Complex Crosswalk

4. To: City Council

During our last council meeting on November 20, 2012, you stated that over the course of several weeks, you had made numerous unsuccessful attempts to reach Ms. Harlan of Delta Development. You stated that you continued to leave messages but had not received any return calls. I was very pleased to find in reading your letter to the council dated November 28, 2012, that on November 26, 2012; Ms. Harlan finally returned your call! However, I find the fact that Ms. Harlan was unable to give you a “definite date for the completion of the work”, very troubling.

You also stated that during your conversation with Ms. Harlan we found that Delta has retained the services of Zaxis Architects (Frank Zalkowski) to determine the specifications for the pass through to be constructed. Mr. Zalkowski is expected to contact Joe Geyer to determine the requirements to enable him to prepare bid specifications. While I find this pleasing as well, I do not find pleasing the fact that, according to council minutes, Delta submitted a proposal to the council for the creation of the crosswalk on August 13, 2012. That was over three months ago. Also referring to council minutes, this time dated March 5, 2012 (which was more than five months before Delta submitted their proposal on August 13, 2012 and almost nine months to date) a group consisting of members of the Inter-Parish Social Justice Committee of Lackawanna spoke to the council regarding their concerns about this matter. A quote from the minutes reads **“The residents, clients and workers of the complex on Melroy and Ridge Road face dangers every day without a crossing device or a traffic light.”** While I

was not a member of the honorable body of the City Council on March 5 or August 13 of this year, the Third Ward is now on my watch.

Further, based on the fact that Ms. Harlan left you with the impression “that it will be several months before Delta has done the work required in order for us to erect the signs and striping on the street”, I suggest that we (Joe Geyer) proactively reach out to Mr. Zalkowski and make him fully aware of both the time that has passed since the issue first came to light as well as the dangers that the failure of having this crosswalk pose to our citizens, and the residents, clients, and workers of the complex. I certainly realize that due to the season, we may not be able to complete the project until the spring, but I don’t think it is unreasonable to have a plan and projected date of completion from the parties involved.

I realize you have a very busy schedule and I want to remark on my appreciation for your diligence that resulted in a call back from Ms. Harlan. However, because of all the reasons I mention above and most specifically Delta’s apparent overall lack of concern for the people that live, visit and work in the complex, I am suggesting an adamant approach to holding the involved parties accountable to their promises and requirements. I would be happy to be of any assistance in the accountability process.

Your understanding concerning the safety of people and your anticipated cooperation is greatly appreciated.

JOSEPH L. JERGE- THIRD WARD COUNCILMAN

Moved by Pirowski, seconded by Lewis to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski Carried 4-0

Communications from Department/Division Heads:

Melroy/Ridge Crosswalk- Progress

5. To: City Council

Reference is made to my previous correspondence to you dated November 15, 2012 which was discussed at the City Council meeting held November 20, 2012. After my report to you on the latter date, Ms. Harlan of Delta Development did contact me. We finally were able to speak on Monday, November 26, 2012.

She advised me at that time that Delta Development has retained the services of Zaxis Architects, which is headed by Frank Zalkowski, to determine the specifications for the pass through to be constructed. Ms, Harlan informed me that Mr. Zalkowski will be contacting Joe Geyer to determine the requirements to enable him to prepare bid specifications. Once these specifications have been written, Delta intends to engage Phomann Paving to construct the crosswalk.

While Ms, Harlan was unable to give me a definite date for completion of the work, the impression she left me with was that it will be several months before Delta has done the work required in order for us to erect the signs and striping on the street. I will keep in touch with Ms. Harlan to determine the progress of the project, and will advise you if I receive any additional information.

If you have any questions please do not hesitate to contact me.

NORMAN LEBLANC- CITY ATTORNEY

Moved by Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Darch, Lewis, Pirowski Carried 4-0

Bullet Proof Vests-Ordinance

6. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

NORMAN LEBLANC-CITY ATTORNEY

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

Yeas: Noman, Darch, Lewis, Pirowski Carried 4-0

Standard Work Day Reporting

7. To: City Council

Attached for your review and approval is the Standard Work Day Reporting Resolution for Elected and Appointed Officials (Form RS 2417-A). The form is utilized to establish the standard work day for each position within the City as required by the New York State and Local Retirement System.

ROBERT C. MARCINIAK-CITY COMPTROLLER

Moved by Pirowski, seconded by Darch to approve the standard work day report as required by NYS retirement system

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Police Car #9- 2004 Chevrolet

8. To: City Council

This serves to request that your honorable body give your permission to sell car #9. It is a 2004 Chevrolet 4DSD, bearing VIN #1G1ZV54884F173396.

Thank you for your anticipated cooperation in the above request.

DANA J. BRITTON-DIRECTOR of PUBLIC SAFETY

Moved by Pirowski, seconded by Noman to grant request to sell Police Car #9

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Commissioner of Deeds-Police Department

9. To: City Council

This letter serves to request your honorable body renew the attached listing of personnel that serve as Commissioner of Deeds for the Police Department. The current licenses expire December 31, 2012.

If you have any questions, please contact this writer. Thank you.

(complete list on file in City Clerk Office)

DANA J. BRITTON-DIRECTOR of PUBLIC SAFETY

Moved by Pirowski, seconded by Lewis to approve request for commissioner of deeds status

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Communications from Citizens:

Business License:

10. **Welded Tube USA, Inc.** - manufacturing business- 1951 Hamburg Turnpike

Moved by Pirowski seconded by Darch to approve business license for Welded Tube

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

11. **Lackawanna Grove-** tavern- 2847 South Park Avenue

Moved by Pirowski seconded by Noman to approve business license for Lackawanna Grove

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

12. **J's White Elephant-** restaurant- 1404 Abbott Road

Moved by Pirowski, seconded by Darch to approve business license for J's White Elephant

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Ordinances:

AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE ADOPTED JULY 9, 2012

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

SECTION 1. That the 2012-2013 Budget Ordinance adopted July 9, 2012 is hereby amended to provide the funding for Bullet Proof Vests.

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$30,400 to Budget code A.3120.0418, Police Department, Uniforms and Accessories.

SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add the sum of \$15,200 to new revenue code A..4180, Federal Aid-Bullet Proof Vests.

SECTION 4. That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$15,200 of the City's Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Noman to adopt the ordinance as written for purchase of bullet proof vests for the police department

Yeas: Noman, Darch, Lewis, Pirowski

Carried 4-0

Tabled Items:

Adjournment

Moved by Pirowski, seconded by, Noman meeting adjourned.

Yeas: Noman, Darch, Lewis, Pirowski Carried 4-0

Henry R. Pirowski, Council President

Gail Nicholson, Deputy City Clerk

**SPECIAL COUNCIL MEETING
THURSDAY, DECEMBER 13, 2012
6:00 P.M. - COUNCIL CHAMBERS
www.lackawannany.gov**

Special 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: Present: Noman, Darch, Jerge, Lewis, Pirowski

Communications from the Council:

Creation of New Line Item-Outside Council Fees

1. To: City Council

I am requesting your honorable body create a new line item in code A1010, City Council account which would be line item A1010.465, Outside Council fees.

Thank you for your anticipated cooperation.

COUNCIL PRESIDENT-HENRY R. PIROWSKI

Moved by Council Member Noman, seconded by Darch to approve request, new line item A1010.465, City Council, outside fees is now created.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0

Carried 5-0

Transfer of Funds-Legal Fees

2. To: City Council

I request Council approval of an Ordinance transferring \$15,000 to newly created line item A1010.465, Outside Council fees.

Thank you for your anticipated cooperation.

COUNCIL PRESIDENT-HENRY R. PIROWSKI

Moved by Pirowski, seconded by Darch to received and file, act on ordinance.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski
Nays: 0

Carried 5-0

Ordinance:

AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE ADOPTED ON JULY 9, 2012

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

SECTION 1. That the 2012-2013 Budget Ordinance adopted July 9, 2012 is hereby amended to provide the funding for outside fees for outside attorney fees for the City Council.

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to transfer the amount of \$15,000 from Code A1900.1930, Judgments and Claims to the newly created line item, A1010.465, City Council, outside attorney fees. .

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Lewis to adopt ordinance as written

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0

Carried 5-0

Moved by Pirowski, seconded by Lewis to enter into executive session at 6:04 P.M.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0

Carried 5-0

Moved by Pirowski, seconded by Lewis, meeting is reconvened at 7:40 P.M.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0

Carried 5-0

Roll Call: Council: Present: Noman, Darch, Jerge, Lewis, Pirowski

Moved by Pirowski, seconded by Lewis to waive rules

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0

Carried 5-0

Moved by Pirowski, seconded by Lewis to contract the Law firm of Hiscock and Barclay to represent the Council regarding impending lawsuit

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays: 0

Carried 5-0

Moved by Pirowski, seconded by Lewis, meeting is adjourned

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays:

Carried 5-0

Adjournment:

Moved by Pirowski, seconded by Lewis, meeting is now adjourned

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Nays:

Carried 5-0

Henry R. Pirowski, Council President

Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY DECEMBER 17, 2012
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, Darch, Jerge, Lewis, Pirowski

Dept Heads: Present: Law, Development, Asst. Comptroller

Excused: Recreation and Public Safety

Approval of Minutes: of regular meeting of December 3rd and special meeting of December 13, 2012.

Moved by Pirowski, seconded by Noman to adopt minutes of regular meeting of December 3rd and special meeting of December 13, 2012

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

Departmental Reports:

1. City Treasurer- Receipts deposited into General Fund for month of November 2012.
2. City Compt. – A/P Check Listing #17, November 30, 2012
3. City Compt. – A/P Check Listing #18, December 4, 2012
4. City Compt.- A/P Check Listing #19, December 5, 2012
5. City Compt.- A/P Check Listing #20, December 7, 2012
6. City Clerk- Monthly report, November 2012

Moved by Pirowski, seconded by Darch to receive and file departmental reports one through six.

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

Communications from the Mayor:

Property Tax Cap

7. To: City Council:

This letter is to inform you of the possibility that in the upcoming fiscal year 2013-2014 there may be a need to override the 2% Property Tax Cap. The 2012-2013 Tax Levy was \$8,922,289. The Cap limits an increase to 2% of the prior year Levy, which is \$178,445. As you are aware, there are several capital projects in the City that need to be addressed. In order to accomplish these projects, the City would have to sell a Bond of approximately \$5,000,000. The approximate debt service payment would be \$400,000 for a period of 20 years, which would include principal plus interest. Even if you choose to do a Bond Anticipation Note of \$950,000 the annual Principal payment of \$190,000 plus interest would exceed the 2% Cap. Since the Tax Cap does not exclude capital debt service payments, without cutting other expenditures within the City Budget or utilizing Fund Balance to cover the amount of the principal and interest payments, it would be necessary to override the Property Tax Cap. If the Tax Cap is not overridden the City would have to use at least \$2,000,000 of its Fund Balance to stay under the Cap. The City's current Fund Balance of \$3,500,000 would decrease to \$1,500,000. If nothing were done the City would not have enough balance in the second year and would then have to make drastic cuts or go into receivership. It should be noted that the override is for fiscal year only. The resulting tax levy would then be the

base year for the 2014-2015 Fiscal Year Cap, which would include the debt service payment and may not require another override as long as there are no other substantial expenditures. Additionally, please be aware that if you vote to override the Tax Cap, it does not mean that the City has to or will increase the Tax Levy by more than 2%. It will just ensure that if the need arises, the Law will be in place to facilitate the Budget process.

If you have any questions, please do not hesitate to contact me.

MAYOR GEOFFREY M SZYMANSKI

Moved by Council Member Pirowski seconded by Lewis to receive and file.

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

Communications from Council:

Budget Ordinance- Contingency Account

8. To: City Council

I request Council approval of the budget ordinance transferring monies from Judgments and Claims account to the Contingency Account.

HENRY R PIROWSKI-COUNCIL PRESIDENT

Moved by Pirowski, seconded by Jerge to table for study

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

Communications from Department/Division Heads:

Melroy/Ridge Crosswalk Update

9. To: City Council

We have been advised by the architect for the Melroy Ridge Housing complex that they have completed collecting the necessary electronic data and that they will be completing the elevation measurements either today or tomorrow to enable them to produce a topographical sketch where the cut through is to be installed. They have further advised us that they anticipate submitting all documentation to the city by December 14, 2012. Upon submission of the documentation, it will be reviewed by Mr. Geyer and, if satisfactory, a permit will be issued for the work to be undertaken. Mr. Geyer advised me that if the plans as submitted are satisfactory he should be able to issue the permit within a couple of days of completing his review of the submission.

From my previous conversations with Bernadette Harlan at Delta Development, it is my understanding that they have engaged a contractor to actually undertake the work. I would expect, therefore, that the work will commence shortly after the issuance of the permit.

I will keep you advised of progress in this regard. However, if you have any questions please do not hesitate to contact me.

NORMAN A LEBLANC-CITY ATTORNEY

Moved by Pirowski, seconded by Darch to receive and file

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

Bethlehem Administration Building Demolition

10. To: City Council

ON Tuesday, December 11, 2012, we were advised that Gateway has entered into contract with Zoladz Construction for demolition of the former Bethlehem Administration Building. We were further advised that Zoladz sent its required ten day notification to the State to advise of the removal of asbestos together with the \$10,000.00 application fee. The application must be submitted ten days prior to any demotion being undertaken. Consequently, Zoladz will not begin demotion until December 28, 2012. Zoladz advised us that work is scheduled to commence on that date. However, they also stated they would deliver a signed copy of the contract to the city on Thursday, December 13, 2012 at which time they will also obtain the permits for the demolition work. Mr. Lavelle of Zoladz Construction further advised that when they arrive at City Hall on December 13th, they will provide us with a timeline for completion of the job.

Based on this information, we will defer any actions against Gateway seeking any sanctions from the Court. However, if the work does not begin and proceed as stated we will be taking further action to enforce the demolition order,

If you have any questions please do not hesitate to contact me.

NORMAN A LEBLANC-CITY ATTORNEY

Moved by Pirowski, seconded by Noman to receive and file

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

Parking Ordinance-South Shore North of Ridge

11. To: City Council

This serves to request your honorable body direct the City Attorney to create an ordinance of **“No Parking from 2:30 a.m. to 7:30 a.m.”** on South Shore, north of Ridge Road.

DANA J BRITTON-DIRECTOR OF PUBLIC SAFETY

Moved by Pirowski, seconded by Noman to table for study

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

Commissioner of Deeds-Law Secretary

12. To: City Council

I hereby request appointment by your honorable body as commissioner of deeds for 2013-2014.

DENISE FITZGIBBONS-LAW SECRETARY

Moved by Pirowski, seconded by Jerge to approve request for commissioner of deeds status

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

Communications from Citizens:

Commissioner of Deeds-Front Page Group

13. To: City Council

We hereby request appointment by your Honorable Body as Commissioner of Deeds for 2013-2014 for Beverly Ann Mazur, Sharon Bishop and Heather Pham.

Thank you for your consideration.

FRONT PAGE GROUP

Moved by Pirowski, seconded by Noman to approve request for Commissioner of Deeds status

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

Commissioner of Deeds-Petricca and Nieves

14. To: City Council

Please put this matter on your agenda at the next Council Meeting. I request a Commissioner of Deeds re-appointment for Nancy Petricca, residing at 605 Ridge Road, Lackawanna, New York, and a Commissioner of Deeds re-appointment for Joselyn Nieves residing at 28 Eagan Drive, Lackawanna, New York.

Thank you for your assistance.

ARC. J PETRICCA-ATTORNEYS and COUNSELORS at LAW

Moved by Pirowski, seconded by Jerge to approve request for Commissioner of Deeds status

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

Entertainment Licenses:

15. Nite Cappe-Restaurant -1769 Abbott Rd- Class 1- live music

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

16. Woody's- Tavern- 1841 Abbott Rd- Class 1- live music

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

17. McMudz- Tavern- 1441 Electric Ave- Class 1- live music

Moved by Pirowski, seconded by Darch to approve entertainment license, on condition that per municipal ordinance, live music must cease at 2:00 A.M.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

18. Lackawanna Grove- Tavern- 2847 South Park- Class 1- live music

Moved by Pirowski, seconded by Darch to approve entertainment license, on condition that per municipal ordinance, live music must cease at 2:00 A.M.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Ordinances:

AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE ADOPTED JULY 9, 2012

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

- SECTION 1. That the 2012-2013 Budget Ordinance adopted July 9, 2012 is hereby amended as follows:
- SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to transfer the sum of \$160,622.07 from account A1900.1930, Judgments and Claims; and
- SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add the sum of \$160,622.07 to account A1900.1990, Contingency Account

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski, seconded by Noman to table for study
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Moved by Jerge seconded by Pirowski to waive rules
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE ADOPTED JULY 9, 2012

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

- SECTION 1. That the 2012-2013 Budget Ordinance adopted July 9, 2012 is hereby amended To provide an additional Police Lieutenant in Police Code A.3120.0101
- SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to delete a Patrolman position from Police Code A.3120.0101
- SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add the sum of \$7,268 to Police Code A.3120.0101
- SECTION 4. That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$7,268 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge, seconded by Pirowski to adopt budget ordinance appropriating funding for position of Police Lieutenant

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

Moved by Pirowski seconded by Lewis to enter into Executive session at 7:22 PM

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

Council President Pirowski reconvened the council meeting at 8:15 PM

Roll Call: Council: Present: Noman, Darch, Jerge, Lewis, Pirowski

Adjournment

Moved by Pirowski, seconded by, Noman to adjourn in memory of Henry R Pirowski, Sr. on his 65th Birthday

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

Henry R. Pirowski, Council President

Jacqueline A Caferro, City Clerk