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**COUNCIL MEETING-REORGANIZATIONAL  
COUNCIL CHAMBERS  
MONDAY JANUARY 7, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

Reorganizational & regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.

Meeting called to order

NB: Meeting being recorded

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

Dept Heads: Present: Law, Public Safety, Recreation, Development, Asst. Comptroller

**Approval of Minutes:** of special meeting of December 13th and regular meeting of December 17th, 2012.

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

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

**Departmental Reports:**

1. City Compt. - Statement of Cond. Of Approp. as of November 30, 2012.
2. City Compt. – A/P Check Listing #21, December 13, 2012
3. City Compt. – A/P Check Listing #22, December 20, 2012
4. City Treas.- Receipts deposited into General Fund, December 2012
5. City Clerk- Monthly report for December 2012

Moved by Pirowski, seconded by Lewis to receive and file departmental reports one through five

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

**Communications from the Council:**

**Council Meeting Dates for 2013**

6. To: City Council

I request approval of Resolution establishing the City Council Meeting dates for the year 2013.

**HENRY R PIROWSKI-COUNCIL PRESIDENT**

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

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

**Council President Pro-Tempore for 2013**

7. To: City Council

I request Council approval designating Council President Pro Tempore for the year 2013.

**HENRY R PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski, seconded by Lewis to receive and file, and act on resolution appointing Abdulsalam Noman, First Ward Council Member, as Council President Pro Tempore.

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

**Official City Newspaper for 2013**

8. To: City Council

I request Council approval designating the Front Page Newspaper as the official newspaper of the City for the year 2013.

**HENRY R PIROWSKI-COUNCIL PRESIDENT**

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

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

**Bingo Inspector Appointment**

9. To: City Council

I request your approval of the appointment of Thelma Glover, 16 Kossuth St., Lackawanna, NY 14218, for the position of Bingo Inspector for 2013.

Thank you in advance for your approval in this matter.

**ABDULSALAM NOMAN-FIRST WARD COUNCILMAN**

Moved by Pirowski seconded by Noman to approve request, Thelma Glover to be appointed as bingo inspector for year 2013

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

**Demolition of Uninhabitable Structures**

10. To: City Council

I am asking the city attorney to obtain a court order to force the owners, two (2) banks and five (5) private owners, of the following vacant houses, to be torn down. The properties are uninhabitable and need to be demolished.

- |                                 |                               |                                 |
|---------------------------------|-------------------------------|---------------------------------|
| 56 Ingham Ave (Bank of America) | 305 Ridge Rd (Bank)           |                                 |
| 89 Holland Ave (Private owner)  | 110 Pointe St (Private owner) |                                 |
| 24 Glenwood St (Private owner)  | 33 Center St (Private owner)  | 109 Holbrook St (Private owner) |

These houses are in deplorable condition, the City of Lackawanna should start demolition and send the bills to the two banks and the five private owners of the dilapidated, vacant, and abandoned houses in the First Ward.

Thank you for your cooperation in this matter.

**ABDULSALAM NOMAN-FIRST WARD COUNCILMAN**

Moved by Pirowski, seconded by Jerge to receive and file, City Attorney to proceed with court orders.

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

**Communications from Department/Division Heads:**

**Sale of Narcotics Vehicle #8 & Permission to Purchase New Chevrolet Tahoe**

11. To: City Council

This serves to request your honorable body give permission to sell narcotics vehicle #8, a 2002 GMC Denali, VIN # 1GFK66U42J325124, Plate # FGM 5844. I am also requesting permission to use the proceeds from this sale of the Denali and insurance proceeds (\$5,304.43 plus scrap) from narcotic vehicle (2005 Ford Explorer) that was involved in an accident, to purchase a new Chevrolet Tahoe for the Narcotics Unit.

Please be advised that using the insurance proceeds of the 2005 Ford Explorer, the sale of vehicle #8, and the funds seized by the Narcotics Unit, the purchase of the new vehicle will be at no cost to the city.

**DANA BRITTON-PUBLIC SAFETY DIRECTOR**

Moved by Pirowski, seconded by Noman to grant request

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

**Tabled Items Over 90 Days**

12. To: City Council

Attached please find tabled items that are over the ninety (90) day period established by the City Council on May 20, 1991, stating all items not acted upon after ninety days are null and void.

The following are the tabled items over the ninety day period:

<u>Meeting of:</u>	<u>Comm. #</u>	<u>From:</u>	<u>Regarding:</u>
4/2/12	#4	Tom Love	Purchase of 2 Vehicles for Dept of Public Works
4/16/12	#13	School Clerk	Use of Bocce Court-May 15 <sup>th</sup> election
6/4/12	#12	Assessor	Sale of 32 Ingham
6/4/12	#13	Assessor	Sale of 207 Center St
6/4/12	#14	Assessor	Sale of 48 Steelawanna
6/4/12	#17	Assessor	Sale of 31 Holland Ave
6/4/12	#21	D Hardy	Request funding Hard Summer Basketball
6/4/12	#18	Assessor	Sale of parcel on Wilmuth-B Cruzado
7/9/12	#14	Public Safety	No Outlet Sign Electric/Nason, Green Arrow Ridge
8/13/12	#11	Noman	Request cancel contract Bolton St Johns
9/4/12	Ord	Comptroller	Bond Ordinance-\$975,000-Capital items
10/1/12	#6	Noman	Resurfacing of First Ward Streets
10/1/12	Ord	Atty	Identification and Seizure of cats at large

Per Municipal Code of the City of Lackawanna, I request your honorable body receive and file these tabled items.

**JACQUELINE A CAFERRO-CITY CLERK**

Moved by Pirowski, seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Resolutions:**

**Resolution #1, 2013 Council Meeting Dates for 2013**

**WHEREAS**, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council, and

**WHEREAS**, the City Council is desirous of complying with the charter of the City of Lackawanna and the Open Meetings Law of the State of New York:

**BE IT RESOLVED**, the following meeting dates for the City Council meetings for the year 2013 shall be as follows:

- |   |                             |
|---|-----------------------------|
| <b>Monday, January 7 (reorganization &amp; regular meeting)</b> |                             |
| <b>Tuesday, January 22</b>                                      | <b>Monday, July 15</b>      |
| <b>Monday, February 4</b>                                       | <b>Monday, August 12</b>    |
| <b>Tuesday, February 19</b>                                     | <b>Tuesday, September 3</b> |
| <b>Monday, March 4</b>  | <b>Monday, September 16</b> |
| <b>Monday, March 18</b>   | <b>Monday, October 7</b>    |
| <b>Monday, April 1</b>  | <b>Monday, October 21</b>   |
| <b>Monday, April 15</b>   | <b>Monday, November 4</b>   |
| <b>Monday, May 6</b>  | <b>Monday, November 18</b>  |
| <b>Monday, May 20</b>   | <b>Monday, December 2</b>   |
| <b>Monday, June 3</b>   | <b>Monday, December 16</b>  |
| <b>Monday, June 17</b>  |                             |

**BE IT RESOLVED**, that all Council meetings shall be held in Lackawanna City Hall unless deemed otherwise by the City Council; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, on the Council bulletin board and in the City Clerk's Office.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Lewis to adopt resolution as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Resolution #2, 2013 Council President Pro Tempore for 2013**

Whereas, Chapter 3, Section 3.5 provides that the Council may select from its members, a Council President Pro-Tempore who shall serve in place of the Council President in the event the Council President's absence or disability; and

Whereas, the Council President Pro-Tempore, selected by the City Council shall serve as Council President Pro Tempore for a term of one year, expiring December 31, 2013; and

Now therefore be it resolved, that Abdulsalam Noman, Council Member of the First Ward be and hereby is selected and appointed to be Council President Pro Tempore for the year 2013.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski, seconded by Iafallo to appoint Abdulsalam Noman, first ward council member as Council President Pro Tempore  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Resolution #3, 2013 Official Newspaper for City of Lackawanna**

Whereas, Chapter 2, Section 2.9 of the City Charter of Lackawanna by resolution, designates a newspaper having general circulation and published within the City to serve as the "Official Newspaper" of the city.

Now therefore be it resolved that the Front Page Newspaper, 2703 South Park Avenue, Lackawanna, New York is hereby designated as the official newspaper of the City of Lackawanna.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt resolution as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Adjournment**

Moved by Pirowski, seconded by Jerge, meeting is adjourned  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A Caferro, City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, JANUARY 28, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.

Meeting called to order

NB: Meeting being recorded

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

Dept Heads: Present: Law, Development, Asst. Comptroller, Public Safety, Recreation

**Approval of Minutes:** of regular meeting of January 7<sup>th</sup> and special meeting of January 18, 2013.

Moved by Pirowski, seconded by Iafallo to adopt minutes of regular meeting of January 7th and special meeting of January 18, 2013

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

**Departmental Reports:**

1. City Compt.-A/P Check Listing #23, December 28, 2012.
2. City Compt.-A/P Check Listing #24, January 3, 2013
3. City Compt. -A/P Check Listing #25, January 4, 2013
4. City Compt.-A/P Check Listing #26, January 10, 2013
5. City Compt.-A/P Check Listing #27, January 11, 2013
6. City Compt.-A/P Check Listing #28, January 17, 2013
7. City Compt.- Statement of Cond. Of Approp., Dec. 31, 2012

Moved by Iafallo, seconded by Pirowski to approve the amended reports, AP check listing #26 to approve only first seven items, all other reports approved as submitted.

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

**Communications from Council:**

**Transfer of Funds for Demolition**

8. To: City Council

Mr. Miranda informed me that a bid was received for the demolition of 187 Holbrook, in the amount of \$18,750. Currently, there is \$12,337.76 in the budget for demolitions. I am requesting the City Council Members approve the transfer of \$7,000 from Budget Line A1900.1990, Contingent Account, and move to Budget Line A3620.466, Demolition of Buildings. This would cover the demolition of said property, and any incidentals that may arise. Thank you for your consideration.

**ABDULSALAM K. NOMAN-FIRST WARD COUNCILMEMBER**

Moved by Pirowski, seconded by Noman to approve transfer

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

**Communications from Department/Division Heads:**

**Budget Ordinance-Proper Accounting**

9. To: City Council

Please find attached for your review and approval two ordinances amending the 2012-2003 Budget ordinance adopted July 9, 2012, to allow for proper accounting of the revenue received from the sale of three vehicles and increasing the appropriations. The Law Department has reviewed and approves the ordinances for form and substance.

If you have any questions, please feel free to contact me.

**ROBERT C. MARCINIAK-CITY COMPTROLLER**

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

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

**Mileage Increase**

10. To: City Council

As per previous discussions I am requesting that you increase our Auto Mileage Reimbursement from the current amount of \$.31 a mile to the IRS allowable amount of \$.555 per mile.

**RALPH D. MIRANDA-DIRECTOR OF DEVELOPMENT**

Moved by Pirowski, seconded by Noman to approve increase of auto mileage from current \$.31 per mile to the IRS allowable amount of \$.555 per mile

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

**Martin Road Subdivision City Owned Property**

11. To: City Council

My office is requesting the City Council approve the Sale Prices for the attached list of properties located in the Martin Road Subdivision.

If you have any further questions please contact my office.

(list of properties in file in clerk's office)

**FRANK E. KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski, seconded by Jerge to approve list of properties, which were submitted by the assessor, located in the Martin Road Subdivision

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

**Business License:**

**Skulski Motors-3244 South Park Avenue-Used Car Sales & Repair**

Moved by Pirowski, seconded by Iafallo to approve business license

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

**Care More Pharmacy- 319 Ridge Road- Pharmacy**

Moved by Pirowski, seconded by Noman to approve business license

Yeas: Noman, Iafallo, 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  
To recognize the revenue from the sale of 2004 Ford Crown Victoria

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$3,850 to budget code  
A.0000.2260, Revenues, Sale of Real Property

SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add \$3,850 to budget code  
A.3120.0250, Police Department, 1 Police Car

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski, seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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 recognize the revenue from the sale of 2008 Ford Escape

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$10,800 to budget  
code A.0000.2660, Revenues, Sale of Real Property

SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to add \$10,800 to new budget  
Code A.7140.0250 Playgrounds, Playground Equipment

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Noman to waive rules

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Parking Ordinance-South Shore North of Ridge**

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 Jerge, to remove from the table, item #11, meeting of December 17, 2012 regarding “no parking from 2:30 A.M. to 7:30 A.M. on South Shore, north of Ridge Road”, city attorney to prepare necessary ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski, seconded by, Jerge meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A Caferro, City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, FEBRUARY 4, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.

**Meeting called to order**

**NB: Meeting being recorded**

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

**Dept Heads: Present: Law, Development, Comptroller, Public Safety, Recreation**

**Approval of Minutes:** of regular meeting of January 28, 2013.

Moved by Pirowski, seconded by Iafallo to adopt minutes of regular meeting of January 28<sup>th</sup>, 2013

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Compt.-A/P Check Listing #29, January 24, 2013

Moved by Pirowski, seconded by Noman to approve departmental report

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Council:**

**Marriage Officer Appointment- Annette Iafallo**

2. To: City Council

I am requesting your support to appoint, Second Ward Council Woman, Annette Iafallo, as a marriage officer for the City of Lackawanna, New York.

I appreciate your help in this matter,

**ABDULSALAM K. NOMAN-FIRST WARD COUNCILMEMBER**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**St. Patrick's Day Parade-2013**

3. 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 16, 2013.

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

(Parade Route: Our Lady of Victory Basilica to City Hall)

1:00 PM Raising of Irish Flag commemorating St. Patrick's Day

Guest Speakers: City of Lackawanna Mayor and Parade Representatives

1:30 PM Corned Beef and Cabbage Dinners/Sandwiches and Refreshments available at Father Baker

Council Knights of Columbus and Col. Weber Post #898

Thank you in advance for your consideration.

**MICHAEL J CUSACK/THOMAS MCGOWAN-CO-CHAIRMAN**

Moved by Pirowski, seconded by Lewis to grant request for St. Patrick's Day Parade, flag raising and use of podium

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Resolution:**

**Resolution #5, 2013-Marriage Officer -Annette Iafallo**

**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, effective January 1, 1988; and

**WHEREAS**, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes said appointments; and

**WHEREAS**, the Lackawanna City Council is desirous of appointing a marriage Officer in conformance with the Domestic Relations Law; and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Annette Iafallo, be and is hereby appointed as a Marriage Officer for the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State; and

**RESOLVED**, that this resolution shall take effect immediately.

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski, seconded by Iafallo, meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
TUESDAY, FEBRUARY 19, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.

**Meeting called to order**

**NB: Meeting being recorded**

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

**Dept Heads: Present: Law, Development, Asst. Comptroller, Recreation**

**Excused: Public Safety**

**Approval of Minutes:** of regular council meeting of February 4, 2013.

Moved by Pirowski, seconded by Iafallo to adopt minutes of February 4, 2013 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Treasurer- Receipts deposited into general fund-January 2013
2. City Clerk- Monthly report January 2013
3. City Compt.-A/P Check Listing #30, January 31, 2013

Moved by Pirowski, seconded by Iafallo to receive and file departmental reports one through three

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Mayor:**

**2013 Capital Improvement Projects**

4. To: City Council

When we met at the City Council work session at the end of December of 2012, a number of capital improvements projects for the 2013 calendar year were discussed in some detail. Several of these projects need to be advanced as soon as possible in order to take advantage of early season bidding that will result in the City receiving more favorable bid prices on these projects. Having these projects ready to bid in the near future will result in allowing the City to do more with less.

So if the City is going to advance a paving project other than the 2<sup>nd</sup> Ward Community Development Block Grant (CDBG) Paving Project, we need to identify the streets that you wish to pave in each ward as soon as possible. Construction cost estimates and a listing of streets in each Ward that need to be paved were previously provided to you. As a group, I hope collectively we can have some serious discussion on repaving South Park and Electric Avenues as they are in deplorable condition. This would be in addition to streets that need to be paved in the other Wards. There also can be savings realized in making the paving project one very large project, including the CDBG Paving Project as there are economies of scale.

We must also advance the Ridge Road Bridge at Rosary Avenue Project as this project will take the most lead time due to the nature of its construction and the special coordination with the Buffalo & Pittsburgh Railroad and the New York State Department of Transportation. You have been brought up to speed of the structural issues related to this bridge through correspondence from me to your Honorable Body in the past.

I am available to discuss this with any or all of the City Council Members at your convenience.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski, seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Bond Ordinance**

5. To: City Council

Requesting your approval of the \$975,000 Bond Ordinance, for Playground Equipment and Improvements to parks and recreation areas, a Snow Plow Truck and Demolition of City Buildings, as prepared by Orrick, Herrington & Sutcliffe, LLP.

If you have any questions, please feel free to give me a call.

**ROBERT C. MARCINIAK- CITY COMPTROLLER**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Advertise for Demolition**

6. To: City Council

I am asking your honorable body to allow the City Clerk to advertise for the demolition of attached properties and other properties as needed.

297 Ridge Rd.

622 Ridge Rd.

1266 Ridge Rd.

499 Ridge Rd.

48 Steelawanna Ave

23, 29, 33 Bethlehem St

103 Holbrook

163 Ingham

**RALPH D. MIRANDA- DIRECTOR OF DEVELOPMENT**

Moved by Pirowski seconded by Noman to grant request, city clerk to advertise for demolition of city owned properties and other properties as needed.

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**In Rem Properties**

7. To: City Council

Following the Council work session on Monday, February 4, 2013, we proceeded with the emergency demolition of two properties which were identified as in need of immediate action. The demolition of those two properties, located at 187 Holbrook and 33 Center, has been completed.

At the work session, it was agreed that the entire amount of the bond proceeds would be designated for demolition of city owned properties. The properties which we acquire in the pending In Rem Proceeding should result in the city acquiring property to several other parcels which, when added to the list of properties we currently own, should exhaust the funds realized by the sale of the note. The Department of Development is working with the Law Department to prepare the bid specifications, which will be drafted in the near future for your review and approval. The Comptroller is currently

working with the Law Department and our bond counsel to prepare the bond issue. We should likewise be ready to proceed to sale in the near future.

The sale of properties on the In Rem list should occur in or about mid-June to early July, 2013. As stated above, I expect that most if not all of the properties on the In Rem list targeted for demolition will be acquired by the city at the In Rem sale. It is necessary to obtain title to these properties through foreclosure to extinguish any liens on the property which are subordinate to the tax liens, and to enable us to add the cost of demolition to those liens.

As I informed you, I will be out of town and unavailable to attend the Council meeting on Tuesday, February 19, 2013. However, Mr. Savaglio will be present and prepared to answer any questions you may have regarding this matter.

**NORMAN A. LEBLANC-CITY ATTORNEY**

Moved by Pirowski seconded by Lewis to receive and file.

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Martin Rd. Subdivision Covenants**

8. To: City Council

My office is requesting the City Council approve the following changes to the covenants for the Martin Rd. Subdivision:

1. Reduce home size to single story 1600 Sq. Ft. and 2-story Sq. Ft.
2. Allow a model home of each variety at the beginning of Love Terrace.
3. Homes in the Cul-de-sac to remain the original square footage.
4. Refund of \$5,000 to the current owners in the subdivision.

If you have any further questions please contact my office.

**FRANK E. KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Lewis to approve covenant changes for the Martin Road subdivision

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Questions/Concerns**

9. To: City Council

1. Would like a update on the situation with the Mayor and Council
2. What is the Council position about a person working in the City of Lackawanna or running for office and is not a resident of the city and how will you address it or enforce the law
3. I would like to know is the council working on anything concerning our local post office which we hear will be closing soon and if that is incorrect please enlighten the resident of the city
4. The citizens of ward 1 would like to know the plan for the land where the Friendship House we hear that something is happening is that true.
5. What is the Council position on Fracking and if there is no position will you take one and will the Council attend a power point presentation on this matter on March 7, 2013 at 6pm at our local library downstairs our speaker will be Rita Yelda from the Food and Water Organization.

**JOHN INGRAM-CHAIRMAN OF CITIZENS OF LACKAWANNA'S FUTURE**

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

Yeas: Noman, lafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**Bond Ordinance dated February 19, 2013**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$975,000 BONDS OF THE CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS CAPITAL ITEMS FOR SAID CITY.

**WHEREAS**, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; **NOW, THEREFORE, BE IT**

**ORDAINED**, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Council of the City of Lackawanna, Erie County, New York, as follows:

**Section 1.** The following capital items in and for the City of Lackawanna, Erie County, New York, are hereby authorized:

- a) Purchase of playground equipment and improvements to parks and recreation areas, at a maximum estimated cost of \$550,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 19© of paragraph a of Section 11.00 of the Local Finance Law
- b) Purchase of a snow plow truck, at a maximum estimated cost of \$225,000, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 Of the Local Finance Law; and
- c) Demolition of city-owned buildings, at a maximum estimated cost of \$200,000, being a class of class of objects or purposes having a period of probable usefulness of ten years pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law.

**Section 2.** The plan for the financing of the aforesaid purposes consist of the issuance of \$975,000 bonds of said City, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law, which shall be allocated as per the maximum estimated costs set forth in Section 1 hereof.

**Section 3.** The faith and credit of said City of Lackawanna, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

**Section 5.**

All other matters, except as provided herein relating to the bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of

such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

**Section 6.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 7.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 8.** The City Clerk shall cause this ordinance to be published in summary form in the official newspaper of said City, together with a notice in substantial conformity with Section 81.00 of the Local Finance Law, and such ordinance shall take effect immediately upon such publication.

Moved by Pirowski, seconded by Jerge, to adopt ordinance as written

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

### **Adjournment**

Moved by Pirowski, seconded by Iafallo, meeting is adjourned

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

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Henry R. Pirowski, Council President

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Jacqueline A Caferro, City Clerk

**SPECIAL COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, FEBRUARY 25, 2013  
[www.lackawannany.gov](http://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: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski

**Resolution:**

**Resolution #6, 2013-Amending Meeting Dates**

**WHEREAS**, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for the meeting dates of the Lackawanna City Council, and

**WHEREAS**, the City Council is desirous of complying with the charter of the City of Lackawanna and the Open Meetings Law of the State of New York;

**BE IT RESOLVED**, following meeting dates for the City Council meeting for the year 2013 be as follows are amended as follows:

Monday, March 4, 2013 has been rescheduled for **Wednesday, March 6, 2013**

Monday, March 18, 2013 has been rescheduled for **Monday, March 25, 2013**

Monday, April 1, 2013 has been rescheduled for **Wednesday, April 3, 2013**

**BE IT RESOLVED**, That all Council meetings shall be held in Lackawanna City Hall unless deemed otherwise by the City Council; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, on the Council bulletin board and in the City Clerk's Office.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski, seconded by Noman, to enter into executive session at 5:40 P.M.

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

At 6:32 P.M. Council President Pirowski reconvened special meeting

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

**Adjournment**

Moved by Pirowski seconded by Jerge to adjourn to work session

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk



front of the building that has been there for some time and it doesn't appear as though anything has been done with the two piles of debris to the left and the right of the buildings front entrance. The entire exterior of the south part of the building is in horrendous condition and quite frankly, if I had to look out my window at that every single day, I'd be upset too.

I am hopeful that the new owner will have enough respect, understanding and concern for his new neighbors to expediently remove debris and disassemble the pirate shop to make the property more attractive "from the curb". This elimination of such will also eliminate safe harbor for unwanted animal activity and attention to the exterior would certainly make the neighbors happier.

If there is anything we can do from a code enforcement standpoint to assure the expedient removal of debris from the exterior of the building it would be appreciated and at this point is an outright necessity. I will continue to follow up on this on a week to week basis until we see movement that is appealing and acceptable to the residents that have suffered for the past several years with this horrible eyesore.

I want to thank you for your diligence with respect to updates regarding this property and genuine concern for the feelings of neighbors.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Melroy Crosswalk - Status**

8. To: City Council

On November 28, 2012 I submitted a letter to then City Attorney Norm LeBlanc regarding my concern about the dangers that the absence of a marked crosswalk pose on Melroy. To avoid redundancies, I have attached a copy of those letters for reference. (On file in City Clerk's Office)

I am writing today to determine if there has been any follow up to this situation with either Delta Development or Zaxis Architects with respect to having the crosswalk prepared so that we may stripe it.

This matter does still pose a relevant danger to our citizens and guests of our citizens. An update on this situation would be greatly appreciated.

With Sincere Gratitude

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge, seconded by Pirowski to receive and file, city attorney to pursue

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Paving Project**

9. To: City Council

I have composed a spreadsheet with data obtained from our City Assessor's Office concerning pertinent economic cost/benefit data to help us determine which streets should be paved using the \$1.3MM we have earmarked from our bond with the totes and the Rosary Bridge.

I look forward to sharing and discussing this data with you.

(Attachments on file in City Clerk's office)

**JOE JERGE-THIRD WARE COUNCILMAN**

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

Carried 5-0

**Communications from Department/Division Heads:**

**Bond Ordinance Amendment**

10. To: City Council

Attached for your approval is the Amendment to the \$975,000 Bond Ordinance, which was approved by your honorable body on February 19, 2013. The Amendment is for section 1 (b) of the Ordinance pertaining to the purchase of a snow plow truck for a maximum estimated cost of \$225,000.

If you have any questions, please feel free to give me a call.

**ROBERT MARCINIAK-CITY COMPTROLLER.**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Taste of "Lackawanna"**

11. To: City Council

The Lackawanna Youth Empowerment Program Inc. will be hosting its 6<sup>th</sup> Annual "Taste of Lackawanna". This event will be held Saturday, June 1, 2013. Set up begins at 9 a.m., but the actual event is held from 12 p.m. until 8 p.m.

We are requesting permission to block off O'dell Street, between Ingham and Wilmuth Street between the hours listed above.

Any further details needed, please contact our President at the phone number listed below. We thank you in advance for your support.

**WADE TURNER-PRESIDENT LACKAWANNA YOUTH EMPOWERED PROGRAM INC.**

Moved by Noman, seconded by Iafallo to grant request, refer to public safety

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinance**

**AMENDATORY BOND ORDINANCE DATED APRIL 3, 2013**

**AN ORDINANCE AMENDING THE AUTHORIZED PURPOSE SET FORTH IN A BOND ORDINANCE DATED FEBRUARY 19, 2013**

**WHEREAS**, the Council of the City of Lackawanna, Erie County, New York, adopted a bond ordinance on February 19, 2013 authorizing the issuance of \$225,000 bonds for the purchase of a snow truck; and

**WHEREAS**, it is now possible to refurbish two existing trucks for the same cost; **NOW, THEREFORE BE IT**

**ORDAINED**, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Council of the City of Lackawanna, Erie County, New York, as follows:

Section 1. Section 1 (b) of the bond ordinance dated February 19, 2013 is hereby amended to read as follows:

“b) The refurbished of heavy equipment at a maximum estimated cost of \$225,000, being, a Class of objects or purposes, having a period of probable usefulness of fifteen years, Pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law, and”

Section 2. This ordinance takes effect immediately.

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

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

Moved by Pirowski, seconded by Lewis to waive rules to included communication from the mayor

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

### **Bid Projects**

To: City Council:

I do apologize for asking to council to waive the rules and submit this communication for the agenda, however, it did take some time to finalize the numbers while working within the projected bond budget. I believe these streets will satisfy the City Council, as there is a least one street per ward and they all need to be addressed.

Please keep in mind that most of the Fourth Ward streets were paved with the major construction project from two years ago, and the only street to get paved last year was Ingham Ave,

I am submitting to you a list of streets that we have formulated through our work session along with the values.

**Bid Project 1** is a list of ‘Mill and Fill’ streets that will consist of milling off the old surface, a few inches down, and a new surface replacing it. Curbs and drainage will **not be** included because this will derail the scope of the projects and add significant cost to the projects. This assed cost would reduce the amount of streets that could be paved.

**Bid Project 2** includes two streets that need extensive work other than ‘mill and fill’ and will need work from Erie County Sewer District 6 and more detail overall. Lincoln was never designed for storm water drainage and we will be looking to tie in some drainage for this road. For those of us who grew up in Bethlehem Park, we will always remember that this street always flooded during heavy rains. Steelawanna, around Wilson, has a foundation problem of significance which must be addressed, and we would like to add drainage to add to this to this project’s longevity.

I have also included a list of reserve streets that need work, but funds may not be available this year. (List on file in City Clerk’s office)

I would like to have the listed streets bid on the next agenda and with the Council vote, we can have the RFP ready to be voted for on the next agenda. Construction contractors are now slotting in their projects for the year.

**GEOFFREY M. SZYMANSKI-MAYOR**

Moved by Pirowski seconded by Jerge to grant request, approve RFP for streets the mayor has proposed

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
WEDNESDAY, MARCH 6, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

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

Meeting called to order  
NB: Meeting being recorded

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

Moved by Jerge, seconded by Lewis to excuse Council President Pirowski from this meeting  
Yeas: Noman, Iafallo, Jerge, Lewis Carried 4-0

**Dept Heads: Present: Law, Development, Comptroller, Recreation  
Excused: Public Safety**

**Approval of Minutes:** of regular council meeting of February 19<sup>th</sup> and special meeting of February 25<sup>th</sup>, 2013

Moved by Noman, seconded by Iafallo to adopt minutes of February 19<sup>th</sup> and special meeting of February 25, 2013 as written  
Yeas: Noman, Iafallo, Jerge, Lewis Carried 4-0

**Departmental Reports:**

1. City Compt.- A/P Check Listing #31, February 14, 2013
2. City Clerk- Monthly report of February 2013

Moved by Noman, seconded by Iafallo to approve departmental reports one and two  
Yeas: Noman, Iafallo, Jerge, Lewis Carried 4-0

**Communications from the Mayor:**

**Advertise for Bids-Mowing/Landscaping**

3. To: City Council

I am requesting your Honorable Body to authorize the City Clerk to advertise for lawn mowing and landscaping of various recreational and public properties areas in the City of Lackawanna for the 2013 Calendar Year.

If you have any questions, please contact the Office of the Department of Public Works.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Jerge, seconded by Noman to direct the City Clerk to advertise for mowing and landscaping bids  
Yeas: Noman, Iafallo, Jerge, Lewis Carried 4-0

**Communications from Department/Division Heads:**

**Bond Ordinance**

4. To: City Council

Please find attached for your review and approval an ordinance amending the 2012-2013 Budget Ordinance adopted July 9, 2012, to increase the appropriations for the demolition of 33 Center Street. The Law Department has reviewed and approved the ordinances for form and substance.

If you have any questions, please feel free to contact me.

**ROBERT C. MARCINIAK- CITY COMPTROLLER**

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

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Communications from Citizens:**

**Hispanic Heritage Festival**

5. To: City Council

I appreciate the opportunity in being able to communicate with you at this time. It is with great wish that this New Year 2013 be a year of health and prosperity for you and your colleagues on the City Council and their families.

The following letter is to acknowledge the plans that we have for our celebration of our Third Hispanic Heritage Festival in the City of Lackawanna this year.

As you know Lackawanna and its surrounding areas have a good Hispanic population and we would like to share with them and other communities our ethnic heritage and diversity.

There will be a coordinated effort by the committee to bring a flavor of youth and senior family activities, accompany by music, food and entertainment for all the family.

We appreciate your guidance and permission as to the city process in order to comply with all city ordinances so that we may begin to work for sponsorships to defray some of the expected cost and access to the city parks stage. This year we will provide the necessary liability insurance to comply with all the requirements for this event.

Since the Friendship House vicinity is unavailable for this event, we request if we use Fairview Street to conduct this great event for our community.

You may send and all correspondence to my address indicated above and if you require any information in the interim please contact me at 716-704-3097.

Thanks in advance.

**CEFERINO LOPEZ-EVENT COORDINATOR**

Moved by Noman, seconded by Jerge to table, pending verification of liability insurance and issuance of peddler's permits for vendors

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Ordinances:**

**Bond Ordinance dated March 7, 2013**

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 increase the appropriations for the demolition of 33 Center Street.

**Section 2.** That the 2012-2013 Budget Ordinance is hereby amended to add \$11,000 to budget code A.3620.0466, Development, Demolition of Buildings.

**Section 3.** That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$11,000 of the City's Fund Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Noman, seconded by Jerge, to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis Carried 4-0

**Adjournment**

Moved by Noman, seconded by Jerge, meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis Carried 4-0

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Abdulsalam K. Noman, Council President Pro-Tempore

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Jacqueline A Caferro, City Clerk



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

**Police Car #27**

8. To: City Council

This serves to request that your honorable body give your permission to sell police car #27. It is a 2008 Ford, VIN #2FAHP71V48X103149.

Thank you for your anticipated cooperation in the above request.

**DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to grant request  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Communications from Citizens:**

**Commissioner of Deeds Appointment**

9. To: City Council

Please put this matter on your agenda at the next Council Meeting.

I request a Commissioner of Deeds appointment for Deborah A, Winkowski, residing at 609 Ridge Road, Lackawanna, New York, 14218.

Thank you for your assistance in this matter.

**ANTONIO SAVAGLIO-ATTORNEY AT LAW**

Moved by Pirowski seconded by Noman to approve request for Commissioner of Deeds status for Deborah Winkowski

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

Motion made by Pirowski seconded by Lewis to enter into executive session at 7:05 P.M.

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

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

Moved by Pirowski seconded by Iafallo to reconvene Council meeting at 7:20 P.M

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

**Resolution**

**WHEREAS**, City attorney requests authorization to settle the matter of Kelly Randon vs. City of Lackawanna, Index Number I2011-002783.

Moved by Pirowski seconded by Lewis to adopt resolution as written

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

**Adjournment**

Moved by Pirowski seconded by Noman meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk



**2013 Lawn Mowing and Landscaping Services**

3. To: City Council

On Friday, April 5<sup>th</sup>, 2013, the Lackawanna City Clerk opened sealed bids for lawn mowing at various recreational and public property areas in the City of Lackawanna for the upcoming calendar year. The bids that were received are attached and are as follows:

Emerald Dunes Landscaping	\$1,522.00
VIP Property Management	\$1,675.00
John’s Landscaping	\$2,824.00*

\*Denotes that John’s Landscaping total bid price does not include the cost of cutting any of the areas in the 1<sup>st</sup> Ward.

Based on the bid results, I am requesting that your Honorable Body award the bids to Emerald Dunes and VIP Landscaping. The work will be split between the two (2) companies based on the lowest prices per location contained in their bid. Please be advised that these two (2) companies have performed the same work for the City of Lackawanna for the past several years in a satisfactory manner.

If you have any questions, please contact the Office of the Department of Public Works.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski seconded by Jerge to grant request to award contract to Emerald Dunes and VIP Property Management

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

**Communications from the Council**

**Property Code Violation**

4. To: City Council

I request Council approval of ordinance abolishing or amending the municipal code of the City of Lackawanna allowing new property owners six months to bring properties with violations up to code.

In its current state, the Law allows a property owner to continuously sell a property to an associate or family member every six months to circumvent any action by code enforcement.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Noman to receive and file act on ordinance

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

**Commercial Vehicles on Nason Parkway**

5. To: City Council

To confirm my conversation with the City Attorney at the last Council Meeting of April 3, 2013, I am asking that “NO COMMERCIAL VEHICLES” signs be posted on Nason Parkway. Due to the increase in traffic and how narrow the street is, it has truly become a hazard to have these big vehicles cutting through to get to South Park. Also, when the Nason Parkway residents park their cars on the street, it impedes the flow of traffic, as the street is narrower.

I have had numerous calls from the residents who live on the street requesting that “no commercial vehicle traffic” signs be posted. Before an accident occurs, I humbly request you approve an ordinance, and that this request be placed on the next agenda.

I thank you in advance.

**ANNETTE IAFALLO-SECOND WARD COUNCILWOMAN**

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

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

### **Communications from Department/Division Heads:**

#### **3 Bushmaster Rifles**

6. To: City Council

On January 29, 2013, I had Lt. Packard list immediate and necessary needs of the police department to respond to active shooter calls.

The following items are needed: **3 Bushmaster M4A3 Rifles- \$2179**

At present, there is money in the police ammunition account but since ammunition and shotguns were ordered on 01/29/13, and have not been received or paid for, the money remains in these accounts.

Therefore, since it will take at least 2 months to receive these weapons, I request your honorable body to waive rules and vote to allow the police department to order these immediately.

Thank you for your anticipated cooperation in the above regard.

**DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to receive and file

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

#### **Police Matron Salary**

7. To: City Council

This serves to request your honorable body consider that since 2006, Ms. Schunk has been earning \$15.00 per hour. Her duties have also always included training and supervising new matrons that we continue to hire at the same rate as Ms. Schunk.

I believe in all fairness that Ms. Schunk is due an increase in pay due to her longevity on the job.

I also request that new hires be placed in steps for their pay.

If any or all members would like to discuss this with me, I will make myself available for you.

**DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to receive and file

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

#### **NYS Standard Work Day Reporting**

8. 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 Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Purchase Offer - 622 Ridge Road**

9. To: City Council

My office has received Two (2) offers to purchase 622 Ridge Rd. One from Justin Zybert in the amount of \$1,000 with the intent to rehab the property. A second offer from Rosemary Scahill in the amount of \$6,000 with the intent to demolish the building. The cost for rehabilitation would be \$113,000 which would exceed the current value of the building. The other stipulation from Mr. Zybert is that the parking lot adjacent to the structure also be included.

It is the recommendation of my office that the property be sold to Mrs. Scahill for \$6,000 which would make better use of the property considering its current condition.

If you have any further questions please contact my office.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Iafallo to instruct the law department to draft an ordinance granting approval for the sale on condition that the building is demolished within 6 months

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Certification of Playground Equipment**

10. To: City Council

As we are advancing our playground equipment throughout the city, we are discovering some of our older equipment may be out of compliance. Therefore, I would like to have old equipment recertified if possible. If this is possible we would be looking at the possibility of installing at other playgrounds. For that equipment which cannot be certified as reusable I would like to have it scrapped out and have the money placed in the budget line A7110.443/ repairs & replacements.

Thank you for your attention in this matter.

**MARCIA CULLENS-DIRECTOR OF RECREATION**

Moved by Pirowski seconded by Noman grant request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Use of Bocce Court-School District Election**

11. To: City Council

Please allow this correspondence to confirm that the Lackawanna City School District will be conducting its annual School District Election and Budget Vote on Tuesday, May 21, 2013 between the hours of 12:00 noon and 9:00 P.M. for the purpose of filling two Board Member positions and submitting its 2013-2014 Budget for 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 budget vote.

Thank you, in advance, for your courtesy and cooperation in this matter.

**CARL W MORGAN-ATTORNEY AT LAW**

Moved by Jerge seconded by Iafallo to grant request for use of the Bocce Court

Yeas: Noman, Iafallo, Jerge, Lewis

Abstained: Pirowski

Carried 5-0

**Miscellaneous:**

**Entertainment Licenses**

Col Weber VFW #898-2909 South Park – Class 1- Live Music

Matthew Glab Post – 1965 Abbott Rd- Class 1- Live Music

Bears Den- 2048 Abbott Rd- Class 1- Live Music

American Legion Post #63- 144 Kirby Ave- Class 2

Ernie Weber Beef-n-Ale- 3167 South Park – Class 1

Murph’s- 1 Warsaw- Class 2

Lake Erie Club- 3200 South Park Ave- Class 1

The Red Eye Saloon- 1311 Abbott Rd- Class 1

Nite Cappe- 1769 Abbott Rd- Class 1

Moved by Pirowski seconded by Jerge to approve music license request for all applicants

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinance**

**(1.) “Penalties for Offenses”**

**AN ORDINANCE AMENDING CHAPTER 139-13, MUNICIPAL CODE OF CITY OF LACKAWANNA**

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

Section 139-13. Penalties for offenses is hereby repealed and replaced as follows:

Section 139-13. Penalties for offenses

A. Failure to comply with a violation order within the time limit stated shall constitute an offense. A person convicted of an offense shall be punished by the provisions established in sections 75-15, 75-16 or by imprisonment for a period not to exceed fifteen (15) days or both.

B. No remedy or penalty specified in this section shall be the exclusive remedy or penalties available to address any violation described in this section and each remedy or penalty specified in this section shall be in addition to and not in substitution for a limitation of the other remedies or penalties specified in this section or elsewhere in this Code.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski, seconded by Jerge to adopt ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**(2.) Nason Parkway**

**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. Section 215.57 No through traffic; commercial vehicles on McKinley Parkway is hereby repealed and amended to read as follows:

Section 215.57 No through traffic; commercial vehicles

A. McKinley Parkway. No through traffic is permitted on McKinley Parkway traveling in either direction for any commercial vehicle, truck, tractor, tractor/trailer combination regardless of its total weight. Except that this inclusion shall not prevent the delivery or pickup of merchandise or other property along said McKinley Parkway from which such vehicles and combinations are excluded.

B. Nason Parkway. No through traffic is permitted on Nason Parkway traveling in either direction for any commercial vehicle, truck, tractor, tractor/trailer combination regardless of its total weight. Except that this inclusion shall not prevent the delivery or pickup of merchandise or other property along said Nason Parkway from which such vehicles and combinations are excluded.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Pirowski to adopt ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Jerge meeting is adjourned  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, MAY 6, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order  
NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: Law, Development, Asst. Comptroller, Recreation  
Excused: Public Safety**

**Council President Pirowski asked for a moment of silence in respect for Jeff Cintron**

**Approval of Minutes:** of regular council meeting of April 15, 2013.

Moved by Pirowski seconded by Iafallo to adopt minutes of April 15, 2013 as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Departmental Reports:**

1. City Clerk- Monthly report for April, 2013
2. City Treas. - Receipts deposited into general fund, April 2013
3. City Compt. - A/P Check Listing #40, April 11, 2013
4. City Compt. - A/P Check Listing #41, April 17, 2013
5. City Compt. - A/P Check Listing #42, April 24, 2013
6. City Compt. - A/P Check Listing #43, April 30, 2013

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

**Communications from the Mayor**

**Victory Ridge Apartment Crosswalk**

7. To: City Council

Please review the attached letter from Delta Development pertaining to the crosswalk at the Victory Ridge Apartments. I know that you have had concerns regarding the completion of this project.

(Complete text on file with City Clerk)

**MAYOR GEOFFREY M. SZYMANSKI**

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

Carried 5-0

### **Communications from the Council**

#### **Parking at 560 Ridge Road (Lackawanna Library)**

8. To: City Council

In 2007 an ordinance was passed prohibiting parking in front of 560 Ridge Road. I am requesting that the Council rescind said ordinance and allow vehicles to park in front of the City of Lackawanna Library.

Please approve the Ordinance Amending Chapter 215 (Traffic and Vehicles) of the City of Lackawanna Municipal Code at the May 6, 2013 Council meeting.

Thank you for your anticipated cooperation.

**ANNETTE IAFALLO-SECOND WARD COUNCILWOMAN**

Moved by Iafallo seconded by Lewis to receive and file act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Communications from Department/Division Heads:**

#### **NYS Standard Work Day Reporting**

9. 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 Lewis to approve resolution regarding the standard work day report for the NYS Retirement System

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

#### **Purchase of Bushmaster AR15**

10. To: City Council

I need a minimum of 3 in the current budget. After meeting with Mr. Nicometo and after his search of the police division budget, he advised me that there is no money available in any account. The cost of ammunition has more than doubled. I will note this in the new budget proposal for the next year along with requests for additional weapons.

The AR15 is the model used by most police agencies nationwide and we must be prepared and trained for the current events our society is facing. I should also note, so many departments are ordering guns that they are being told there is a 10 month waiting period. Therefore, may I suggest we order 4 police 870 shotguns and 7 Bushmaster AR15's now and when the new budget takes effect, the monies will still be available because the guns will already be on order. That way the wait time will be less for additional guns we need.

**DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY**

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

Carried 5-0

**No Parking on Electric Avenue**

11. To: City Council

I am requesting an ordinance be created for no parking on either side of Electric Avenue from the south city line to Kirby Avenue. This is due to the fact that if cars are parked on either side of the street, there is not a full lane for traffic north or south bound and this creates a driving hazard.

Thank you for your anticipated cooperation in the above regard.

**DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to refer to the Traffic Safety Advisory Board for study, report back to the City Council with their recommendation

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Rescind "Alternate Parking" Ordinance on Electric Avenue**

12. To: City Council

Since we are enacting an Ordinance for no parking on Electric Avenue from south city line to Kirby Avenue because Electric is too narrow to allow parking, we must rescind the alternate parking on Electric Avenue from south city line to Kirby Avenue..

**DANA J. BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to refer to the Traffic Safety Advisory Board for study, report back to the City Council with their recommendation

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Rescind Ordinances on Various Stop Signs**

13. To: City Council

Please rescind the ordinances on the stop signs located on the following streets. These signs have been deemed unnecessary per David Joyce, Chairman of the Traffic Safety Board and myself.

Holland & Clark	Ingham & Wilson	Ingham & O'Dell
Ingham & Holbrook	Lehigh & South	Center & Caldwell
Center & Edna	Warsaw @ bridge	St John's & Colton
St John's & Victory	Gibbons & Victory	Gibbons & Colton
Franklin & Apple	Relich & Julian	Leonard & Orleans
South Shore & Shamokin (south) South Shore & Meadowbrook		

If you have any questions, feel free to contact me at (716) 827-6418. Thank you

**DANA J BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Lewis to refer to the Traffic Safety Advisory Board for study, and report back to the City Council with their recommendation

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**“No Parking Here to Corner “Sign- Leonard and Orleans Streets**

14. To: City Council

Please enact an Ordinance for placing a “No Parking Here to Corner” sign at the North West corner of Leonard at Orleans.

School buses have difficulty making turns onto Orleans due to parked cars.

**DANA J BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Pirowski seconded by Jerge to refer to the Traffic Safety Advisory Board for study, and report back to the City Council with their recommendation

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**MS4 Annual Report**

14B. To: City Council

Attached for your review is the City of Lackawanna’s MS4 Annual Report and updated Storm water Plan, April 2013.

(Complete text on file with City Clerk)

**RALPH D MIRANDA-DIRECTOR OF DEVELOPMENT**

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Business License:**

15. Steel City Pub- 1449 Abbott Road, Lackawanna- Cheryle Martinez

Moved by Pirowski seconded by Lewis to approve business license

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Community Fun Day**

16. To: City Council

We the Citizens of Lackawanna’s Future along with the Lackawanna Chamber of Commerce, The Lackawanna Library, Catholic Health, Baker Victory Services, ChildPro/Monarch, Mobile Safety-Net are requesting the use of the facilities at 560 Ridge Road for the sole purpose of having the Second Annual Communities Fun Day we are also requisitioning the use of at least 6 porter potties. As you know this event was a great success last year and this year it will be even better.

Thank you.

**JOHN INGRAM-CHAIRMAN OF COMMUNITY FUN DAY COMMITTEE**

Moved by Pirowski seconded by Noman to receive and file, approval pending upon necessary paperwork

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Raising Chickens**

17. To: City Council:

I would like to raise chickens in my backyard for eggs. They would be housed in an enclosed fenced area. I would limit my number of hens to six with no roosters. Please consider my request to have Law 66-2 amended to allow chickens to be kept in the City limits.

Thank you.

**TRACY SHELANSKEY**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinance**

**(1.) Parking in Front of the Lackawanna Library-560 Ridge Road**

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

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

Section 1. Section 215.43 “Parking, Standing and Stopping Restrictions” is hereby amended as follows:

1. That the prior no parking ordinance dated September 4, 2007 for 177. Ridge Road, north side. No parking on the north side of Ridge Road from the northeast corner of driveway located at 560 Ridge Road, 30 feet easterly is hereby rescinded.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(2.) Transfer of Property- 622 Ridge**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SCTION 107**

**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 142.38-1-19 a parcel 36 feet by 120, a Six Family Dwelling to Rosemary Scahill.

SECTION 2. That transfer is made for the sum of \$6,000 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 Iafallo seconded by Pirowski to adopt ordinance as written

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

Motion by Pirowski, seconded by Lewis to waive rules

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

Moved by Pirowski seconded by Lewis to direct the City Clerk to advertise for bids for the demolition of buildings located at 89 Holland and 80 Caldwell

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

Moved by Pirowski seconded by Lewis to enter into executive session regarding union contract negotiations

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

Meeting entered into executive session at 7:13 P.M.

Meeting reconvened at 8:15 P.M.

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

**Adjournment**

Moved by Pirowski, seconded by Noman, Iafallo, Jerge and Lewis to adjourn in memory of Jeff Cintron

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

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, MAY 20, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order  
NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: Law, Development, Comptroller, Recreation,  
Public Safety**

**Approval of Minutes:** of regular council meeting of May 6, 2013.

Moved by Iafallo seconded by Pirowski to adopt minutes of May 6, 2013 as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Departmental Reports:**

1. City Compt. - A/P Check Listing #44, report of May 9, 2013

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

**Communications from the Mayor**

**Potential Transfer of South Park Ave. & US Rte 62 to NYS**

2. To: City Council

I am requesting your Honorable Body authorize me, as Mayor, to sign a Home Rule Request regarding a potential transfer of South Park Avenue and U.S. 62 to New York State.

This was voted on last year but must be done annually until such a bill is approved by the State Legislature.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski seconded by Lewis to grant request  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Contract for 2013 Pavement Replacement**

3. To: City Council

Attached please find a letter of correspondence from Mr. Kenneth J. Strell, Sr. from TVGA Consultants, regarding the 2013 Pavement Replacement Project. The letter identifies the results of the bid opening for this project, and provides a recommendation of award of contract.

Mr. Strell also cautions the City **not to officially award the project**, until such time that the contract for the Community Block Grant Funds has been executed by the County of Erie.

I am providing this information to update Council Members on the status of this project. I will further inform the City Council when the City receives the executed contract from the County, so an official award of contract can take place at that time. It is expected that the City will receive our executed contract by the end of this month. (complete text on file with City Clerk)

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

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Communications from the Council**

#### **Mayor's Proposed 2013 Operating Budget**

4. To: City Council

During last year's budget process, the Mayor provided the City Council with an explanation as to why line items were increased or decreased from the previous budget year.

The City Council is requesting that the Mayor provide again this year, an explanation as to why any line that has fluctuated in funding from the previous year is increased or decreased in his proposed budget for the coming budget year.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Iafallo to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

#### **Firefighter's Excessive Overtime Costs**

5. To: City Council

It has come to this Council's attention that on February 23<sup>rd</sup>, there was a memorandum of understanding signed by the Mayor, the then city attorney Norman LeBlanc Jr. and the President of the Lackawanna Firefighters Union, William Tojek. Why was this not brought to the immediate attention of the Council?

Since the Council was not notified of this agreement, there are several questions pertaining to same. Most importantly, what is the Mayor's reasoning for increasing the compliment of firefighters from eight (8) to nine (9)? Earlier this year, again without Council notification, the Mayor closed the Fire Station House #2, due to excessive overtime costs. Have there been any structural changes implemented with the Fire Department to help lower overtime costs to the city? If so, what are they? Was a cost analysis performed before considering this change pertaining to future overtime costs to the city before this agreement was signed? If so, may the Council have a copy?

As you are well aware, there has been an unacceptable amount of overtime accrued since this change. Is this agreement the result of such? Furthermore, this agreement has obvious fiscal ramifications. How is this agreement valid or legal without the legislative body's approval?

Please respond in writing of these issues.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file.  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Amend Budget- Purchase of Fire Pumper**

6. To: City Council

Please find attached for your review and approval an ordinance amending the 2012-2013 Budget Ordinance adopted July 9, 2012. On September 4, 2012, your honorable body awarded the contract to purchase the new Fire Pumper Truck. This ordinance will recognize the first portion of the grant money to pay for the chassis of the truck and the associated expenditure. The Law Department has reviewed and approved the ordinance for form and substance.

If you have any questions, please feel free to contact me.

**ROBERT C. MARCINIAK-CITY COMPTROLLER**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**CSEA Contract**

7. To: City Council

The Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO on behalf of the CSEA Lackawanna Administrative Unit (hereinafter referred to as "The Union") and the City of Lackawanna (hereinafter referred to as "The City") were parties to a collective negotiation which took place over the several months preceding date of this Memorandum. The parties' negotiating teams have reached a Tentative Agreement for a new collective bargaining agreement which they desire to record in this Memorandum.

The new collective bargaining agreement will include the terms of the expired collective bargaining agreement between the Union and the City as modified by the terms of the attached Tentative Agreements. (complete text on file with City Clerk)

**ANTONIO SAVAGLIO-CITY ATTORNEY**

Moved by Pirowski seconded by Jerge to table, until further information is received

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

**PBA Contract**

8. To: City Council

I am enclosing a proposal for the Lackawanna Police Benevolent Association contract which was recently approved by the police union. We ask that this matter be placed on the council agenda for council approval to allow the mayor to enter into a new collective bargaining agreement with this union. (complete text on file with City Clerk)

If you have any questions please do not hesitate to contact me.

**ANTONINIO SAVAGLIO-CITY ATTORNEY**

Moved by Pirowski seconded by Noman to approve request for Mayor to enter into a collective bargaining agreement with the PBA union

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried- 4-1

**Communications from Citizens:**

**3<sup>rd</sup> Annual Veterans Recognition Weekend**

9. To: City Council

Col. Weber Post 898, Post 63, Bett-Toomey Detachment, Am Vets 897 and the Matthew Glab Post #1477 are planning the 3<sup>rd</sup> Annual Veterans Recognition Weekend to be held on June 8 and 9, 2013.

The festivities will include the following:

June 8-Golf Tournament at Holland Hills C.C. and B.W. ½ chicken dinner to follow at Col. Weber Post 898.

June 9- mass will be celebrated at Our Lady of Victory Basilica at 10:00 A.M. followed by a social afternoon at the Col. Weber Post 898 between 12:00 P.M. – 6:00 P.M. Throughout the weekend a theme basket raffle will be made available along with a major drawing with prizes totaling \$5,500.

The reasons for establishing this event are threefold:

1. Major fund raiser to benefit Veteran Posts
2. Recognition of our Veterans
3. Giving our returning veterans from Iraq and Afghanistan the opportunity to know that there are groups that they can contact, join and receive information regarding veteran's benefits.

On behalf of the Col Weber Post 898, Post 63, Bett Toomey Detachment, AM Vets 897 and Matthew Glab Post #1477, we respectively request permission and support from your office for:

1. Banners (in association with this weekend) being posted in the City of Lackawanna.
2. A proclamation from the City of Lackawanna with regards to this event.

**MICHAEL J. CUSACK-COORDINATOR**

Moved by Pirowski seconded by Jerge to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinance**

**Purchase of new fire pumper**

**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 increase the appropriations and revenues for the Spartan Chassis portion of the Fire Pumper.

Section 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$142,171.00 to Budget code A.3410.051, Fire Department, Fire pumper Truck.

Section 3. That the 2012-2013 Budget Ordinance is hereby amended to add \$142,171.00 to the new revenue code A.4390, Fire Grant Pumper Truck.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Noman to adopt ordinance as written

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

**Adjournment**

Moved by Pirowski, seconded by Noman meeting is adjourned

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

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, JUNE 3, 2013  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order  
NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Lewis, Pirowski  
Excused: Jerge  
Dept Heads: Present: Law, Comptroller, Recreation, Public Safety  
Excused: Development**

**Approval of Minutes:** of regular council meeting of May 20, 2013.

Moved by Pirowski seconded by Noman to adopt minutes of May 20, 2013 as written  
Yeas: Noman, Iafallo, Lewis, Pirowski Carried 4-0

**Departmental Reports:**

1. City Compt. – Statement of Conditions of Appropriations as of April 30, 2013.
2. City Compt. – A/P Check Listing #45, May 16, 2013.
3. City Compt. – A/P Check Listing #46, May 21, 2013.

Moved by Pirowski seconded by Iafallo to receive and file departmental reports one through three  
Yeas: Noman, Iafallo, Lewis, Pirowski Carried 4-0

**Communications from the Council**

**Mayor's Proposed 2013 Operating Budget**

4. To: City Council

During last year's budget process, the Mayor provided the City Council with an explanation as to why line items were increased or decreased from the previous budget year.

The City Council is requesting that the Mayor provide again this year, an explanation as to why any line that has fluctuated in funding from the previous year is increased or decreased in his proposed budget for the coming budget year.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

### **Firefighter's Excessive Overtime Costs**

5. To: City Council

It has come to this Council's attention that on February 23<sup>rd</sup>, there was a memorandum of understanding signed by the Mayor, the then city attorney Norman LeBlanc Jr. and the President of the Lackawanna Firefighters Union, William Tojek. Why was this not brought to the immediate attention of the Council?

Since the Council was not notified of this agreement, there are several questions pertaining to same. Most importantly, what is the Mayor's reasoning for increasing the compliment of firefighters from eight (8) to nine (9)? Earlier this year, again without Council notification, the Mayor closed the Fire Station House #2, due to excessive overtime costs. Have there been any structural changes implemented with the Fire Department to help lower overtime costs to the city? If so, what are they? Was a cost analysis performed before considering this change pertaining to future overtime costs to the city before this agreement was signed? If so, may the Council have a copy?

As you are well aware, there has been an unacceptable amount of overtime accrued since this change. Is this agreement the result of such? Furthermore, this agreement has obvious fiscal ramifications. How is this agreement valid or legal without the legislative body's approval? Please respond in writing of these issues.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Lewis to receive and file.

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

### **Capital Improvements & Garbage Totes Expenditures**

6. To: City Council

Earlier this year, on February 14, 2013, the Mayor requested the Council's guidance on the how to fund several capital projects deemed immediately necessary for our city. Although the Council found it an awkward request, since the majority of spending proposals originate in the Mayor's office and the Council merely approves or vetoes, the Council looked forward to working directly with the Mayor to solve these issues.

On February 21, 2013, the Mayor, the department heads and the Council had a work session to discuss how to fund those projects which were judged most urgent. Those agreed upon by both bodies as most compelling were funding for the Rosary @ Ridge Bridge which has been yellow flagged by the state due to its deteriorating condition; as well as a proposal that originates in the Mayor's office, to install a garbage tote system in an inter-municipal agreement with the Town of West Seneca to help alleviate the rodent problem in our city. This Council was under the impression that we had come to an agreement to float a bond to resolve these pending issues before they became larger dilemmas.

As recently as May 20<sup>th</sup> of this year at the Democratic endorsement meeting, the Mayor again publicly stated that he expects the city to purchase and install the tote system this year. If that is the case, why was this not included in the Mayor's budget proposal for the coming fiscal year? How does the Mayor expect to fund these major projects? Has the Mayor deliberately misled this council as well as the general public with his intentions? If not, how can he explain this omission in his budget proposal?

This Council has asked that the Mayor respond in writing by this upcoming Council meeting, or we are requesting the Mayor's presence to answer these questions.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

**Communications from Department/Division Heads:**

**Bond Ordinance- Totes, Paving & Improvements**

7. To: City Council

Attached for your approval is the \$3,000,000 Bond Ordinance, for the purchase of totes, paving of streets and improvements to bridges, as prepared by Orrick, Herrington & Sutcliffe. LLP.

If you have any questions, please feel free to contact me.

**PEGGY BIGAJ-SOBOL-ASSISTANT CITY COMPTROLLER**

Moved by Pirowski seconded by Lewis to receive and file

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

**Communications from Citizens:**

**Lackawanna Area Chamber of Commerce Contract Renewal**

8. To: City Council

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

Additionally attached is a list of duties, responsibilities, events and organizations that the Lackawanna Area Chamber of Commerce participates in.

(Complete text on file with City Clerk)

**MICHAEL J. SOBASZEK-EXECUTIVE DIRECTOR**

Moved by Pirowski seconded by Lewis to table for study

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

**Lackawanna High School Garter Party**

9. To: City Council

We will be hosting a garter party for the Lackawanna Senior High School prom. The event will be held on June 7<sup>th</sup> between the hours of 4 P.M. and 7 P.M. As a result of this we are asking permission to block off the street on Bethlehem between 36 Bethlehem and the corner of Wilkbarre and Bethlehem. Any further questions you may have regarding this event please contact Wade Turner or Danielle Anderson at the numbers listed below. In advance thank you.

**DANIELLE ANDERSON**

Moved by Noman seconded by Iafallo to approve request, refer to Public Safety

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

**Music Permit- 161 Steelawanna**

10. To: City Council

I Edwin Borrero, request a music permit, for live music on June 15, for Father’s Day, after 1 P.M. no later than 9 P.M. at 161 Steelawanna Ave.

**EDWIN BORRERO**

Moved by Pirowski seconded by Noman to approve request

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

**Ordinance**

**To cover cost of various capital items**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS CAPITAL ITEMS FOR SAID CITY**

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW, THEREFORE, BE IT

ORDAINED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Council of the City of Lackawanna, Erie County, New York, as follows:

Section 1. The following capital items in and for the City of Lackawanna, Erie County, New York, including incidental improvements and expenses, are hereby authorized:

- a) Purchase of totes, at a maximum estimated cost of \$425,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Paving of streets, at a maximum estimated cost of \$1,250,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 20c of paragraph a of Section 11.00 of the Local Finance Law; and
- c) Improvements to bridges, at a maximum estimated cost of \$1,325,000, being a class of objects or purposes having a period of probable usefulness of twenty years pursuant to subdivision 10 paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The plan for the financing of the aforesaid purposes consists of the issuance of \$3,000,000 bonds of said City, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law, which shall be allocated as per the maximum estimated costs set forth in Section 1 hereof.

Section 3. The faith and credit of said City of Lackawanna, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

serial bonds herein authorized, including renewals of such notes is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. All other matters, except as provided herein relating to the bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of said City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 6. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The City Clerk shall cause this ordinance to be published in summary form in the official newspaper of said City, together with a notice in substantial conformity with Section 81.00 of the Local Finance Law, and such ordinance shall take effect immediately upon such publication.

Moved by Pirowski seconded by Lewis table for study

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

Moved by Pirowski seconded by Iafallo to remove item #7, meeting of May 20, 2013 Local 1000 Clerical Union contract from the table.

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

Moved by Pirowski seconded by Iafallo to approve Local 1000 contract

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

Motion made by Pirowski seconded by Lewis to move to executive session at 7:37 P.M.

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

Meeting reconvened at 8:47 P.M.

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

**Adjournment**

Moved by Pirowski seconded by Iafallo, Lewis, and Noman to adjourn in memory of Barbara Peoples

Yeas: Noman, Iafallo, Lewis, Pirowski

Carried 4-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**SPECIAL MEETING  
COUNCIL CHAMBERS  
MONDAY, JUNE 10, 2013  
[www.lackawannany.gov](http://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: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: Law, Development, Comptroller, Public Safety  
Absent: Recreation, Public Works**

**Ordinance:**

**AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CITY OF LACKAWANNA FOR THE FISCAL YEAR 2013-2014**

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

SECTION 1 The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10<sup>th</sup> day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2013 through July 31, 2014, showing all City expenditures and revenues and including the real property tax rate.

SECTION 2 That the sum of \$9,250,081.00, being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2013-2014 fiscal year, apportioned in the amount of \$4,543,307.00 for properties qualifying as homestead properties and \$4,706,774.00 for 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 2013-2014 fiscal year.

SECTION 3 That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to her and to deliver a certified duplicate of the same, with a warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified as assessed against the persons or property therein mentioned or described with such percentage in the manner provided by law for the collection and levying of City taxes by the City Treasurer.

SECTION 4 That the following schedule be and the same is hereby adopted as the current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2013 through July 31, 2014, along with the revenues and taxation estimated and levied herein, and that same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of the several boards, departments and offices for the purposes enumerated therein, to wit:

Homestead Tax Rate:	\$13.78 of assessed valuation
Non-Homestead Tax:	\$28.87 of assessed valuation

SECTION 5 That the City Clerk be and she hereby is directed to forward a copy of this Ordinance to the City Treasurer, Director of Administration and Finance, City Comptroller and the City Attorney's Office.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt Council's budget ordinance for the City of Lackawanna for the fiscal years 2013-2014

Yeas: Noman, Jerge, Lewis, Pirowski

Nays: Iafallo

Carried 4-1

Moved by Pirowski seconded by Jerge, meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Meeting reconvened.

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

Moved by Pirowski, seconded by Noman to remove the bond ordinance from the meeting of June 3, 2013 from the table

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to adopt bond ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

Moved by Pirowski seconded by Noman, meeting is adjourned  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk



firefighters from eight (8) to nine (9)? Earlier this year, again without Council notification, the Mayor closed the Fire Station House #2, due to excessive overtime costs. Has there been any structural change implemented with the Fire Department to help lower overtime costs to the city? If so, what are they? Was a cost analysis performed before considering this change pertaining to future overtime costs to the city before this agreement was signed? If so, may the Council have a copy?

As you are well aware, there has been an unacceptable amount of overtime accrued since this change. Is this agreement the result of such? Furthermore, this agreement has obvious fiscal ramifications, and I must ask is this agreement valid or legal without the legislative body's approval?

I asked the Mayor to respond to these issues in writing.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Noman to receive and file.

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Transfer of Funds for Council Legal Fees**

7. To: City Council

I request your approval of an ordinance amending the 2012-2013 operating budget, transferring \$20,000 from account A1900.1930, Judgments & Claims to line item A10101.465, City Council, outside attorney fees.

The purpose of this transfer is to cover the costs of the lawsuit the Mayor has filed against the City Council.

Thank you for your anticipated cooperation.

**KEITH E. LEWIS- FOURTH WARD COUNCIL MEMBER**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Civil Service Employees Association Local 1000, DPW Contract**

8. To: City Council

I am enclosing a proposal for the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO contract which was recently approved by the DPW union. We ask that this matter be placed on the council agenda for council approval to allow the mayor to enter into a new collective bargaining agreement with this union.

If you have any questions please do not hesitate to contact me.

(Complete text on file in City Clerk's office)

**ANTONIO SAVAGLIO- CITY ATTORNEY**

Moved by Pirowski seconded by Noman to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Current Base Proportions and Adjusted Base Proportions**

9. To: City Council

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

Attached are forms EA6701 and EA6703 with computations of the Current Base Proportions and Adjusted Base Proportions for the City of Lackawanna and Lackawanna School District portions of the 2013-2014 assessment roll. Please direct the City Clerk to certify these forms with the 0% Shift and forward them to the New York State Office of Real Property Services.

(Attachments on file in City Clerk’s office)

**FRANK E. KRAKOWSKI- CITY ASSESSOR**

Moved by Pirowski, seconded by Lewis to approve request of Assessor computation of current and adjusted base proportions

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Lackawanna Summer Basketball Classic**

10. To: City Council

The LMHA Baker Homes Tenant Council is doing its Summer Basketball program once again, starting July 12<sup>th</sup>, 2013 ending September 1st, 2013.

This program is open to the youth’s in the City of Lackawanna and throughout the surrounding areas. With the support from the Lackawanna City Council this program, can be a great success that we dearly appreciate.

Enclosed with this letter is a sponsorship package, also a breakdown of the cost and more information to run this program. Thank you in advance and I hope to hear from you ASAP.

(Attachments on file in City Clerk’s office)

**DAVID HARDY – LMHA BAKER HOMES TENANT COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge, to grant request, City to fund \$500 toward Lackawanna Summer Basketball classic

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Request to Rename Wilson St**

11. To: City Council

Barbara Ann People’s a lifelong First Ward resident (26 Wilson Street), went home to be with the Lord on May 26, 2013.

Barbara worked 43 years for Neighborhood Legal Services/Family Justice Center where she helped countless people with human rights issues throughout Erie County. In Lackawanna she sacrificed her spare time to volunteer for various committees in the fight against blight, social injustice, and safe/better/clean playgrounds. Barbara was often seen pulling in late at night after a Council Meeting.

We the family and friends of Ms. People’s request a resolution be made by your Honorable Body to name Wilson Street “The Barbara Ann People’s Way” in memoriam.

We ask that the signs get erected on each end of Wilson Street at your earliest convenience.  
We thank you all in advance for your kind considerations.

### **QUIANA BOBBITT**

Moved by Pirowski, seconded by Noman to receive and file, City Attorney to prepare necessary resolution

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Lackawanna Hispanic Heritage Festival**

12. To: City Council

I appreciate the opportunity in being able to communicate with you at this time. It is with great wish that this New Year 2013 be a year of health and prosperity for you and your colleagues on the City Council and their families.

The following letter is to acknowledge the plans that we have for our celebration of our Third Hispanic Heritage Festival in the City of Lackawanna this year.

As you know Lackawanna and its surrounding areas have a good Hispanic population and we would like to share with them and other communities our ethnic heritage and diversity.

There will be a coordinated effort by the committee to bring a flavor of youth and senior family activities, accompany by music, food and entertainment for all the family.

We appreciate your guidance and permission as to the city process in order to comply with all city ordinances so that we may begin to work for sponsorships to defray some of the expected cost and access to the city parks stage. This year we will provide the necessary liability insurance to comply with all the requirements for this event.

Since the Friendship House vicinity is unavailable for this event, we request if we use Fairview Street to conduct this great event for our community.

You may send and all correspondence to my address indicated above and if you require any information in the interim please contact me at 716-704-3097.

Thanks in advance.

### **CEFERINO LOPEZ-EVENT COORDINATOR**

Moved by Pirowski, seconded by Noman, to accept liability insurance proof and approve request for the Hispanic Heritage Festival to be held July 6 and 7, 2012, entertainment fee waived

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Mickey Brennan Softball Tournament**

13. To: City Council

My name is Janet McConnell. I was asked to run a beer tent on behalf of the Mickey Brennan Softball Tournament. The tournament will run from July 5 through July 7, 2013. It is held at the Veteran's Stadium on South Park Avenue.

I am asking permission from the City of Lackawanna to use their property and tent located at Veterans Stadium for the sole purpose of the Tournament. The date I am asking for is July 6<sup>th</sup>, 2013 for the hours of 1 pm to 1 am. We will be having a beer truck from Try-It Distributing. The truck will be locked at all times.

I have obtained a temporary NYS liquor permit as well as an insurance policy for the event. The tent will be run with volunteers from the Mickey Brennan Committee as well as bartenders from

Lackawanna Taverns. All volunteers will be made aware of all New York State Liquor Authority regulations regarding ID check, distribution, and intoxication of guests entering and occupying the tent.

All property will be clean and orderly, in which we entered the property. Try-It Distributing will be picking up the beer truck from the stadium on Sunday morning July 7<sup>th</sup>.

Thank you for your consideration. If you should have any questions please feel free to contact me.

**JANET MCCONNELL**

Moved by Pirowski, seconded by Jerge to approve request for use of Veterans stadium for the Mickey Brennan Softball Tournament on July 6, 2013, proof of liability insurance received

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

**Commissioner of Deeds- Francis Warthling**

14. To: City Council

I am requesting the council to approve my request for Commissioner of Deeds.

Thank you in advance for your help.

**FRANCIS WARTHLING**

Moved by Pirowski, seconded by Noman to approve request for commissioner of deeds within the City of Lackawanna

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

**Entertainment Licenses**

Lackawanna Hispanic Heritage festival-live music- July 6 & 7, 2013

Moved by Pirowski seconded by Iafallo to approve entertainment license, fee waived

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

Moved by Pirowski, seconded by Lewis to waive rules to accept application for entertainment license from Janet McConnell for use at Veterans Stadium for Mickey Brennan Softball Tournament

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

Moved by Pirowski seconded by Lewis to approve entertainment license

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

**Resolution- Rescheduling Meeting Date**

Whereas, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council, and

Whereas, the City Council is desirous of complying with the City of Lackawanna Open Meetings of New York State; and

Whereas, the City Council is desirous of changing the meeting date of Monday, July 15, 2013 to be rescheduled for Monday, July 22, 2013: and

Be it resolved, that the Council meeting previously scheduled for Monday, July 15, 2013 is hereby changed to Monday, July 22, 2013.

Be it further resolved, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall and on the Council Bulletin Board, in the City Clerk's Office and on the official website for the City.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski, seconded by Lewis to adopt resolution as written changing date of council meeting from July 15, 2013 to July 22, 2013

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinance**

**Transfer of funds to cover Council outside legal fees**

**AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE OF THE CITY OF LACKAWANNA, 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 on July 9, 2012 is hereby amended to provide the funding for outside attorney fees for the City Council of the City of Lackawanna.

Section 2.

That the 2012-2013 Budget Ordinance is hereby amended to transfer the amount of \$20,000 from Code A1900.1930, Judgments and Claims to line item, A1010.465, City Council, outside attorney fees.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

**Adjournment**

Moved by Pirowski seconded by Jerge, meeting is adjourned in memory of Carlo Savaglio

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**SPECIAL MEETING  
COUNCIL CHAMBERS  
THURSDAY, JUNE 27, 2013  
[www.lackawannany.gov](http://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: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: Law, Comptroller, Rec., Public Safety, Development  
Absent: Public Works**

**Communications from Mayor:**

**Veto of Council Budget**

1. To: City Council

After a careful review of the city budget proposed by the City Council on June 10, 2013, I find that the council budget is not acceptable.

Please be advised that pursuant to section 4.4 of the Charter, I am vetoing the entire budget proposed by the City Council.

There are glaring inefficiencies that cannot be overlooked, along with union contract violations and other areas of attempted savings that are simply not realistic, including but not limited to the following:

- \$210,000 of attempted savings originates from overtime, court time, and differential from the police and fire departments is not realistic. With most contracts approved and mandatory court time, these savings will not be realized.
- Deleting a code enforcement officer with a no layoff clause in the union contract results in an attempted savings of \$48,019 savings, will not be realized. The person with the lowest seniority will be removed and he is also our storm-water officer.
- Deleting a Part Time Clerk position from the mayor's office, with a proposed \$2000 savings, will not allow my secretary to have temporary replacement and will prevent me from keeping the open door policy that has always been in place for the mayor's office.
- Overtime for proctoring Civil Service Exams was deleted. Most of our civil service exams have expired and tests will be held. The council budget has left no money to pay for proctors.
- Travel allowance was deleted for all employees, yet the city municipal code under section 5-64A declares that: *Practices and regulations. Each department head shall keep informed as to the latest practices in his or her particular field and shall inaugurate, with the approval of the Mayor, such new practices and regulations as appear to be of benefit to the administrative service of the City and to the public.*

- In the Recreation Department, key people who run nutrition programs, and much more, had a minor increased pay raise reduced, while the driver's got a raise.
- The Recreation Director, under your proposed budget will make just \$500 over her union held clerk position, which was deleted from your budget with no line item, another union violation.
- Signal maintenance man was moved from contractual code to a salaried code. This person is an independent contractor and not an employee.
- Books and periodicals from the Comptroller's office were reduced to a value that cannot purchase the most basic of supplies
- The comptroller's consultant was implemented in the contract, which was signed last year. This omission is violating the contract.
- By adjusting our building cleaner, this line item is also under budgeted.

These are some but not all of the obvious maladjusted budget items that clearly show that the council proposed budget will not be balanced, along with union and other contract violations, therefore, it leaves me no other option then to veto the entire City Council proposed budget.

**MAYOR GEOFFREY M SZYMANSKI**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council**

**Commissioner of Deeds – Councilman Iafallo**

2. To: City Council

I am requesting that the Council members approve my request for Commissioner of Deeds status, at the next City Council meeting.

**SECOND WARD COUNCILMAN IAFALLO**

Moved by Pirowski seconded by Lewis to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Budget Ordinance- Demolition of 80 Caldwell**

3. To: City Council

Please find attached for your review and approval an ordinance amending the 2012-2013 Budget Ordinance adopted July 9, 2012, to increase the appropriations for the demolition of 80 Caldwell.

The Law Department has reviewed and approved the ordinances for form and substance.

If you have any questions, please feel free to contact me.

**PEGGY BIGAJ-SOBOL-ASSISTANT CITY COMPTROLLER**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjusted Base Proportions**

4. To: City Council

The City Council at the June 17, 2013 meeting, passed the Adjusted Base Proportions with a 5-0 vote, attached are the resolutions needed to support that vote.

**FRANK E. KRAKOWSKI- CITY ASSESSOR**

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

**2013 Pavement Replacement Project Contract**

5. To: City Council

TVGA Consultants (TVGA) has reviewed the bids as submitted and opened on Wednesday, May 8<sup>th</sup>, 2013 at 11:00 AM at the City of Lackawanna Council Chambers, 714 Ridge Road, Lackawanna, NY, for the above-references project. The summary of the individual bids is attached and the results are as follows:

Amherst Paving, Incorporated	\$1,037,325.00
Sicar Management & Construction, Inc	\$1,148,313.53
Occhino Corporation	\$1,171,114.26
Northeast Diversification, Inc.	\$1,230,280.00

TVGA Consultants has successfully worked with Amherst Paving, Incorporated on similar type projects in the City of Lackawanna, and the work was completed satisfactorily. We therefore, recommend that the City of Lackawanna award the above referenced project to Amherst Paving, Incorporated at their unit process bid for Base Bid Items 1 through 9, with a total cost of \$1,037,325.00. As you are aware, at this point in time the Alternate Bid is not being awarded due to budget related issues.

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

**KENNETH J STRELL, SR- SENIOR PROJECT MANAGER**

Moved by Pirowski seconded by Jerge to award contract for resurfacing to low bidder, Amherst Paving for the bid price of \$1,037,325.00

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

**Resolutions: Resolution #9, 2013**

A resolution adopting a 0% shift or its adjusted base proportion for the City of Lackawanna

**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 2013-2014, it Is hereby established:

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

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
0%	49.11640	50.88360

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt resolution as written

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

**Resolution #10, 2013**

A resolution adopting a 0% shift or its adjusted base proportion for the Lackawanna School District

**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 2013-2014, it is hereby established:

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

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
0%	48.48974	51.51026

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Noman to adopt resolution as written

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

**Ordinances:**

To cover demolition of 80 Caldwell

**AN ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINACE 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 increase the appropriations for the demolition of 80 Caldwell.

SECTION 2 That the 2012-2013 Budget Ordinance is hereby amended to add \$40,000 to budget code A.3620.0466, Development, Demolition of Buildings.

SECTION 3 That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$40,000 of the City's Fund Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Iafallo to adopt ordinance as written

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

**Tabled Items:**

Moved by Pirowski seconded by Jerge to remove from table communication #8, meeting of June 17, 2013 Local 1000 DPW Unit Contract. (complete text on file in City Clerk office)

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

Moved by Pirowski seconded by Iafallo to approve contract for Local 1000 DPW Unit

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

**Adjournment**

Moved by Pirowski seconded by Jerge meeting adjourned

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

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk



**Entertainment License:**

Our Lady of Bistrica Croation R.C. Church- 1619 Abbott Road- July 20th & 21<sup>st</sup>, 2013  
Live Music – 5 day permit-\$25.00

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

**Moved by Pirowski seconded by Iafallo to move to executive session at 5:45**

**Meeting reconvened at 5:46**

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

**Ordinances:**

**AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CITY OF LACKAWANNA FOR THE FISCAL YEAR 2013-2014**

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

- SECTION 1 The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10<sup>th</sup> day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2013 through July 31, 2014, showing all City expenditures and revenues and including the real property tax rate.
- SECTION 2 That the sum of being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2013-2014 fiscal year, apportioned in the amount of for properties qualifying as homestead properties and for 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 2013-2014 fiscal year.
- SECTION 3 That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to her and to deliver a certified duplicate of the same, with a warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified as assessed

against the persons or property therein mentioned or described with such percentage in the manner provided by Law for the collection and levying of City taxes by the City Treasurer.

SECTION 4 That the following schedule be and the same is hereby adopted as the Current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2013 through July 31, 2014, along with the revenues and taxation estimated and levied herein, and that same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of the several boards, departments and offices for the purposes enumerated therein, to wit:

Homestead Tax Rate:	of assessed valuation
Non-Homestead tax:	of assessed valuation

SECTION 5 That the City Clerk be and she hereby is directed to forward a copy of this Ordinance to the City Treasurer, Director of Administration and Finance, City Comptroller and the City Attorney's Office.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt the budget ordinance with amendments by the City Council, overriding the Mayor's veto

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

**Adjournment**

Moved by Pirowski seconded by Jerge meeting adjourned

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

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**SPECIAL COUNCIL MEETING**  
**SATURDAY, JULY 20, 2013 – 9:30 A.M.**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://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: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski**  
**Dept Heads: Present: City Attorney, Development**

**Communications from Mayor:**

**Veto of Council Budget**

1. To: City Council

After a careful review of the city budget proposed by the City Council on June 10, 2013, I find that the council budget is not acceptable.

Please be advised that pursuant to section 4.4 of the Charter, I am vetoing the entire budget proposed by the City Council.

There are glaring inefficiencies that cannot be overlooked, along with union contract violations and other areas of attempted savings that are simply not realistic, including but not limited to the following:

- \$210,000 of attempted savings originates from overtime, court time, and differential from the police and fire departments is not realistic. With most contracts approved and mandatory court time, these savings will not be realized.
- Deleting a code enforcement officer with a no layoff clause in the union contract results in an attempted savings of \$48,019 savings, will not be realized. The person with the lowest seniority will be removed and he is also our storm-water officer.
- Deleting a Part Time Clerk position from the mayor's office, with a proposed \$2000 savings, will not allow my secretary to have temporary replacement and will prevent me from keeping the open door policy that has always been in place for the mayor's office.
- Overtime for proctoring Civil Service Exams was deleted. Most of our civil service exams have expired and tests will be held. The council budget has left no money to pay for proctors.

- Travel allowance was deleted for all employees, yet the city municipal code under section 5-64A declares that: *Practices and regulations. Each department head shall keep informed as to the latest practices in his or her particular field and shall inaugurate, with the approval of the Mayor, such new practices and regulations as appear to be of benefit to the administrative service of the City and to the public.*
- In the Recreation Department, key people who run nutrition programs, and much more, had a minor increased pay raise reduced, while the driver's got a raise.
- The Recreation Director, under your proposed budget will make just \$500 over her union held clerk position, which was deleted from your budget with no line item, another union violation.
- Signal maintenance man was moved from contractual code to a salaried code. This person is an independent contractor and not an employee.
- Books and periodicals from the Comptroller's office were reduced to a value that cannot purchase the most basic of supplies
- The comptroller's consultant was implemented in the contract, which was signed last year. This omission is violating the contract.
- By adjusting our building cleaner, this line item is also under budgeted.

These are some but not all of the obvious maladjusted budget items that clearly show that the council proposed budget will not be balanced, along with union and other contract violations, therefore, it leaves me no other option then to veto the entire City Council proposed budget.

**MAYOR GEOFFREY M SZYMANSKI**

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

### **Communications from the Council**

#### **Override Mayor's Veto**

2. To: City Council

I request your veto of the mayor's proposed budget for the City of Lackawanna, fiscal year 2013-2014.

**COUNCIL PRESIDENT HENRY R. PIROWSKI**

Moved by Pirowski seconded by Lewis to override the Mayor's veto

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

**Ordinance:**

**AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CITY OF LACKAWANNA FOR THE FISCAL YEAR 2013-2014**

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

SECTION 1 The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10<sup>th</sup> day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2013 through July 31, 2014, showing all City expenditures and revenues and including the real property tax rate.

SECTION 2 That the sum of \$9,250,081.00, being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2013-2014 fiscal year, apportioned in the amount of \$4,543,307.00 for properties qualifying as homestead properties and \$4,706,774.00 for 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 2013-2014 fiscal year.

SECTION 3 That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to her and to deliver a certified duplicate of the same, with a warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified as assessed against the persons or property therein mentioned or described with such percentage in the manner provided by law for the collection and levying of City taxes by the City Treasurer.

SECTION 4 That the following schedule be and the same is hereby adopted as the current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2013 through July 31, 2014, along with the revenues and taxation estimated and levied herein, and that same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of the several boards, departments and offices for the purposes enumerated therein, to wit:

Homestead Tax Rate:	\$13.78 of assessed valuation
Non-Homestead Tax:	\$28.87 of assessed valuation

SECTION 5 That the City Clerk be and she hereby is directed to forward a copy of this Ordinance to the City Treasurer, Director of Administration and Finance, City Comptroller and the City Attorney's Office.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Lewis to adopt budget ordinance as submitted by the City Council on June 10, 2013

Yeas: Noman, Jerge, Lewis, Pirowski

Nays: Iafallo

Carried 4-1

**Adjournment**

Moved by Pirowski seconded by Lewis meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING**  
**JULY 22, 2013**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**  
**NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski**  
**Dept Heads: Present: City Attorney, Development, Recreation, Public Safety**  
**Absent: Public Works**

**Approval of Minutes:** of regular meeting of June 17, 2013 and special meetings of June\_27<sup>th</sup> and July 11<sup>th</sup>, 2013.

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

**Departmental Reports:**

1. City Compt. – A/P Check Listing #50, June 13, 2013
2. City Compt. – A/P Check Listing #51, June 21, 2013
3. City Compt. – A/P Check Listing #52, June 28, 2013
4. City Compt. – A/P Check Listing #53, July 9, 2013
5. City Compt. – A/P Check Listing #54, July 11, 2013
6. City Compt. – Statement of Cond. of Approp. As of May 31, 2013
7. City Clerk – Monthly report, June 2013
8. Treasurer - Receipts deposited into general fund for June 2013

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

**Communications from the Council**

**Madison and Odell Streets Bus Shelters**

9. To: City Council

As First Ward Councilman, I am requesting that the Council direct the City Attorney to draw up an Ordinance authorizing the transfer of funds for the repairs to the bus shelters at Madison and Odell Streets. As discussed during previous Council meetings, the glass needs to be replaced in both shelters.

**FIRST WARD COUNCILMAN ABDUL NOMAN**

Moved by Pirowski seconded by Jerge to grant request, City Attorney to research the ownership and maintenance of the Madison and Odell Streets bus shelters.

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Council Amended Budget**

10. To: City Council

Please find attached a copy of the Budget adopted by your honorable body on July 11, 2013. I have included three columns on the Budget Document as follows: the first column is the Council's original budget voted on at the June 10, 2013 meeting, the second column shows the amendments you made at the July 11, 2013 meeting, and the third column is the Amended Budget adopted at the July 11, 2013 meeting. After making all of your amendments to your June 10<sup>th</sup>, budget, the total tax levy is \$9,313,295, which is \$28,930 over the Property Tax Cap. As you are aware, in order to exceed/override the Property Tax Cap there has to be a local law or resolution enacted by a 60% vote of the Council prior to adoption of the Budget that will exceed the Cap. As this was not the case, and the tax bills have not been sent to the printer yet, I am requesting your honorable body to take action as soon as possible to correct prior to the tax bills going out, the City is required to set up a separate reserve in the amount of the excess. This reserve amount plus any interest earned must be used to offset the tax levy for the following fiscal year.

In my communication to your honorable body on June 3, 2013, I informed you that the Property Tax Cap requires that the City submit the completed form prior to the adoption of the budget. I also requested that you inform the Comptroller's office of the Total Amount of the Tax Levy that you plan to pass a day prior to your vote so that this requirement can be met. This will also ensure that the Budget that is adopted is under the Property Tax Cap.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

**ASST. CITY COMPTROLLER PEGGY BIGAJ-SOBOL**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Firefighter's Memorandum of Agreement**

11. To: City Council

As per attached resolution prepared for you in May, at your request, I present the Memorandum of Agreement dated February 23, 2013 for the Council to act upon. The attached Memorandum of Agreement was never presented to the Council, as I believe is necessary, therefore I am requesting that the Council vote whether or not to ratify the Memorandum of Agreement.

(Attachment on file with City Clerk)

**CITY ATTORNEY- ANTONIO SAVAGLIO**

Moved by Pirowski seconded by Jerge to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**EPA Solar Study**

12. To: City Council

Attached for the file and your review is EPA Solar Study of BRA Brownfield Site.

(Complete text on file in the City Clerk's office for public review)

**DIRECTOR OF DEVELOPMENT- RALPH D. MIRANDA**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Commissioner of Deeds**

13. To: City Council

I am hereby requesting the City Council allow appointment of commissioner of deeds to the secretarial staff within the engineering and development departments. This is to allow for completion of homeowner exemption forms as mandated by New York State Workers Compensation Law.

The requested appointments by your honorable body as commissioner of deeds for 2013-2014

Ms. Wanda Turner-Department of Development

Ms, Caitlin Depasquale- Engineering Department

**CODE ENFORCEMENT OFFICER- JOSEPH GEYER**

Moved by Pirowski seconded by Noman to approve request for commissioner of deeds status

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Purchase of 2013 Ford Taurus**

14. To: City Council

I am asking your honorable body to transfer \$26,373.00 into code 3120.250 so the City can purchase a 2013 Ford Taurus police vehicle to replace our 2013 vehicle that was totaled in an accident. Delacy Ford is honoring our previous bid price. All insurance money recovered will go into the general fund.

If you have any questions please do not hesitate to contact me.

**PURCHASING AGENT-THOMAS J. NICOMETO**

Moved by Pirowski seconded by Lewis to approve request to purchase 2013 Police vehicle, City Attorney to prepare necessary ordinance for transferring of funds, all insurance monies recovered to go back into general fund

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Use of Soccer Field – Islamic Mosque**

15. 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 Street in the 1<sup>st</sup> Ward on August 8<sup>th</sup> or 9<sup>th</sup> of 2013 and October 14<sup>th</sup> or 15<sup>th</sup> or 16<sup>th</sup> of 2013. 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 Avenues for parking as well during this time frame.

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

**ANWAR ALKALAI-LACKAWANNA ISLAMIC MOSQUE PRESIDENT**

Moved by Pirowski seconded by Noman to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Bawdy House Law**

16. To: City Council

I respectfully request to be able to be placed on the agenda for the upcoming meeting on July 22, 2013.

In particular, I would like to present information to the city council regarding the Bawdy House law. I have information that will be a benefit to your body, as well as to the citizens of our city.

Respectfully submitted.

**LOUIS CROCE**

**Entertainment Licenses:**

Our Lady of Victory- Pennies to Heaven – 5 day permit, live music- \$25.00

Cherry Stone – 715 Ridge Road- Class 1- live music- \$50.00

Downtown LA Lounge – 719 Ridge Road – Class 2 – jukebox- \$25.00

Mulberry Café – 64 Jackson Ave. – Class 1 – live music- \$50.00

Cagney’s Too- 1254 Electric Ave. – Class 1 – live music- \$50.00

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

J’s White Elephant – 1404 Abbott Road – Class 1- live music- \$50.00

Steel City Pub- 1449 Abbott Road- Class 2- jukebox- \$25.00

Moved by Pirowski seconded by Jerge to approve entertainment licenses

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk



**Ordinances:**

**AN ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE ADOPTED JULY 20, 2013**

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

SECTION 1 That the 2013-2014 Budget Ordinance adopted July 20, 2013 is hereby amended to provide additional funding for the Office of the City Comptroller, Assessment, Personnel, Development, City Garage, Adult Recreation and the Police Department. Additionally, it will reclassify the Signal Maintenance Man to a contractual expense.

SECTION 2 That the 2013-2014 Budget Ordinance is hereby amended to add \$200 to budget code A.1315.403, City Comptroller, Books and Periodicals.

SECTION 3 That the 2013-2014 Budget Ordinance is hereby amended to add \$200 to budget code A.1315.441, City Comptroller, Printing Reports and Forms.

SECTION 4 That the 2013-2014 Budget Ordinance is hereby amended to add \$500 to budget code A.1315.464, City Comptroller, Travel Allowance.

SECTION 5 That the 2013-2014 Budget Ordinance is hereby amended to add \$800 to budget code A.1355.464, Purchasing, Travel Allowance.

SECTION 6 That the 2013-2014 Budget Ordinance is hereby amended to add \$750 to budget code A.1430.101, Personnel, Personal Services Overtime.

SECTION 7 That the 2013-2014 Budget Ordinance is hereby amended to add \$20,000 to budget code A.3120.104, Police Department, Differential and Contractual Item.

SECTION 8 That the 2013-2014 Budget Ordinance is hereby amended to add \$48,019 to budget code A.3620.101, Development, Personal Services for reinstate Code Enforcement Officer position.

SECTION 9 That the 2013-2014 Budget Ordinance is hereby amended to decrease budget code A.3620.466, Development, Demolition of Buildings by \$48,000.

SECTION 10 That the 2013-2014 Budget Ordinance is hereby amended to add \$2,000 to budget code A.5132.414, City Garage, Highway Supplies.

SECTION 11 That the 2013-2014 Budget Ordinance is hereby amended to add \$5,245 to budget code A.7620.101, Adult Recreation, Personal Services 2 Part-Time Recreation Attendants (Nutrition Program).

SECTION 12 That the 2013-2014 Budget Ordinance is hereby amended to add \$3,500 to budget code A.7620.102, Adult Recreation, Personal Services Part-Time Recreation Attendants.

SECTION 13 That the 2013-2014 Budget Ordinance is hereby amended to remove budget code A.3020.101, Communication System, Personal Services for \$15,000.

SECTION 14 That the 2013-2014 Budget Ordinance is hereby amended to add budget code A.3020.401, Communication System, and Signal Maintenance Man for \$15,000.

SECTION 15 That the 2013-2014 Budget Ordinance is hereby amended to appropriate \$33,214 of the City's Fund Balance.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt budget ordinance as written

Yeas: Noman, Jerge, Lewis, Pirowski

Nays: Iafallo

Carried 4-1

**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 increase the appropriations for the purchase of a 2013 Ford Taurus

SECTION 2. That the 2012-2013 Budget Ordinance is hereby amended to add \$26,373 to budget code A.3120.0250, Police Department, Police Car.

SECTION 3. That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$26,373 of the City's Fund Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

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

Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING**  
**AUGUST 12, 2013**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**  
**NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski**  
**Dept Heads: Present: City Attorney, Comptroller, Recreation, Public Safety**  
**Excused: Development**  
**Absent: Public Works**

**Approval of Minutes:** of regular meeting of July 22, 2013 and special meetings of July 20 and 29, 2013.

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

**Departmental Reports:**

1. City Compt. – A/P Check Listing #55, July 18, 2013
2. City Compt. – A/P Check Listing #56, July 25, 2013
3. City Compt. – Statement of Cond. of Approp. As of June 30, 2013
4. City Treasurer – Total Receipts deposited in General Fund, July 2013
5. City Clerk – Monthly report for July 2013

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

**Communications from the Council**

**2009 Memorandum of Understanding**

6. To: City Council

I request that the Law Department prepare an ordinance rescinding the 2009 Memorandum of Agreement in which the non-bargaining employees, the department and divisions heads, are connected to the Police Union contract.

Any questions or concerns you may have regarding this matter, please feel free to contact me.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge, to direct the City Attorney to prepare an ordinance rescinding the 2009 Memorandum of Understanding regarding non bargaining unit connected to the police contract

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Firefighter's Memorandum of Understanding**

7. To: City Council

It has come to this Council's attention that on February 23<sup>rd</sup>, there was a memorandum of understanding signed by the Mayor, the then city attorney Norman LeBlanc Jr. and the President of the Lackawanna Firefighters Union, William Tojek. Why was this not brought to the immediate attention of the Council?

Since this Council was not notified of this agreement, I have several questions pertaining to same. Most importantly, what is the Mayor's reasoning for increasing the compliment of Firefighters from eight (8) to nine (9)? Earlier this year, again without Council notification, the Mayor closed the Fire Station House #2, due to excessive overtime costs. Has there been any structural change implemented with the Fire Department to help lower overtime costs to the city? If so, what are they? Was a cost analysis performed before considering this change pertaining to future overtime costs to the city before this agreement was signed? If so, may the Council have a copy?

As you are well aware, there has been an unacceptable amount of overtime accrued since this change. Is this agreement the result of such? Furthermore, this agreement has obvious fiscal ramifications, and I must ask is this agreement valid or legal without the legislative body's approval?

I asked that the Mayor to respond to these issues in writing.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Legal Opinion Regarding Memorandum of Agreement**

8. To: City Council

I request that the City Attorney forward his legal opinion in writing to the City Council, regarding the implementation of the Memorandum of Agreement of February 23, 2013, entered into by Mayor Szymanski, the then City Attorney and the Firefighters Union.

Any questions or concerns, please feel free to contact me.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Lewis to direct the City Attorney to give his legal opinion, in writing, to the council regarding the legality of the memorandum of understanding entered into by the Mayor, then City Attorney and the Firefighters Union, and to forward a copy of his opinion to the Mayor

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Lackawanna Yemen Soccer Club**

9. 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 2013 Soccer Season. Rosters show 214 players at \$6.00, which would be a subsidy of \$1,284.00. I am requesting for funding from the Lackawanna Recreation Department. Any questions please call me at 825-1515.

Thank you for your support.

(Roster on file in City Clerk’s office)

**ALI SALEH-ASSISTANT DIRECTOR**

Moved by Pirowski seconded by Noman to grant request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Steelawanna & Lincoln Avenues Paving Replacement Contract**

10. To: City Council

TVGA Consultants (TVGA) has reviewed the bids as submitted and opened on Wednesday, August 7<sup>th</sup>, 2013 at 11:00 AM at the City of Lackawanna Council Chambers, 714 Ridge Road, Lackawanna, NY, for the above –referenced project. The results are as follows:

E&R General Construction, Inc	\$324,656.00*
Visone Construction	\$379,098.00
Sicar Management & Construction, Inc.	\$389,549.00*
New Frontier Excavating	\$403,850.00
Nova Site Contracting	\$417,747.00
Occhino Corporation	\$432,376.00

\* Denotes mathematical error

TVGA Consultants has successfully worked with E&R General Construction, Incorporated on similar type projects in the City of Lackawanna, and the work was completed satisfactorily. We therefore, recommend that the City of Lackawanna award the above referenced project to E&R General Construction, Incorporated at their unit prices bid for Base Bid Items 1 through 14, with a total cost of \$324,656.00.

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

**KENNETH J STRELL, SR-TVGA SENIOR PROJECT MANAGER**

Moved by Noman seconded by Pirowski to award contract to low bidder E&R construction for the resurfacing of Steelawanna and Lincoln Avenues for the bid price of \$324,656.00

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**9/11 Monument**

11. To: City Council

The Lackawanna Fire Department Local 3166 is seeking permission to move the 9/11 monument from its current location at Lackawanna Fire Station #2, to its interned location at Lackawanna Fire Station #3. A copy of the project has been included.

**DEAN MORETTI-PROJECT COORDINATOR**

Moved by Pirowski seconded by Jerge to approve relocating the 9/11 monument to Fire Station #3

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

**National Spring Football League**

12. To: City Council

The National Spring Football League (NSFL) is a professional development football league to play its inaugural season beginning in March of 2014. With 12 teams spanning coast-to-coast the NSFL will generate a national footprint. NSFL team rosters will be made up of 21-29 year old players with the aspirations of playing in the National Football League or the Canadian Football League and we will help facilitate those goals. The NSFL will create strong relationships with both the NFL and CFL to showcase our players, coaches and staff while always concentrating on offering a family-friendly environment.

On August 17<sup>th</sup>, the NSFL seeks to host a Regional Combine in Lackawanna, New York and the NSFL requests the use of your facility, Lackawanna Veteran’s Stadium located at 2960 South Park Avenue, Lackawanna, New York 14218..

(Complete text on file with City Clerk)

**BILL SPADAFORA-NSFL**

Moved by Jerge seconded by Pirowski to grant request for use of Veterans Stadium, tables and power source for August 17, 2013

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

Moved by Pirowski seconded by Lewis to enter into executive session at 7:23 PM to discuss Firefighters negotiations

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

Meeting reconvened at 8:05 PM

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

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

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

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING  
SEPTEMBER 3, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order  
NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: City Attorney, Comptroller, Recreation, Public Safety  
Development  
Absent: Public Works**

**Council President Pirowski asked for a moment of silence in memory of Richie Abrams**

**Approval of Minutes:** of regular meeting of August 12, 2013

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

**Departmental Reports:**

1. City Compt. – A/P Check Listing #57, July 31, 2013
2. City Compt. – A/P Check Listing #1, August 9, 2013
3. City Compt. – A/P Check Listing #2, August 19, 2013
4. City Compt. – A/P Check Listing #3, August 26, 2013

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

**Communications from the Mayor**

**Commissioner of Public Works**

5. To: City Council

I am submitting an ordinance for the agenda for a Commissioner of Public Works salaried at \$60,000. With winter coming and a prediction of a harsh winter, along with organizing the distribution of the totes, and normal day to day operations, a Commissioner is needed, as well as mandated by the Charter.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski, seconded by Jerge to table for study  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Masiello & Associates**

6. To: City Council

Earlier this month, School Board President Leonard Kowalski along with School Board Superintendent Ann Spadone met in my office with former Buffalo Mayor Anthony Masiello and his associates from the Masiello, Martucci, Calabrese, and Associates firm. We met for an hour and half and discussed a wide range of issues for both the school district and the city.

Although our last attempt for additional support from Albany produced little, I have a very high hope that this firm is the right fit for both the school district and the city.

They gave a presentation that began with the discussion of our problems. They followed through with a presentation of what they can and cannot do for us. They were straight forward with their answers and clear with their goals for us.

I reminded them that the City Council may wish to hold a conversation with them, as did School Board President Kowalski with the other members of the school board. They have agreed to meet with you and the rest of the council whenever convenient for both parties. They may be reached at (716) 923-4156 or visit their website at [www.mmccassoc.com](http://www.mmccassoc.com).

As I mentioned to Mayor Masiello and Superintendent Calabrese that we had a lack of communication with our last group, Mayor Masiello reaffirmed that they would be willing to meet anywhere to discuss their efforts for our city. If the council would be interested in meeting quarterly with them, they would meet quarterly.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski, seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council**

**Residency Policy**

7. To: City Council

I request approval of a resolution establishing policy regarding residency as a criterion in making promotion decisions for city employees.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**600 Ridge Road Barriers**

8. To: City Council

I requested information from the Mayor regarding the barriers placed in the area next to the property located at 600 Ridge Road

The information I requested was the following:

1. The cost of the barriers and cost of placing them on site
2. The reason for the barriers being placed
3. Who authorized the barriers?

Thank you for your anticipated response

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

Carried 5-0

**Economic Outlook Plan**

9. To: City Council

As per the Charter of the City of Lackawanna, the Director of Development shall submit to the City Council the 5 yr. Economic Outlook Plan for the City of Lackawanna on a yearly basis. I asked that the Director forward the information to the City Council.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

Carried 5-0

**Hiring Freeze**

10. To: City Council

I requested that the Law Department prepare an ordinance implementing a hiring freeze for the City of Lackawanna.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

Carried 5-0

**Fiscal Outlook**

11. To: City Council

I requested that the City Comptroller forward a general idea of the present fiscal outlook for the general fund for the next 4 years with all revenues being neutral in consistent with the approval of the firefighter's contract and all the previous approved contracts. I requested this general projection be broken down individually for each of the four years.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

Carried 5-0

**Communications from Department/Division Heads:**

**Firefighter's Memorandum of Understanding of 2/23/2013**

12. To: City Council

It is my opinion, as I have stated before the Council on several occasions that the above Memorandum of Understanding should have been brought to the Council for its approval due to the possible budgetary ramifications upon implementation.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

Carried 5-0

**Amend Chapter 36 Ordinance**

13. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

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

**Chapter 160 Illegal Drug Activity Ordinance**

14. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

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

**IAFF Local 3166 Firefighter's Contract**

15. To: City Council

I am enclosing a proposal for the IAFF Local 3166 Contract which was recently approved by the firefighter's union. We ask that this matter be placed on the council agenda for council approval to allow the mayor to enter into a new collective bargaining agreement with this union.

If you have any questions please do not hesitate to contact me.

(Complete text on file with City Clerk)

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

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

**Ordinance Amending Chapter 66 Animals**

16. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

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

**Public Works Commissioner**

17. To: City Council

Please find attached for your review and approval an ordinance amending the 2013-2014 Budget Ordinance adopted July 20, 2013, to increase the appropriations for the Commissioner of Public Works. The Law Department has reviewed and approved the ordinances for form and substance.

If you have any questions, please feel free to contact me.

**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

Moved by Pirowski seconded by Noman to table for study  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Appropriations for a Lobbyist**

18. To: City Council  
Please find attached for your review and approval an ordinance amending the 2013-2014 Budget Ordinance adopted July 20, 2013, to increase the appropriations for a lobbyist. The Law Department has reviewed and approved the ordinances for form and substance.  
If you have any questions, please feel free to contact me.  
**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

Moved by Pirowski seconded by Lewis to table for study  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Appropriations for Playground Equipment**

19. To: City Council  
Please find attached for your review and approval an ordinance amending the 2013-2014 Budget Ordinance adopted July 20, 2013, to increase the appropriations for playground equipment. The Law Department has reviewed and approved the ordinances for form and substance.  
If you have any questions, please feel free to contact me.  
**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

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

**Appropriations for New Fire Pumper**

20. To: City Council  
Please find attached for your review and approval an ordinance amending the 2013-2014 Budget Ordinance adopted July 20, 2013, to increase the appropriations for the new fire pumper truck. The Law Department has reviewed and approved the ordinances for form and substance.  
If you have any questions, please feel free to contact me.  
**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

Moved by Pirowski seconded by Jerge to table for study  
Yeas: 0  
Nays: Noman, Iafallo, Jerge, Lewis, Pirowski Motion Failed-5-0

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

**NYS Annual Assessor Meeting**

21. To: City Council  
I am requesting approval to attend the New York State Assessors Annual Meeting from October 1<sup>st</sup> thru 4<sup>th</sup> 2013 Lake Placid, NY. Funds are available in the assessor's current budget, which will be reimbursed by the State of New York up to 80% of total expense.  
**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Lewis seconded by Noman to grant request for Assessor to attend  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**City Owned Properties for Sale**

22. To: City Council

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

If you have any further questions please contact my office.

(Full text on file with City Clerk)

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Noman to grant request for Assessor to make properties available for sale

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Martin Road Proposal- Sunset Realty**

23. To: City Council

My office has received a proposal to market and sell the Martin Road subdivision from Sunset Realty with homes to be built by Sunset Builders, Inc. My recommendation is to allow Sunset Realty and Builder Market to sell homes on Martin Road in accordance with the proposal.

The only change would be to the covenants regarding Sq. Ft.

1. Reduce home size to 1500 Sq. Ft. and larger

If you have any further questions please contact my office.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Lewis to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Purchase Offer-281 Ridge Road**

24. To: City Council

My office received an offer to purchase the above property from Vojislav Mijic in the amount of \$50. The property is currently assessed for \$4,000 and consists of a vacant lot approximately 35x170. My office is **not recommending** the sale of 281 Ridge Rd. for \$50, I would however recommend a sale price of \$1,000.

If you have any further questions please contact my office.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Jerge seconded by Pirowski to accept the Assessor's recommendation-**NOT** to sell

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Purchase Offer-54 Wilkesbarre Ave**

25. To: City Council

My office has received an offer to purchase the above property from Ali Elbaneh in the amount of \$200. The property is currently assessed for \$3,700 and consists of a vacant lot approximately

35x100. My office is **not recommending** the sale of 54 Wilkesbarre for \$200; I would however recommend a sale price of \$1,000.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Jerge to accept the Assessor's recommendation-**NOT** to sell  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Electric Ave. & Removal of Stop Signs**

26. To: City Council

This letter serves to request that your honorable body take the necessary steps to rescind the following city ordinances. I have attached correspondence from the Traffic Safety Board wherein they are recommending these ordinances be rescinded.

1. No parking on Electric Avenue from south city line to Kirby Avenue and no alternate parking. Electric Avenue is too narrow to allow parking and parking causes a public safety issue.
2. The attached also indicates removing stop signs at various locations in Lackawanna. All signs listed on the attached should be removed to improve traffic and reduce pollution.

Holland & Clark  
Ingham & Holbrook  
Center & Edna  
Leonard & Orleans

Ingham & Wilson  
Lehigh & South  
Franklin & Apple  
South Shore & Meadowbrook

Ingham & O'Dell  
Center & Caldwell  
Relich & Julian  
South Shore & Shamokin (south)

**DANA J BRITTON-DIRECTOR OF PUBLIC SAFETY**

Moved by Jerge seconded by Lewis to deny request  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Safety Item Expenditures & Sale of 2 Old Reserve Pumpers**

27. To: City Council

The new pumper is ready for delivery upon final payment. During construction of the pumper, a few items were added that were found to be needed for safety. These costs amount to \$7,713.59 above the initial cost of the pumper.

I would ask the Council to approve the extra expenditure of \$7,713.59 toward the new pumper. The overall cost of the pumper is \$315,341.59. The federal government share through the AFG grant is \$272,650. The City's cost for this brand new state of the art pumper is \$42,691.59.

I would also like permission from the Council to sell two of the departments old reserve pumpers which will not be needed when this truck goes into service. I believe the sale of the reserve pumpers will make up the cost of this extra expenditure.

If you have any questions please feel free to call me.

**RALPH GALANTI-FIRE CHIEF**

Moved by Pirowski seconded by Noman to table for study  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Communications from Citizens:**

**31 South St-Non Useable Land**

28. To: City Council

On behalf of the Lackawanna Islamic Mosque I am writing this letter requesting the city council to add to your agenda on September 3<sup>rd</sup> regarding the non-useable land on the hillside behind 31 South Street. It's our understanding that you've received a letter from our attorney explaining the details behind this request.

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

**ANWAR ALKALAI-LACKAWANNA ISLAMIC MOSQUE**

Moved by Pirowski seconded by Noman to table for study

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

**New Business Licenses**

(1) Sonja Mason- DBA Steel City Lounge- 283 Ridge Road- (ID Bureau has deemed non-compliant)

Moved by Noman seconded by Pirowski to table new business license for Steel City Lounge

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis Carried 4-1

(2) Amal Isam Hassan- Jimzo Blankets Rugs & More- 2719 South Park Ave

Moved by Pirowski seconded by Noman to approve new business license for Jimzo Blankets Rugs & More

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

(3) Frank Corsi Jr- Chase Resale & Collision- 1212 Abbott Road

Moved by Jerge seconded by Pirowski to table new business license for Chase Resale & Collision

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

(4) Joshua Pettit-Yeti Vape- 1385 Abbott Road

Moved by Pirowski seconded by Lewis to approve new business license for Yeti Vape

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

(5) Dr Robert Hornberger-Dr Bob's Storage- 3175 Lakeshore Rd- Gate 6

Moved by Jerge seconded by Lewis to approve new business license for Dr Bob's Storage

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

## **Ordinances**

### **1. Commissioner of Public Works Ordinance**

AN ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE ADOPTED JULY 20, 2013

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

SECTION 1. That the 2013-2014 Budget Ordinance adopted July 20, 2013 is hereby amended to increase appropriations for the Commissioner of Public Works.

SECTION 2. That the 2013-2014 Budget Ordinance is hereby amended to add \$50,000 to budget code A.5110.101 Maintenance of Streets, Commissioner of Public Works.

SECTION 3. That the 2013-2014 Budget Ordinance is hereby amended to appropriate \$50,000 of the City's Fund Balance.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Council Member Pirowski seconded by Noman to table budget ordinance for Commissioner of Public Works

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **2. Municipal Code Chapter 36- Personnel Policies Ordinance**

AN ORDINANCE AMENDING CHAPTER 36, CITY OF LACKAWANNA MUNICIPAL CODE, PERSONNEL POLICIES

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

1. Chapter 36-19 (A). Personnel Policies is hereby rescinded and replaced as follows:

Chapter 36-19. Wage Schedule and Classification.

A. Wage Schedule.

1. The covered employees shall be paid biweekly. The employee's biweekly salary shall be his or her annual salary divided by 26, regardless of the number of pay periods that actually occur in the budget year.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Lewis to adopt ordinance amending Municipal Code Chapter 36

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **3. Eviction for Illegal Drug Activity Ordinance**

AN ORDINANCE ENACTING CHAPTER 160 OF THE CODE OF THE CITY OF LACKAWANNA ENTITLED EVICTION FOR ILLEGAL DRUG ACTIVITY

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

#### **Chapter 160. EVICTION FOR ILLEGAL DRUG ACTIVITY.**

##### **160.1 DEFINITIONS.**

As used in this division, the following terms shall have the meanings indicated.

**Premises:** means a building or structure, or any part thereof.

**Owner:** means the landlord of the premises, including his/her agent.

**Tenant:** in addition to its ordinary meaning, shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for 30 consecutive days or longer.

**Illegal Drug Activity:** means use or possession of a controlled substance or marihuana [marijuana], as defined by the New York State Penal Law.

**Criminal Conviction:** means the entry of a plea of guilty to or a verdict for one or more counts set forth in an accusatory instrument.

##### **160.2: EVICTION FOR USE OR OCCUPATION OF PREMISES FOR ILLEGAL DRUG ACTIVITY.**

A special proceeding to evict a tenant from leased premises may be maintained upon the ground that the premises, or any part thereof, have been used occupied for the purpose of illegal activity.

##### **160.3: PROCEDURES.**

The procedures applicable to summary proceedings to recover possession of real property under State Law shall be applicable top any proceeding brought under this chapter.

##### **160.4: SERVICE OF NOTICE, COMMENCEMENT OF EVICTION PROCEEDINGS.**

A. The following persons, corporations and agencies may serve personally upon the owner or landlord, or upon his agent, of demised real property used or occupied, in whole or in part, for the use or possession of illegal drugs, a written notice requiring the owner or landlord to make an application for the removal of the person(s) so using or occupying the premises:

1. Any domestic corporation organized for the suppression of vice, subject to, or which submits visitation by the New York State Department of Social Service or the Erie County Department of Social Services, and possess a certification from such department of such fact and of such conformity with regulations of the department.
2. Any duly authorized enforcement agency of New York State, or a subdivision thereof, and/or the City of Lackawanna, under a duty to enforce the provisions of the Penal Law or of any State or Local Law, ordinance, code, rule or regulation relating to buildings.

B. If the owner or landlord, or his agent, does not make such application within five days thereafter, or having made it, does not in good faith diligently prosecute it, the person, corporation or enforcement agency giving notice may bring a proceeding under this chapter for such removal as though the petitioner were the owner or the landlord of the premises, and shall have precedence over any similar proceeding thereafter brought by such owner or landlord or to the one theretofore brought by him and not prosecuted diligently and in good faith. Proof of all the ill repute of the demised premises, or of the occupants thereof, or of those resorting thereto, shall constitute presumptive evidence of the unlawful use of the demised premises required to be started in the petition for removal. Both the person(s) in possession of the property and the owner or landlord shall be made respondents in the proceeding.

**160.5: MULTIPLE CONVICTIONS CONSTITUTE PRESUMPTIVE EVIDENCE.**

Two or more convictions of any person or persons had, within a period of one year for any of the offenses defined in Article 220 or 221 of the Penal Law, arising out of conduct engaged in the same real property consisting of a dwelling as that term is defined in Subdivision 4 of the New York State Multiple Dwelling Law, shall be presumptive evidence of conduct constituting use and occupancy of the premises for the purpose of using and possessing illegal drugs and of the tenant knowledge thereof.

**160.6: CIVIL PENALTIES.**

A court granting a petition pursuant to this section may, in addition to any other order provided by law, make an order imposing and requiring the payment by the respondent of a civil penalty not exceeding five-thousand dollars (\$5,000.00) to the City of Lackawanna, in which subject premises is located, and the payment of reasonable attorneys' fees and the cost of the proceeding to the petitioner. In any case, multiple respondents shall be jointly and severally liable for any payment so ordered, and the amounts of such payments constitute a lien upon the subject real property.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Iafallo to adopt ordinance enacting Chapter 160 of the Municipal Code regarding Illegal Drug Activity  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**4. Municipal Code Chapter 66-Animals on Rental Property Ordinance**

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

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

Chapter 66-18 (C) and (D). Rabies Vaccination; capping of chimneys; responsibility for animals on rental property is hereby rescinded and replaced with the following:

C. The property owner (s) shall be personally liable and accountable for his/her tenant's animals. Property owners shall provide proof of liability insurance to cover accountability for rental property where animals are housed. Said insurance must cover the breed of the animal housed. No license, if required shall be issued or renewed for an

animal without said proof of insurance. A property owner who fails to comply with the provisions of this section shall be subject to a fine not to exceed \$250.00.

**D.** A tenant shall be personally liable and accountable for his/her animals. Tenants shall provide proof of liability insurance to cover accountability for animals housed in rental property. Said insurance must cover the breed of the animal housed. No license, if required, shall be issued or renewed for an animal without said proof of insurance. A tenant who fails to comply with the provisions of this section shall be subject to a fine not to exceed \$250.00

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt ordinance regarding Animals on Rental Property and amending Section D- to read “provisions of this section”

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **5. Budget Ordinance- Lobbyist**

AN ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE ADOPTED  
JULY 20, 2013

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

**SECTION 1.** That the 2013-2014 Budget Ordinance adopted July 20, 2013 is hereby amended to increase appropriations for a lobbyist.

**SECTION 2.** That the 2013-2014 Budget Ordinance is hereby amended to add \$30,000 to new budget code A.3620.468 Development, Lobbyist.

**SECTION 3.** That the 2013-2014 Budget Ordinance is hereby amended to appropriate \$30,000 of the City’s Fund Balance.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to table budget ordinance for lobbyist

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **6. Playground Equipment Budget Ordinance**

AN ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE ADOPTED  
JULY 20, 2013

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

**SECTION 1.** That the 2013-2014 Budget Ordinance adopted July 20, 2013 is hereby amended to increase appropriations for playground equipment.

**SECTION 2.** That the 2013-2014 Budget Ordinance is hereby amended to add \$8,000 to budget code A.7140.0250 Playgrounds, Playground Equipment.

**SECTION 3.** That the 2013-2014 Budget Ordinance is hereby amended to appropriate \$8,000 of the City's Fund Balance.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to approve budget ordinance for playground equipment  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**7. Fire Pumper Budget Ordinance**

AN ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE ADOPTED JULY 20, 2013.

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

**SECTION 1.** That the 2013-2014 Budget Ordinance adopted July 20, 2013 is hereby amended to increase appropriations for the new fire pumper truck.

**SECTION 2.** That the 2013-2014 Budget Ordinance is hereby amended to add \$7,715 to budget code A.3410.251 Fire Department, Fire Pumper.

**SECTION 3.** That the 2013-2014 Budget Ordinance is hereby amended to appropriate \$7,715 of the City's Fund Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Lewis to approve budget ordinance for fire pumper  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Resolution**

**Resolution #11- City Employee Residency**

**Whereas**, residency for city employees enhances community pride, awareness and efficiency, and

**Whereas**, the City of Lackawanna should encourage all employees to live within the City's boundaries to the extent possible,

**Now, therefore, be it resolved**, that the Mayor is hereby directed to consider Lackawanna city residency as a criterion in making future promotion decisions for city employees, allowing first preference to qualified resident candidates, and

**Be it finally resolved**, that this resolution be adopted as written.

Moved by Pirowski seconded by Noman to approve resolution with amendment to read” City Employees residing within the City of Lackawanna” to be given first preference for promotions  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Noman, Iafallo, Jerge, Lewis and Pirowski meeting adjourned in memory of Richie Abrams  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING  
SEPTEMBER 16, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**

**NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: City Attorney, Comptroller, Recreation,  
Public Safety, Development, Public Works**

**Approval of Minutes:** of regular meeting of September 3, 2013

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Clerk - Monthly report for August, 2013
2. City Treasurer – Deposits into General Fund, August 2013
3. City Compt. – A/P Check Listing #4, August 30, 2013
4. City Compt. – A/P Check Listing #5, September 9, 2013

Moved by Pirowski seconded by Jerge to receive and file departmental reports one through four

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council**

**Rosary Bridge Repair Status**

5. To: City Council

I requested that the Mayor provide the Council (as well as the citizens) an update as to the status of the anticipated repair for the Rosary Bridge. Specifically, is

there a timeline for the project to start, what are the expectations for the project's completion, and how will traffic be diverted during this timeframe?

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Victory Ave. & Ridge Rd. Signs**

6. To: City Council

I informed the Mayor that I have had numerous complaints from residents on and around Victory Ave. concerning the safety of children. Residents are stating that cars are driving too fast in the area with a large number of children at play. I requested a minimum of two “**slow down, kids at play**”, signs for the area.

Secondly, there have been numerous complaints specifically about vehicles driving the wrong way on Victory Ave. I requested that we order two additional “**wrong way**” signs for the street.

Lastly, residents are also complaining about loitering in Victory playground and large groups of teens roaming the streets at night. I requested additional patrols on and around Victory Ave., until the problem ceases.

I thank you very much for your anticipated cooperation involving these matters.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Lackawanna Public Library**

7. To: City Council

During our last Council meeting it was brought to our attention that there have been numerous incidents with both adults and teens causing nuisance problems as well as threats of violence (toward one another) at the Lackawanna Public Library.

I have reached out to Ken Stone, who is the director of security for the Erie County Public Libraries to ask for his help regarding the matter. Mr. Stone indicated that there is only security for the libraries in the City of Buffalo.

In speaking with Jennifer Johnston, the Director of the Lackawanna Public Library, she has confirmed the existence of nuisance problems and is very concerned with her own safety and that of co-workers that are females because they are sometimes alone when these problems occur. She states that the problems generally occur between the hours of 4PM and 9PM.

Our current budget does not include expenditure for security in the library.

I requested that the Director of Public Safety have regular police patrols between the hours of 4PM and 9PM, in that part of the City until the problem subsides.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Iafallo to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Abbott Rd. & W. Elmview Intersection & Signal**

8. To: City Council

I informed the Mayor of numerous complaints, as well as kind requests, from citizens that reside in the general neighborhood that rely on W. Elmview to access Abbott Road.

Some of the complaints revolve around the imprudent speed of drivers who now realize there is only a flashing light at the intersection mentioned above. Recently, there was a serious accident near that intersection that may or may not have been related to the speed of the vehicle(s) involved.

As you know there is a church, a church hall, and Lackawanna High School nearby. Additionally, when you couple Sunday Church service with heavy traffic during home Buffalo Bills games, it is a true challenge to make a left hand turn from W. Elmview during the heavy traffic time periods. There are also problems when bingo or special events take place in the Hall.

I wholeheartedly agree with Federal, State and County traffic studies that support the removal of some traffic lights. However, based on safety concerns and congestion on Sundays and during special events, I do not believe that Abbott and W. Elmview is a wise choice for a full time blinking light.

I would like to request that we reinstate the traffic signal at Abbott and W. Elmview to a functioning stop and go traffic light.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**New Business Licenses**

Radhiah Sharian- DBA Middle East Furniture- 1283 Abbott Road

Moved by Pirowski seconded by Noman to approve business license

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Tabled Items**

Moved by Pirowski seconded by Noman to waive the rules and remove ordinance, from meeting of September 3, 2013, regarding transfer of \$50,000 to A5110.101, Commissioner of Public Works from the table.

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

Moved by Pirowski seconded by Iafallo to adopt ordinance as written

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

Moved by Pirowski seconded by Noman to waive rules and remove business license application of Chase Resale & Collision, meeting of September 3, 2013 from the table.

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

Moved by Pirowski seconded by Noman to approve business license

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

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

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

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING  
OCTOBER 7, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order  
NB: Meeting being recorded**

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

**Approval of Minutes:** of regular meeting of September 16, 2013

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

**Departmental Reports:**

1. City Compt. – A/P Check Listing #6, September 12, 2013
2. City Compt. – A/P Check Listing #7, September 13, 2013
3. City Compt. – A/P Check Listing #8, September 19, 2013
4. City Compt. – A/P Check Listing #9, September 25, 2013
5. City Compt. - Revenue Report & Stmt. of Condition Appropriations as of Aug. 31, 2013
6. City Treasurer's Report for month of September 2013
7. City Clerk's Report for month of September 2013

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

**Communications from the Mayor**

**Non Bargaining Unit Veto**

8. To: City Council

I hereby VETO the ordinance regarding Chapter 36-19: Wage Schedule and Classification based on the fact that the very purpose of this section was to remove petty-politics and discrimination from implementing a salary raise.

The Non-Bargaining Unit employees work just as hard as every other employee in the city and they provide answers to both the public and elected officials. To remove the original language of Chapter 36-19 (A) would return these employees to being at risk of political retribution. They are full time employees and entitled to benefits just like every other employee.

Therefore, to remove politics from this situation, I am hereby vetoing this ordinance.  
**MAYOR GEOFFREY M. SZYMANSKI**

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

**Ridge Rd/Rosary Ave Bridge Rehabilitation**

9. To: City Council

In accordance with a request received from the Third Ward Councilman, Joe Jerge, I am updating you on the status of the above referenced project. The following is the **tentative** schedule for the implementation of this project:

Commence Engineering Design	October 15, 2013
Complete Engineering Design	January 15, 2014
Advertise and Bid Project	February 1, 2014
Commence Construction	April 15, 2014
Complete Construction	October 1, 2014

Please be advised that this is a tentative schedule for completion of this project. The Buffalo & Pittsburg Railroad has been difficult to deal with in coordinate planning of this project. The schedule is based on their cooperation in dealing with scheduling and coordination issues. The schedule is based on utilizing the existing bridge abutments.

In bidding the project in accordance with the referenced tentative schedule, the City will optimize its ability to receive the best possible construction cost.

For the construction of this project it is anticipated that a detour will have to be implemented for a portion of the construction period to facilitate construction. The detour will have to be coordinated with Officials from NYSDOT, Erie County, City of Buffalo and NITTEC.

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

**MAYOR GEOFFREY M. SZYMANSKI**

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

**Demolition of Friendship House**

10. To: City Council

I am requesting your Honorable Body pass the attached Resolution for the demolition of the former Friendship House located at 264 Ridge Road.

**MAYOR GEOFFREY M. SZYMANSKI**

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

**Reward for Information**

11. To: City Council

Please be advised that the Lackawanna Police Department shall offer up to a \$5,000.00 reward for any information leading to an arrest in the recent shooting death in the First Ward. The Police Chief and I feel that this reward offer will greatly assist our detectives in their investigation.

The reward would be paid with funds from Crime Stoppers and the narcotics confiscation fund, not the general fund balance and will have no impact on our budget.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Contract to Retro Fit Garbage Trucks**

12. To: City Council

I am requesting your Honorable Body authorize as per the inter municipal agreement of last year and according to the Town of West Seneca's non-collusion bidding certificate we are awarding Guthrie Heli Arc, Inc. the contract to retro fit three garbage trucks and for a total of six (6) hydraulic tippers. They were the lowest bidder to the town of West Seneca and we hereby award the contract for a total value of \$25,434.

(Contract details on file with City Clerk)

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Pirowski seconded by Iafallo to approve contract to retro fit garbage trucks

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council**

**Mayor's Veto-Non Bargaining Unit**

13. To: City Council

The Mayor has vetoed the ordinance regarding the non bargaining separation from the Police Contract.

I am requesting that this Council votes to override the Mayor's veto.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to override the Mayor's veto pertaining to the separation of the non bargaining unit from the Police Contract

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Chamber of Commerce**

14. To: City Council

On September 27, 2013, an e-mail was sent to the Mayor requesting an explanation as to why the Chamber of Commerce has not received their payment.

The City of Lackawanna expense budget appropriated \$15,000 for the Chamber of Commerce.

Please provide the Council with a written response.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Legal Opinion**

15. To: City Council

As Council President, I asked the City Attorney for his legal opinion, as to whether the Mayor has the right to ignore the budget, at his own discretion.

It had come to my attention that the Mayor has not signed the voucher for the Chamber of Commerce funds that were appropriated in the budget.

Please respond in writing.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Legal Fees**

16. To: City Council

Please provide in writing the exact amount of monies that have been spent for outside legal counsel for both the Mayor and the City Council.

Thank you for your cooperation.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Fiscal Outlook**

17. To: City Council

On August 29, 2013, I requested that the City Comptroller provide the Council with a four (4) year fiscal outlook for the general fund.

I am requesting the status of that request.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski, seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **5 Year Economic Outlook**

18. To: City Council

On August 29, 2013, I requested that you provide the Council with the five (5) year Economic Outlook Plan for the City of Lackawanna, as stated in the City Charter.

I am requesting the status of that request.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Part Time Clerk Request**

19. To: City Council

I have requested the City Attorney prepare a Budget Ordinance amending the 2013-2014 City expense budget, adopted July 20, 2013, to include \$2,000.00 for a part time clerk in the Mayor's office.

If you have any questions, feel free to contact me.

**ANNETTE IAFALLO-2ND WARD COUNCILWOMAN**

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

Yeas: Noman, Iafallo, Jerge

Nays: Lewis, Pirowski

Carried 3-2

**“Slow Down, Kids at Play” Signs**

20. To: City Council

I am requesting the Council’s approval to have two (2) “**Slow Down, Kids at Play**” signs be erected on Wood Street.

One (1) sign erected facing Warsaw and one (1) sign erected when entering Wood from Roland Avenue.

Traffic goes much too fast on this street, and the residents are concerned for the safety of the children. The residents would also like more Police Patrol in the area.

If you have any questions, feel free to contact me.

**ANNETTE IAFALLO-SECOND WARD COUNCILWOMAN**

Moved by Iafallo seconded by Pirowski to grant requests for the 2 signs to be erected

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**2014 Street Repairs**

21. To: City Council

I am requesting the City Council Members approve funding for the following streets to be repaved in 2014. These streets are in the First Ward and are in poor condition.

1. McGuire St.	Estimated cost	\$31,000.00
2. Wilkesbarre St.		??
3. Olcott St.		\$82,200.00
4. Kane St.		\$54,270.00
5. North Gates Ave.		\$118,000.00
6. Commerce Dr.		\$100,500.00

Thank you for your anticipated cooperation in this matter.

**ABDULSALAM NOMAN-FIRST WARD COUNCILMAN**

Moved by Noman seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Demolition of Various Buildings**

22. To: City Council

The following houses and buildings need to be demolished using the bond funds.

1. 89 Holland Ave.
2. 163 Ingham Ave.
3. 27, 29, & 33 Bethlehem St.
4. 297 Ridge Road
5. 499 Ridge Road
6. 48 Steelawanna Ave.
7. A store building on 103 Holbrook St.

Thank you for your support.

**ABDUSALAM NOMAN-FIRST WARD COUNCILMAN**

Moved by Noman seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**264 Ridge Road**

23. To: City Council

I am requesting that the City Council and the Mayor, reserve the former Friendship House property at 264 Ridge Road, consisting of 5 acres, to be designated for the future Recreation Center.

This year, State Assemblyman Michael Kearns, has proposed a Splash Pads Project. I have been working with Mr. Kearns on this Greenway Funding and after looking at two (2) locations in the First Ward; the 264 Ridge Road was the best place for the Splash Pads. The First Ward is less than two (2) miles from Lake Erie, which makes the area an excellent location for the funded project.

Thank you for your support for the proposed project for the children and the future generations of the City of Lackawanna.

**ABDUSALAM NOMAN-FIRST WARD COUNCILMAN**

Moved by Noman seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Incidents on Victory**

24. To: City Council

I sent a letter to the Director of Public Safety in response to a recent meeting with neighbors who live on and around Victory.

I have received numerous complaints from homeowners and neighbors regarding the reckless conduct of the tenants of both 17 and 25 Victory. Some of those complaints encumber threats with weapons, illegal drug use, lewd behavior, the dumping of food on the side of the property, and an unleashed pit bull, amongst others.

There have been 20 police calls to the residence at 17 Victory since the beginning of 2012.

Although there has only been one call to 25 Victory, the folks who live there present similar problems.

I spoke to a representative of BCG Real Estate Property Management (they manage the property) who asked that I forward a letter from the Director of Public Safety and/or the Police Chief along with proof of the 20 police calls to the residence of 17 Victory. He stated these documents would be necessary for his company to take appropriate action.

I would like to ask you to please send a letter along with proof of the 20 calls.

Thank you for your anticipated cooperation.

**JOE JERGE- THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Newborn Screening**

25. To: City Council

Here is a letter I sent to Senators Schumer, Gillibrand and Rep. Higgins-

As your constituent, a member of the Lackawanna City Council, and someone who values the health of our nation's children, I am writing to request that you cosponsor and support the passage of the Newborn Screening Saves Lives Reauthorization Act.

Over the past fifty years, practically every one of the 4 million babies born each year in the U.S. has undergone newborn screening. Throughout this time, the number of diseases included in this well-established public health system has grown exponentially.

For these diseases, early detection through newborn screening is crucial to preventing irreversible consequences such as mental and physical disabilities, even death. Newborn screening allows for prompt diagnosis and treatment of diseases that would not otherwise be recognized at birth, giving our nation's children the best chance for a healthy life that they all deserve.

Since the passage of the Newborn Screening Saves Lives Act in 2008, there has been significant progress in establishing national newborn screening standards and ensuring that all states have the capacity for a comprehensive screening program -- many states have more than tripled the number of diseases screened for at birth.

Although progress has been made, there is more work to be done. The Newborn Screening Saves Lives Reauthorization Act will continue this important work and extend federal assistance to help states expand and improve their newborn screening programs, saving more of our children from needlessly suffering from a treatable disease.

I very much appreciate your consideration.

For more information about Newborn Screening, please visit [www.huntershope.org](http://www.huntershope.org)

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Communications from Department/Division Heads**

#### **2012-2013 Account Transfers**

26. To: City Council

Please be advised, pursuant to Chapter 12.12, Subdivision ©2 of the City Charter, after a review of the Law Department, 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 2012-2013 accounts.

(Complete text on file with City Clerk)

**PEGGY BIGAJ-SOBOL- CITY COMPTROLLER**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

#### **2012-2013 Budget Transfers**

27. 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, 2013.

If you have any questions, feel free to give me a call.

(Complete text on file with City Clerk)

**PEGGY BIGAJ-SOBOL- CITY COMPTROLLER**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Amend 2013-2014 Budget for Part Time Clerk**

28. To: City Council

Please find attached for your review and approval an ordinance amending the 2013-2014 Budget Ordinance adopted July 20, 2013, to increase the appropriations for a part-time clerk in the Mayor's office. The Law Department has reviewed and approved the ordinances for form and substance.

If you have any questions, please feel free to contact me.

**PEGGY BIGAJ-SOBOL- CITY COMPTROLLER**

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

Yeas: Noman, Iafallo, Jerge

Nays: Lewis, Pirowski

Carried 3-2

**Additional Funding for Police-Personal Services**

29. To: City Council

Please find attached for your review and approval an ordinance amending the 2012-2013 Budget Ordinance adopted July 9, 2012 to provide additional funding for Police-Personal Services. The Law Department has reviewed and approved the ordinances for form and substance.

If you have any questions, please feel free to contact me.

**PEGGY BIGAJ-SOBOL- CITY COMPTROLLER**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Library Employees Safety**

30. To: City Council

I informed Ms. Johnston of the Lackawanna Public Library, that Captain Robert Janowski has ordered that officers stop in periodically at the library due to concerns that were expressed by your janitor, Mr. Kelly, at the council meeting held 09/03/13.

I am requesting a meeting with you and the Board of Directors as soon as possible. Please contact me so we may set up a date. Police Chief James Michel will also be attending this meeting and hopefully we can help you resolve some of the problems you have been having with various youths inside the library.

An article pertaining to this issue was in the September 15, 2013 Buffalo News.

**DANA J BRITTON-DIRECTOR OF PUBLIC SAFETY**

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

Carried 5-0

**Generators for Fire Houses**

31. To: City Council

The fire department would like to purchase and install generators at Station #2, Abbott Rd., and Station #3, South Park. There is enough money left over from the bond issued to do repair work on all three fire stations to pay for this expense. I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid. Your help in this would be greatly appreciated. If you have any questions please feel free to contact me at 827-6437.

**RALPH GALANTI-FIRE CHIEF**

Moved by Pirowski seconded by Jerge to **table** request for purchase and installation of generators at Station #2 and Station #3

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Bethlehem Park Halloween Party/Parade**

32. To: City Council

On behalf of the Bethlehem Park Halloween Committee we request the use of the Pappy Amadori Memorial Bocce Club/Center use for our 22<sup>nd</sup> annual Halloween Parade/Contest. We also request a Parade Permit from Public Safety; and a Patrol Car to assist the parade if available.

Date: Saturday, October 26, 2013 @ approx. 3:30 P.M. @ Bocce Court at the end of Madison

**ANDREA HAXTON-COMMITTEE CHAIRPERSON**

Moved by Jerge seconded by Pirowski to grant request for use of the Bocce Club for the Halloween Party/Parade, refer to Public Safety.

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**New Business Licenses**

(1) Ali Fadhi/DBA S&A Mini Mart- 1338 Electric Ave

Moved by Pirowski seconded by Jerge to approve new business license

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

(2) John Zurowski/DBA Empire State Spec Metal- 3175 Hamburg Turnpike

Moved by Pirowski seconded by Jerge to approve new business license

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

## **Resolution**

**WHEREAS**, the former Friendship House, located at 264 Ridge Road, was condemned by the City of Lackawanna Office of Code Enforcement division in 2007, and furthermore is unsightly and not occupied, and

**WHEREAS**, this building has been deemed a public nuisance; and has been neglected, abandoned, and looted, creating an unsafe condition for the residents of the City of Lackawanna, and

**WHEREAS**, the cost estimate of refurbishing the building, from a 2008-2009 study states that the cost would be between \$5,119,000 and \$6,704,000. Since this study, the building has experienced typical Buffalo area winters with no heat and further looting of any valuable metals, thereby adding more value to the cost of refurbishing, and

**WHEREAS**, this abandoned blight is sitting on 5 acres of developable property. With all the movement on the old Steel Plant property, this property is receiving numerous calls of interest looking for business.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Lackawanna City Council hereby officially declares the former Friendship House, located at 264 Ridge Road to be an area of spot blight, and be it further

**RESOLVED**, that all necessary steps be taken to alleviate said area of spot blight, including submission of a grant application to the Erie County Block Grant Consortium for the demolition of the Friendship House and the restoration of the immediate environs.

**RESOLVED**, that this resolution shall take effect immediately.

Moved by Pirowski seconded by Noman to approve request for demolition of the former Friendship House and restoration of the immediate environs

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

## **Ordinances**

### **1. Budget Ordinance – Part Time Clerk**

AN ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE ADOPTED JULY 20, 2013

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

SECTION 1. That the 2013-2014 Budget Ordinance adopted July 20, 2013 is hereby amended to increase appropriations for a part-time clerk in the Mayor's office

SECTION 2. That the 2013-2014 Budget Ordinance is hereby amended to add \$2,000 to budget code A.1210.0101 Mayor, Personal Services

SECTION 3. That the 2013-2014 Budget Ordinance is hereby amended to appropriate \$2,000 of the City's Fund Balance.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman to approve request amending the 2013-2014 budget to add \$2,000 for Mayor, Personal Services

Yeas: Noman, Iafallo, Jerge

Nays: Lewis, Pirowski

Carried 3-2

## **2. Budget Ordinance-Police/Personal Services**

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 increase the appropriations for the police-personal services.

**Section 2.** That the 2012-2013 Budget Ordinance is hereby amended to add \$550,000 to budget code A.3120.0101, Police-Personal Services

**Section 3.** That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$550,000 of the City's Funds Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to **table** request amending the 2012-2013 budget to add \$550,000 for Police/Personal Services

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Noman to waive rules regarding awarding contract for totes

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge, Lewis, Iafallo, and Noman to award refuse tote contract to low bidder Rehrig Pacific Company

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to waive rules for request to use Engine #33 for OLV documentary

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to grant request for use of Engine #33 on October 11, 2013 for filming of the OLV documentary

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to waive the rules to remove from table, item #23 Martin Road Proposal, of September 3, 2013 meeting, to reduce home size to 1500 square feet and larger

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to approve request to reduce home size to 1500 square feet and larger, provided the cul-de-sac and land is not affected

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING  
OCTOBER 21, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**

**NB: Meeting being recorded**

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

**Dept Heads: Present: City Attorney, Public Works, Recreation**

**Excused: Public Safety, Development, Comptroller**

**Approval of Minutes:** of regular meeting of October 7, 2013

Moved by Pirowski, seconded by Iafallo to adopt minutes of October 7, 2013 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Comptroller- A/P Check Listing #10, September 30, 2013

2. City Comptroller- Statement of Cond. of Appropriations as of September 30, 2013

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council:**

**Transfer of Funds for Legal Fees**

3. To: City Council

I request Council adopt the ordinance transferring \$9,903.70 from Code A1900.1930, Judgments and Claims to line item, A1010.465, City Council, outside attorney fees. This transfer will cover all remaining fees submitted by Barclay & Hiscock to represent the Council for the law suit that the Mayor served on the Council. The previous amount transferred by this Council was put back into the general fund.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Roving Secretary Position**

4. To: City Council

I requested that the City Comptroller submit an ordinance for the next Council meeting establishing the position of Roving Secretary for the salary of \$30,000.

I asked that the ordinance be available for the next scheduled meeting of November 4, 2013.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Principal Account Clerk Position**

5. To: City Council

In a letter to Karen Marciniak, I informed her that it has come to my attention that she submitted an advertisement for a civil service test to be held on December 7, 2013 establishing the creation of a new position entitled, "Principal Account Clerk", in the department of Administration and Finance for a salary of \$45,560.

My question to her, was, who authorized this new position and how is it to be funded, is it to replace a position currently in the comptroller's office. Perhaps she can obtain this information from the Comptroller or the Mayor and respond to the Council in writing. Thank you for your anticipated cooperation.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ridgewood Village Speed Limit**

6. To: City Council

At the behest of a large number of constituents, I requested the Public Safety Director; adjust the speed limit inside the perimeter of Ridgewood Village and Greenwood Ave. be changed from 30 MPH to 25 MPH.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Moving Vehicle Violations**

7. To: City Council

I asked the City Attorney to help me understand the procedure as it pertains to sending people with moving violation tickets to traffic school. My questions were-

How is it determined who gets sent to traffic school?

Are there any monies collected by the City, for the City, when we send someone to traffic school?

If so, do we collect percentage based revenues, or is there a flat fee that we collect for each referral to traffic school?

If not, can we entertain the possibility of starting our own traffic school to keep more (or all) of the revenues generated from people being sent to traffic school?

Also, may I please have a list of general fees attached to parking tickets and all traffic violations in a line item violation specific format? I would like to use this list to compare our fines with that of other municipalities in our region.

Thank you for your anticipated cooperation.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**“Right Lane Must Turn Right”**

8. To: City Council

I sent a letter to the Public Safety Director requesting a larger “right lane **MUST** turn right” sign (or an additional one) and/or new “right turn only” paint on the pavement on Abbott Road at the corner of Ridge headed west. There have been a number of complaints from residents who frequent that intersection about drivers who continue straight in the right hand lane.

Your anticipated cooperation is greatly appreciated.

**JOE JERGE-THIRD WARD COUNCILMAN**

Moved by Council Member Jerge seconded by Pirowski to approve request, refer to public works commissioner

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Bids for Generators**

9. To: City Council

Please be advised that I spoke with our bond counsel and asked about the generators for the Fire House being purchased with the 2011 bond money. I was advised that equipment within the facility would be an acceptable expenditure. Please consider removing the tabled agenda item for the last council meeting to advise the City Clerk to advertise for bids for the generators.

**PEGGY BIGAJ-SOBOL- CITY COMPTROLLER**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Four Year Fiscal Outlook Response**

10. To: City Council

I am responding to Mr. Pirowski’s request for a 4 year fiscal outlook of the General Fund, which does not adjust any of the revenues and incorporates all the new union contracts. I feel that this is not only unrealistic but not financially or legally sound as the City must stay within the Constitutional Tax Limit and the Property Tax Cap, unless your honorable body votes to override the Property Tax Cap. As such, to disregard these limits and request that appropriations not be adjusted to stay within these limits is a disregard for the Constitution and Municipal Law. This process does and will take place during the normal budget process in April and May. As the Constitutional Tax Limit is based on the 5 year average full valuation of taxable assessed valuation, estimated amounts will need to be provided by the City Assessor. Additionally, it

allows for exclusions for debt service so I need to know if there are any plans for additional Bond Anticipation Notes or Bonds within the 4 years you have requested. Please also advise if your honorable body plans to adopt a shift in any of the upcoming 4 years and the tax rates for homestead and non-homestead. Therefore, please provide the needed information so that the Constitutional Tax Limit and the Property Tax Cap for these years can be calculated to ensure that the City will be in compliance. Once this is complete I will notify your honorable body and you can advise as to the appropriations which you would like adjusted to stay within the Tax Limits specified above, if necessary. Please keep in mind that section 12 of the City Charter requires that the Mayor submit his budget for approval to your honorable body. As the Mayor is not involved in any of the numbers you will be providing, the budgets and therefore fund balances will only be speculation as the required protocol is not being followed for the budget process.

**PEGGY BIGAJ-SOBOL- CITY COMPTROLLER**

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

Carried 5-0

**Purchase Offer- 45 Wilkesbarre**

11. To: City Council

I have received a purchase offer from Catholic Charities of Buffalo located at 741 Delaware Ave. Buffalo NY 14209, in the amount of \$1. The parcel will be used for additional parking for their facility at 43 Wilkesbarre Ave.

**It is my recommendation that the City Council NOT sell the parcel to Catholic Charities of Buffalo for \$1 but a fair selling price would be \$1,200 plus closing cost.**

**FRANK E. KRAKOWSKI-CITY ASSESSOR**

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

Carried 5-0

**Blighted Area**

12. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

Carried 5-0

**Communications from Citizens:**

**Keever Ave Parking-December 24, 2013**

13. To: City Council

I am requesting permission to use both sides of Keever Avenue from So Park to Electric Ave for parking on Christmas Eve Dec. 24, 2013 Tuesday from approximately 2pm to 10pm weather permitting.

Thank you

**MARNIE NOVAK**

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

Carried 5-0

**Purchase Offer-21 Kossuth**

14. To: City Council

Mr. Noman, after our conversation and discussion about 21 Kossuth Ave SBL 141.08-2-18 located in the first ward of Lackawanna, I submitted a purchase of property request on August 21, 2013 for \$500.00 I have been following the Council meetings and have not seen the request on the agenda for the purchase offer.

I have maintained the property for 30 years as it adjacent to my property. I have managed to keep it within city code and not become an eye sore for the neighborhood. I sincerely hope that the city council strongly considers the offer that I have made.

**CEFERINO LOPEZ**

Moved by Pirowski seconded by Noman to receive and file communication, refer to City Assessor as to the status of the purchase offer

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Andrea Haxton Request to Speak Before the Council**

15. To: City Council

I request permission to speak before your Honorable Body on a few city business issues: Friendship House, The City Budget, Lackawanna City redevelopment plan and City Charter/Code Citizen Committees.

**ANDREA HAXTON**

Moved by Pirowski seconded by Noman to grant request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**(1) An Ordinance amending Chapter 230-80, definitions, City of Lackawanna Municipal Code**

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

Section 230-80 Definitions is hereby amended to include the following:

**BLIGHTED AREA**

A blighted area shall include any populous area identifiable by an impoverished condition containing a substantial number of deteriorated or deteriorating buildings, or the public improvements, taken as a whole, are in a general state of deterioration.

For purposes of this section “deterioration” shall refer to a condition by which the physical condition or infrastructure of a building is in a state of decay or disrepair.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(2) An Ordinance amending the 2013-2014 Budget Ordinance of the City of Lackawanna**

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

**Section 1.**

That the 2013-2014 Budget Ordinance adopted on July 20, 2013, is hereby amended to provide for the funding for outside attorney fees for the City Council of the City of Lackawanna.

**Section 2.**

That the 2013-2014 Budget Ordinance is hereby amended to transfer the amount of \$9,903.70 from Code A1900.1930, Judgments and Claims to line Item A1010.465, City Council outside attorney fees.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Noman to adopt ordinance as written

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

Moved by Pirowski seconded by Jerge to waive rules

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

Moved by Pirowski seconded by Lewis to adopt resolution requesting the NYS Comptroller conduct a full audit and budget review of the fiscal status for the City of Lackawanna for the period of August 1, 2007 to the present.

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

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

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

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**SPECIAL COUNCIL MEETING  
OCTOBER 25, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://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: Council: Present: Noman, Iafallo, Jerge, Lewis, Pirowski**

**Communications from the Council**

**Reschedule Meeting**

1. To: City Council

I request approval of a resolution changing the Council meeting previously scheduled for Monday, November 4, 2013 to Wednesday, November 6, 2013 at 5:30 P.M.

**HENRY R PIROWSKI-COUNCIL PRESIDENT**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Resolution**

**WHEREAS**, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna, provides for meeting dates of the Lackawanna City Council, and

**WHEREAS**, the City Council is desirous of complying with the City of Lackawanna and the Open Meetings Law of New York State; and

**WHEREAS**, the City Council is desirous in changing the meeting date of Monday, November 4, 2013;

**BE IT RESOLVED**, that the Council Meeting previously scheduled for Monday, November 4, 2013 is changed to **Wednesday, November 6<sup>th</sup>, 2013 at 5:30 P.M.**

**BE IT FURTHER RESOLVED**, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall and on the Council bulletin board in the City Clerk's office.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Jerge seconded by Iafallo to adopt resolution changing the November 4, 2013 meeting to November 6, 2013

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Jerge meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**COUNCIL MEETING**  
**WEDNESDAY, NOVEMBER 6, 2013**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**

**NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski**  
**Dept Heads: Present: City Attorney, Comptroller, Recreation**  
**Excused: Public Safety, Public Works**  
**Absent: Development**

**Approval of Minutes:** of regular meeting of October 21, 2013 and special meeting of October 25, 2013

Moved by Pirowski, seconded by Jerge to adopt minutes of October 21 and special meeting of October 25, 2013 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Comptroller- A/P Check Listing #11, October 11, 2013
2. City Comptroller- A/P Check Listing #12, October 16, 2013
3. City Comptroller- A/P Check Listing #13, October 24, 2013

Moved by Pirowski seconded by Iafallo to receive and file departmental reports one thru three

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Mayor:**

**2014-2015 CDBG Application**

4. To: City Council

I am requesting your Honorable Body to approve the attached resolution regarding the Community Development Block Grant Application Process for the 2014 calendar year.

The application process includes the submittal of two grants, both for Electric Avenue. The first grant application includes the installation of new drainage facilities on Electric Avenue from Van Wyck Street south the Lackawanna City line. The second application provides for the cold milling and paving of Electric Avenue from Kirby Avenue south to the City line.

**Failure for your Honorable Body to pass this resolution could jeopardize the City's ability to receive up to \$200,000.00 in grant funding.**

I am available to discuss this with any of the Council members at your convenience.  
**MAYOR GEOFFREY M SZYMANSKI**

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

Yeas: Iafallo, Jerge, Lewis, Pirowski

Nays: Noman

Carried 4-1

**Communications from the Council:**

**Economic Outlook Plan**

5. To: City Council

The Director of Development informed the Council that he had completed the five (5) year plan and had forwarded it to the Mayor for review. On behalf of the Council, I requested that the Mayor provide the Council with a copy of said plan.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Fiscal Outlook/General Fund**

6. To: City Council

I requested that the City Comptroller provide the outlook of the general fund for the next four (4) years, under the following assumptions:

That there will be no additional bonds for the next four (4) years; No tax shift between the homestead and non homestead; We will be staying within the property cap; No reduction in personnel; and the passing of the Fireman's contract.

We are obviously aware that this is not going to be 100% accurate as we are not fortune tellers. Also, after this year's fiscal end, again assuming the Fireman's contract is passes, what will be the amount in the general fund? Can you please also inform the Council where the general fund stood at the end of the previous six (6) fiscal years? If there are any other assumptions you need clarified to make these approximations, please contact me immediately.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Solid Waste Items**

7. To: City Council

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

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

**2013-2016 Snow Removal/Ice Control Agreement**

8. To: City Council

Please put the attached resolution on the agenda for Council approval. Thank you.  
(Complete text on file with City Clerk)

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

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

**CDBG Slum & Blight Area**

9. To: City Council

Please put the attached resolution on the agenda for Council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

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

**Board of Assessment Review Appointment**

10. To: City Council

Chapter 193, Section 523 of the Real Property Tax Law was amended effective October 1, 1986. The Law states that Board of Assessment Review members serve for a staggered term of (5) five years commence on October 1 and expire September 30.

Please be advised that the term of Thomas Burke, member of the Board of Assessment Review expired on September 30, 2013.

I ask that your Honorable Body make appointment to the Board of Assessment Review by resolution no later than November 15, 2013 and transmit a certified copy (s) to all parties involved.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Jerge to reappoint Thomas Burke to the Assessment Review Board for the City of Lackawanna

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

**Resolutions:**

**(1) CDBG Application Resolution #15, 2013**

**WHEREAS**, the City of Lackawanna is needed 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; and

**Now, Therefore, Be It**

**RESOLVED**, that the Mayor be and is hereby 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. Electric Avenue Drainage Improvement Project
2. 2014 Pavement Replacement Project

**Now, Therefore, Be It Further**

**RESOLVED**, that various areas located in the City of Lackawanna meets HUDS Community Development Block Grant criteria designating it as a blighted area, eligible for Community Block Grant Funding.

**This Resolution shall take effect immediately**

Moved by Pirowski seconded by Iafallo to adopt resolution as written

Yeas: Iafallo, Jerge, Lewis, Pirowski

Nays: Noman

Carried 4-1

**(2) CDBG Designated for Blighted Areas Resolution #16, 2013**

**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 Environmental 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.

**NOW, THEREFORE, BE IT FURTHER**

**RESOLVED**, That the First and Second Ward areas, along with South Park Avenue from McKinley Parkway to Dorrance Avenue and Maple Avenue, located in the City of Lackawanna, meet HUDS Community Development Block Grant criteria designating it as a blighted area, eligible for Community Block Grant Funding.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt resolution as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(3) 2013-2016 Snow Removal & Ice Control Agreement Resolution #17, 2013**

**NOW, THEREFORE, BE IT**

**RESOLVED**, the attached agreement between the City and County for 2013-2016 Snow Removal and Ice Control Agreement approved and the Mayor is authorized to sign same.

**RESOLVED**, that this resolution shall take effect immediately.

Moved by Pirowski seconded by Jerge to adopt resolution as written

Yeas: Noman, Iafallo Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**Solid Waste Ordinance**

**AN ORDINANCE AMENDING CHAPTER 190. SOLID WASTE, CITY OF LACKAWANNA MUNICIPAL CODE**

(Complete text on file with City Clerk)

**THIS ORDINANCE SHALL TAKE EFFECT ON NOVEMBER 18, 2013 OR UPON DISTRIBUTION OF THE TOTES, WHICHEVER IS LATER.**

Moved by Pirowski seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

**Tabled Items:**

Moved by Pirowski seconded by Jerge to remove from table, IAFF Local 3166 Contract

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Comm. #15- tabled item from September 3, 2013 Meeting- Firefighter's Contract

(Complete text on file with City Clerk)

Moved by Pirowski seconded by Noman to approve contract

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

Moved by Pirowski seconded by Lewis to remove from table, Communication #29, Ordinance providing additional funding for police, personal services

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

Comm. #29- tabled from October 7, 2013 Meeting- Budget Ordinance-Police/Personal Services  
**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 increase the appropriations for the police-personal services

**SECTION 2.** That the 2012-2013 Budget Ordinance is hereby amended to add \$550,000 to budget code A.3120.0101, Police-Personal Services

**SECTION 3.** That the 2012-2013 Budget Ordinance is hereby amended to appropriate \$550,000 of the City's Fund Balance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Noman to adopt Ordinance as written

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 4-1

### **Waive Rules**

Moved by Pirowski seconded by Iafallo to waive rules

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **City Comptroller**

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, 2013.

If you have any questions, feel free to give me a call.

(Complete text on file with City Clerk)

**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

Moved by Pirowski seconded by Noman to approve transfers

Yeas: Noman, Iafallo, Jerge, Pirowski

Nays: Lewis

Carried 5-0

Moved by Jerge seconded by Lewis to waive rules

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Bethlehem Park Street Hockey Rink**

To: City Council

I request that the Council dedicate and name the street hockey rink located in Bethlehem Park as the “John Masocco Sr. Hockey Rink” in memory of John Masocco who recently passed.

I request a sign be erected at the site in recognition to John for his dedication to the youth of the City of Lackawanna.

**JOSEPH JERGE-THIRD WARD COUNCIL MEMBER**

Moved by Jerge seconded by Pirowski to rename the Street Hockey Rink in honor of John Masocco, Public Works to create signage to read- “John Masocco Memorial Hockey Park”

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING**  
**MONDAY, NOVEMBER 18, 2013**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**

**NB: Meeting being recorded**

**Roll Call: Council Present: Noman, Iafallo, Jerge, Lewis, Pirowski**  
**Dept Heads: Present: City Attorney, Comptroller, Public Works**  
**Excused: Public Safety, Recreation**  
**Absent: Development**

**Approval of Minutes:** of regular meeting of November 6, 2013

Moved by Pirowski, seconded by Jerge to adopt minutes of November 6, 2013 as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Departmental Reports:**

1. City Clerk- Monthly report for October, 2013
2. City Treasurer- Deposits into General Fund for October 2013
3. City Comptroller- A/P Check Listing #14, October 31, 2013
4. City Comptroller- A/P Check Listing #15, November 4, 2013

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

**Communications from the Council:**

**Economic Outlook Plan**

5. To: City Council

The City Council has requested the 5 year plan for the City of Lackawanna from the Director of Development. After repeated requests, the Director informed this Council, at the Council meeting, that he had completed the 5 year plan and forwarded it to the Mayor for review.

I am requesting, as soon as possible, that a copy of this plan be forwarded to the City Council for review.

Thank you for your anticipated cooperation.

**HENRY R. PIROWSKI-COUNCIL PRESIDENT**

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

Carried 5-0

**“Slow Down, Kids at Play” Signs- Myrtle & Milnor**

6. To: City Council

I am requesting two (2) “Slow Down, Kids at Play” signs be erected, one on Myrtle and the other on lower Milnor.

If you have any questions, feel free to contact me.

**ANNETTE IAFALLO-SECOND WARD COUNCILWOMAN**

Moved by Iafallo seconded by Jerge to approve request, refer to Commissioner of Public Works

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Land for Splash Pad Park**

7. To: City Council

I am requesting that the City Council set aside one (1) acre of land at Fairview next to the former Friendship House located at 264 Ridge Road, to be used for the Splash Pads Park.

State Assemblyman Michael Kearns, has informed me that the grant application needs to be submitted by December 31, 2013, in order to start the process for the Splash Pad Park.

Also, once approved by the Council members, we will need to request a resolution drawn up by the Law Department reserving the land.

**ABDULSALAM NOMAN-FIRST WARD COUNCILMAN**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Traffic Study Results**

8. To: City Council

I request notification and clarification of the results of the traffic study being conducted throughout the City. Since, so many of our traffic signals are currently flashing yellow, I would like to be informed of the determinations/suggestions that resulted from the traffic study. Any questions or concerns, please contact me.

**KEITH LEWIS-FOURTH WARD COUNCIL MEMBER**

Moved by Pirowski seconded by Noman to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Purchase of Smaller Totes**

9. To: City Council

I am requesting approval of my request to have the City purchase an additional 100 of the smaller, 65 gallon totes in addition to the totes on order. These smaller totes which will cost the City \$37.50 each will be used for our citizens who are unable to handle the larger totes.

I am requesting that the funding of these extra totes be taken out of the bond previously appropriated for the initial garbage totes. Please be aware that there is sufficient funding to cover the total cost which will be \$3,750.00. Any questions or concerns, please contact me.

**KEITH LEWIS-FOURTH WARD COUNCIL MEMBER**

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

Carried 4-1

**Request for Fire Inspection of November 10, 2013**

10. To: City Council

I requested that the Fire Chief perform an inspection of the fire that occurred on Sunday, November 10, 2013. What type of material was burning which covered the entire first ward in smoke fumes that originated at the former Bethlehem Steel Plant site?

Thank you for your cooperation in this matter.

**ABDULSALAM NOMAN-FIRST WARD COUNCILMAN**

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

Carried 5-0

**Communications from Department/Division Heads:**

**Tabled Items Over 90 Days**

11. To: City Council

As per policy established at the Council meeting of May 20, 1991, all tabled items over the period of ninety (90) days be automatically received and filed by the City Council, I hereby submit the following tabled items:

<b><u>Meeting of</u></b>	<b><u>Comm. #</u></b>	<b><u>Regarding:</u></b>	<b><u>Submitted by:</u></b>
3/6/13	#5	Hispanic Festival	Ceferino Lopez
6/31/13	#8	Chamber of Commerce Contract	Michael Sobaszek
7/22/13	#11	Firefighter's Memorandum of Agreee.	City Attorney

Respectfully submitted

**JACQUELINE CAFERRO-CITY CLERK**

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

Carried 5-0

**Inter-Fund Advance**

12. To: City Council

Please consider approving an inter-fund advance from the General Fund to the Capital Fund in the amount of \$100,000 until the CDBG money is received, at which time, the advance will be repaid.

If you have any questions, please feel free to **contact** me.

**PEGGY BIGAJ-SOBOL-CITY COMPTROLLER**

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

Carried 5-0

**Demolition Extension**

13. To: City Council

I am requesting that the Lackawanna City Council grant an extension to Rosemary Scahill for the demolition of 622 Ridge Road until June, 2014.

**FRANK E. KRAKOWSKI-CITY ASSESSOR**

Moved by Iafallo seconded by Pirowski to grant request for an extension

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

**Use of Fire Engine #2**

14. To: City Council

Saturday, December 7<sup>th</sup> Lackawanna Fire Fighters will be delivering gift baskets full of food to needy families in Lackawanna. We are requesting permission to use Engine #2 to make these deliveries.

Your consideration in this matter is appreciated.

**LT. JEFF JAROSZ-LACKAWANNA FIRE FIGHTERS**

Moved by Pirowski seconded by Iafallo to grant request for the use of Engine #2

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

**Communications from Citizens:**

**B.O.Y.S. Association Reimbursement**

15. To: City Council

I have been informed of the opportunity for our organization to receive reimbursement from your department for the 2013 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.

(Complete text on file with City Clerk)

**RANDY KRAKOWSKI-PRESIDENT B.O.Y.S. ASSOCIATION**

Moved by Pirowski seconded by Noman to grant request for reimbursement totaling \$870 for the 2013 season

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

**Miscellaneous:**

16. **Business Licenses:**

Winfield's Pub-1213 Ridge Road, Lackawanna- Tavern/Restaurant

Moved by Pirowski seconded by Jerge to approve new business license

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

**Waive Rules**

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

Carried 5-0

**Ordinance**

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

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

**SECTION 1.** That the General Fund will advance \$100,000 to the Capital Fund for the 2013  
Repaving project

**SECTION 2.** That the Capital Fund will repay the advance within the current fiscal year when  
CDBG reimbursement is received.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt ordinance requesting inter-fund advance  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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

Carried 5-0

Moved by Pirowski seconded by Jerge to approve new business license for Ridge at Nelson-  
2723 South Park Ave

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Iafallo to waive rules  
Yeas: Iafallo, Jerge, Lewis, Pirowski  
Nays: Noman

Carried 4-1

**Resolutions:**

**(1) CDBG Application Resolution #15, 2013**

**WHEREAS**, the City of Lackawanna is needed 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; and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Mayor be and hereby is authorized and directed to sign, submit and execute a contract with the Erie County Community Development Block Grant Program in the following projects:

1. Electric Avenue Drainage Improvement Project
2. 2014 Pavement Replacement Project

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the various areas located in the City of Lackawanna meets HUDS Community Development Block Grant criteria designating it as a blighted area, eligible for Community Block Grant Funding

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Iafallo to adopt Resolution #15 with amended verbiage, resolution had been originally adopted at the November 6, 2013 Council meeting.

Yeas: Iafallo, Jerge, Lewis, Pirowski

Nays: Noman

Carried 4-1

**Adjournment**

Moved by Pirowski seconded by Jerge meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk

**SPECIAL MEETING  
COUNCIL CHAMBERS  
FRIDAY, JANUARY 18, 2013  
[www.lackawannany.gov](http://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.

NB: Meeting being recorded.

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

**Communications from the Council**

**Reschedule Council Meeting Date:**

1. **Council President Pirowski** – requests changing council meeting scheduled for January 22 to January 28, 2013.

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

**Resolution:**

A resolution changing council meeting of January 22, 2013 to January 28, 2013.

Moved by Pirowski, seconded by Noman to adopt resolution as written.  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski. Carried 5-0

Moved by Pirowski, seconded by Iafallo, meeting is adjourned.  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski. Carried 5-0

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HENRY R. PIROWSKI, COUNCIL PRESIDENT

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GAIL NICHOLSON, DEPUTY CITY CLERK



**COUNCIL MEETING  
DECEMBER 2, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**

**NB: Meeting being recorded**

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

**Dept Heads: Present: City Attorney, Public Works, Recreation, Comptroller**

**Excused: Public Safety**

**Absent: Development**

**Approval of Minutes:** of regular meeting of November 18, 2013

Moved by Pirowski, seconded by Iafallo to adopt minutes of November 18, 2013 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Comptroller- A/P Check Listing #16, November 8, 2013
2. City Comptroller- A/P Check Listing #17, November 14, 2013

Moved by Pirowski seconded by Lewis to receive and file departmental reports one and two

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council:**

**Designation of Land for Splash Pad**

3. To: City Council

After speaking to some elected officials in order for the City of Lackawanna to receive grant funding for the community center and outdoor water park the city needs to come up with a location.

Today I am requesting from the Mayor and the City Council with a **Resolution** regarding the former Friendship House property at 264 Ridge Road consisting of 5 acres to be designated as a Community Center and outdoor water park (splash pad). This area is an excellent location for this project and for the city.

Thank you for your support for the youth and children of the City of Lackawanna.

**ABDUSALAM NOMAN-FIRST WARD COUNCILMAN**

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

Carried 4-1

**“Slow Down, Kids at Play” Signs**

4. To: City Council

I am requesting “Slow Down, Kids at Play” signs be erected, near Cleveland Playground. One sign north and one sign south on Electric Avenue before Cleveland Playground and one sign on Cleveland Avenue going west to Electric Avenue.

Also, one sign going north on Center Street before Center Playground and also one going west on Clinton toward Center Street. A sign already exists going south on Center.

If you have any questions, feel free to contact me.

**ANNETTE IAFALLO-SECOND WARD COUNCILWOMAN**

Moved by Iafallo seconded by Jerge to direct the Public Works Commissioner to erect signs at the Cleveland and Center Street Playgrounds

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Traffic and Speed Monitoring Patrols**

5. To: City Council

Over the course of the last several months, I have taken a significant number of complaints from citizens regarding the imprudent speed of drivers on main routes as well as in neighborhoods, failure to stop at stop signs, as well as running red lights. These complaints are not relegated to any one area of the Third Ward. They are consistent complaints from residents in all areas.

While I truly appreciate the “slow down” signs, I believe a police presence at a variety of locations would help remedy the problem(s) that occur.

I would like to request additional traffic related patrols at stop sign intersections as well as speed monitoring patrols on main roads throughout the Third Ward.

Your anticipated cooperation is greatly appreciated.

**JOSEPH JERGE-THIRD WARD COUNCILMAN**

Moved by Jerge seconded by Iafallo to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**One Acre of 264 Ridge Road Property**

6. To: City Council

On behalf of the youth of the entire City of Lackawanna, and the residents of the entire First Ward, we are requesting that the Eastern Acre of the former Friendship House Ridge Road property be designated as the site of the *Steel City Splash Pavilion*.

As you are aware, the Niagara Greenway Commission has funding available to build a “Splash Pad” at no cost to the City of Lackawanna. This environmentally friendly project will promote the engagement of healthy behaviors by our youths who have in the past used the Union Canal to cool off in the summer heat resulting in the needless loss of two blossoming lives.

The residents will be submitting petitions to your honorable body prior to the beginning of the meeting. Therefore, we are also requesting the waiving of the rules that would limit the two key speakers on the issue to only 3 minutes as we will be speaking for every resident who has signed the petitions.

We look forward to discussing this matter with the City Council and thank you in advance of you anticipated individual and collective support and assistance in making this small project a reality!

Respectfully

**MOHAMED ALBANNA and GEORGE W. HALSEY III-SPLASH PAVILION  
COMMITTEE**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to waive the rules

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Moved by Pirowski seconded by Jerge to direct the City Attorney to prepare an ordinance waiving the residency rule in order to allow the Mayor to pursue a qualified appointment to the position of Director of Development

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

### **Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Jacqueline A. Caferro, City Clerk

**COUNCIL MEETING  
DECEMBER 16, 2013  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://www.lackawannany.gov)**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**

**NB: Meeting being recorded**

**Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis, Pirowski  
Dept Heads: Present: City Attorney, Recreation, Comptroller  
Excused: Public Safety, Public Works, Development**

**Approval of Minutes:** of regular meeting of November 18, 2013

Moved by Pirowski, seconded by Iafallo to adopt minutes of December 2, 2013 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Clerk- Monthly report for November, 2013
2. City Treasurer- Deposits into general fund for November 2013
3. City Compt. - A/P Check listing #18, November 21, 2013
4. City Compt. - A/P Check listing #19, November 29, 2013

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from the Council:**

**Traffic Study Results**

5. To: City Council

I am once again, requesting notification and clarification of the results of the traffic study that was conducted throughout the City. Since so many of our traffic signals

are currently flashing yellow, I would like to be informed of the determination/suggestions that resulted from the traffic study. Any questions or concerns, please contact me.

**KEITH LEWIS-FOURTH WARD COUNCILMAN**

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

Carried 5-0

**Legal Opinion Regarding Sick Time**

6. To: City Council

I request the Council direct the City Attorney to forward in writing to this Council, his legal opinion if the payment used for sick time in October and November of this year to Ralph Miranda after he submitted his resignation, is a violation of the City Charter.

**KEITH LEWIS-FOURTH WARD COUNCILMAN**

Moved by Lewis seconded by Pirowski to receive and file and request the City Attorney provide his legal opinion

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Alternate Parking on Pine Street**

7. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Friendship House Demolition Contract**

8. To: City Council

We have completed our review of the bids submitted and opened on Wednesday, December 4<sup>th</sup>, 2013 at 11:00 AM at the City of Lackawanna Council Chambers, 714 Ridge Road, Lackawanna, NY, for the above-referenced project. The summary of the individual bids is attached and the results are as follows:

Regional Environmental Demolition, Inc	\$127,222.00
Empire Dismantlement Corporation	\$167,000.00

We have completed a reference check of Regional Environmental Demolition, Inc and we feel they are capable of performing the work satisfactorily on this project. In addition, we have met with Regional Environmental Demolition, Inc. to discuss the specifics of the scope of work on this project. Therefore, we recommend that the City of Lackawanna award the Friendship House Demolition Project to Regional Environmental Demolition, Inc at their bid price of \$127,222.00. If you have any questions or comments, please contact me at your earliest convenience.

**KENNETH J STRELL, SR-TVGA SR PROJECT MANAGER**

Moved by Pirowski seconded by Noman to grant request awarding the contract to Regional Environmental Demolition Inc

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**31 South Street**

9. To: City Council

On behalf of the Lackawanna Islamic Mosque I am writing this letter requesting the City Council to add to your agenda on December 16, 2013 an item regarding returning the non-useable land on the hillside behind 31 South Street, this land was not purchased by the Lackawanna Islamic Mosque however it was added to the land purchased without the knowledge of the committee who were handling this project. We have been actively working with the City to get this issue addressed, and we would like you to approve the return of this land back to the City so we can finalize this issue. More details regarding this matter was already presented to you by our attorney, however, if you need more information please let us know.

Also, we are requesting the council to approve the refund of \$5,550 fee for cutting the grass (one time) on the land mentioned above. We had companies maintaining cutting the grass on that property and their fees was under \$400 for each cut. I don't understand how the City charges us \$5,550 to cut the grass one time.

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

**ANWAR AL-KALAI-LACKAWANNA ISLAMIC MOSQUE PRESIDENT**

Moved by Pirowski seconded by Noman to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances**

**Alternate parking on Pine Street**

**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 215.43 (167) Pine Street shall be rescinded and replaced with the following:

167. Pine Street

On the west side:

No parking from 6:00 PM Sunday to 6:00 PM Wednesday

On the east side:

No parking from 6:00 PM Wednesday to 6:00 PM Sunday

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Lewis to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment**

Moved by Pirowski seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R. Pirowski, Council President

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Gail Nicholson, Deputy City Clerk