

**REGULAR MEETING  
OCTOBER 6, 2014  
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, Public Works, Comptroller,  
Excused: Recreation**

**Approval of Minutes:** of regular meeting of September 15, 2014

Moved by Pirowski, seconded by Jerge to adopt minutes of regular meeting of September 15, 2014 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Departmental Reports:**

1. City Comptroller- A/P Check Listing #3, August 15, 2014
2. City Comptroller- A/P Check Listing #4, August 22, 2014
3. City Comptroller- A/P Check Listing #5, August 29, 2014
4. City Comptroller- A/P Check Listing #6, September 10, 2014
5. City Comptroller- A/P Check Listing #7, September 18, 2014
6. City Comptroller- Statement of Condition of Appropriations as of August 31, 2014
7. City Clerk- Monthly Report-September, 2014

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**2013-2014 Budget Transfers**

8. 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 as of July 31, 2014.

If you have any question, 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 approve transfers

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**2013-2014 Transfer to Balance Accounts**

9. To: City Council

Please be advised, pursuant to Chapter 12.12, Subdivision ©2 of the City Charter, after a review of the Department of Public Works, Department of Public Safety, and Department of Recreation, the attached list of transfers were made to balance many of the 2013-2014 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

**Baiting Buildings before Demolition**

10. To: City Council

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

**ANTONIO SAVAGLIO-CITY ATTORNEY**

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Lease Agreement between City of Lackawanna and Sprint**

11. To: City Council

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

**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

**Sale Negotiations-2052 Abbott Road**

12. To: City Council

A request is hereby presented to this Honorable Body for approval and support that the City of Lackawanna Department of Development commences the negotiation process for the sale of the vacant City of Lackawanna owned property commonly known as 2052 Abbott Road (the "Property") to NOCO express Properties, LLC (the "Purchaser").

The Purchaser is in the planning and design stage for the redevelopment and expansion of their existing improvements located at the corner of Abbott Road and Grant Blvd. commonly known as 2078 Abbott Road. The expansion and the proposed improvements will require additional property. Currently, the Property consists of approximately 4.82 Acres with frontage along Abbott Road. The majority of the Property is located at the rear of residential properties along Grant Street and South Drive.

It is intended that the negotiation process will require that the Purchaser provided an appraisal of the property prepared by a License Appraisal Company to establish the property value. Upon

review of the appraisal an appropriate sales price will be identified and a contract of sale will be prepared for presentation and approval of the City Council.  
Your anticipated support and approval is greatly appreciated.

**FRED K HEINLE-DIRECTOR OF DEVELOPMENT**

Moved by Pirowski seconded by Noman to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Sale of Lots on Ridge Road**

13. To: City Council

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

**ANTONIO SAVAGLIO-CITY ATTORNEY**

Moved by Pirowski seconded Jerge to table for further study

Yeas: Jerge, Pirowski

Nays: Noman, Iafallo, Lewis

**Motion to table failed 3-2**

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

Yeas: Noman, Iafallo, Lewis

Nays: Pirowski

Abstained: Jerge

Carried 4-1

**Business Permit Application-283 Ridge Road**

14. To: City Council

It is the opinion of the Lackawanna Police Department that the business certificate application of David Hardy for the premises located at 283 Ridge Road, Lackawanna, New York be denied.

The premises have been illegally used before as a banquet hall for private parties by the current owners. The Police Department received numerous complaints about disorderly behavior and excessive noise at such events. Complaints were also received regarding littering on and around the premises and adjoining properties as well as people gathering and loitering outside the premises.

Additionally, there is inadequate parking available at the premises location for banquets and large parties, which may result in traffic problems.

The surrounding neighborhood has several residences which would be adversely impacted by the proposed business.

Since the proposed business is of a similar nature to the prior use which caused the problems set forth above, and since the same individual who previously used the premises illegally is still the owner of the premises, it is my recommendation that the application be denied.

**JAMES L MICHEL, JR-CHIEF OF POLICE**

**BUSINESS LICENSE:**

David Hardy-Hard Entertainment-283 Ridge Rd.-Banquet Hall

Moved by Noman seconded by Iafallo to approve business license, contingent on inspection from code enforcement

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Citizens:**

**Assemblyman Kearns**

15. To: City Council

I am requesting that Assembly member Michael P Kearns be added to the agenda for Monday, October 6, 2014 Council meeting. He would like to address the Council regarding flood insurance in Lackawanna.

**MARTHA-ANN MURPHY-COMMUNITY LIAISON**

**DUE TO A CONFLICT, ASSEMBLYMAN KEARNS COULD NOT MAKE THE MEETING**

**Parking Request-Keever Avenue**

16. To: City Council

I am requesting permission to park on both sides of Kever Ave., between South Park Ave. and Electric Ave. on Wednesday, December 24, 2014 between the hours of 2 P.M. and 10 P.M. (weather permitting), for my annual Christmas party.

Thank you

**MARNIE NOVAK**

Moved by Pirowski seconded by Jerge, permission granted

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Questions & Concerns**

17. To: City Council

(1) How could Councilman Noman vote on the approval of land sale on Ridge Road when it clearly states in the City Charter Code of Ethics Section 5-110 that this constitutes prohibited activities?

A. Conflict of interest generally, City officers and employees shall not engage in any business or transaction or have a financial or private interest, direct or indirect, which is in conflict with the proper discharge of their official duties.

(2) Councilman Joe Jerge abstained from voting at the last meeting concerning this issue under the City Charter Code 3.8

A. No member shall be excused from voting except on matters involving the consideration of his or her official conduct or where his or her personal financial interests are involved or as otherwise provided by Law.

(3) How did Al-Rasheed Academy come into existence? A couple of questions I would like the Council to answer:

A. When did they come in front of the City of Lackawanna to inform them that they were building a school?

B. How did they get permits without getting inspected by the fire marshal?

C. Who was the code inspector that inspected the building, and when did it come through the planning board?

(4) At last council meeting it was said this school was open in 2011. How is this possible? Correct me if I am wrong; our Council President was informing the citizens that this was not true. I would like for him to explain in more detail as to when they received their certificate. Finally, I would like the Council to address the issue of a councilman using his position for his own gain.

**JOHN INGRAM**

Moved by Jerge seconded by Pirowski to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Resolutions:**

**(1) Resolution #17, 2014 Sprint Tower Agreement**

**A resolution authorizing the Mayor to enter into an amended agreement with Sprint for the tower placed at Veterans Stadium**

**NOW THEREFORE, BE IT**

**RESOLVED**, that the attached contract amendments are approved and the mayor is hereby 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

**(2) Resolution #18, 2014 Council Meeting Date Change- Time and 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 changing the meeting date and time of the meeting of Monday, October 20, 2014 to be rescheduled for Wednesday, October 22, 2014, with meeting commencing at 6:30 p.m. and the caucus commencing at 6:00 p.m.; and

**BE IT RESOLVED**, that the City Council meeting previously scheduled for Monday, October 20, 2014 is hereby rescheduled and changed to Wednesday, October 22, 2014, with the meeting commencing at 6:30 pm and the caucus commencing at 6:00 p.m.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be posted on the bulletin board located in the lobby of Lackawanna City Hall, on the City Council bulletin board, in the City Clerk's Office, on the official website for the City and a copy delivered to all department heads for their notification of change.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Jerge to adopt resolution changing date and time of October 20<sup>th</sup>, 2014 meeting

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**(1) Baiting of Properties to be Demolished**

**AN ORDINANCE AMENDING CHAPTER 83 THE CODE OF THE CITY OF LACKAWANNA ENTITLED BUILDINGS, UNSAFE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that Chapter 83-4 is hereby amended by adding the following:

**(D)** In any case where a building shall be demolished under this Chapter, the building shall be abated for rodents at least seven days prior to demolition, unless the Director of Development determines that such abatement is not necessary. This section shall not apply to emergency demolitions pursuant to §83-9 of this Chapter.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Jerge seconded by Pirowski to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**(2) Sale of Ridge Road Properties- Yemenite Benevolent Association**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 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 part of property known as SBL 141.43-1-6 & 141.43-1-7 & 141.43-1-8 & 141.43-1-9 & 141.43-1-10 & 141.43-1-11 parcels totaling 240 feet by 140 feet, to the Yemenite Benevolent

Association

**SECTION 2.** That transfer is made for the sum of \$3,000 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 Noman, seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Lewis

Nays: Pirowski

Abstained: Jerge

Carried 4-1

**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