

**REGULAR MEETING
NOVEMBER 17, 2014
COUNCIL CHAMBERS**
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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,
Recreation, Public Safety**

Approval of Minutes: of regular meeting of November 3, 2014

Moved by Pirowski, seconded by Jerge to adopt minutes of regular meeting of November 3, 2014 as written

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

Departmental Reports:

1. City Comptroller- A/P Check Listing #11, dated October 16, 2014
2. City Comptroller- A/P Check Listing #12, dated October 23, 2014
3. City Comptroller- A/P Check Listing #13, dated October 28, 2014
4. City Comptroller- A/P Check Listing #14, dated October 31, 2014
5. City Clerk- Monthly report for October, 2014
6. City Treasurer- Receipts deposited into General Fund, October 2014

Moved by Pirowski seconded by Iafallo to receive and file departmental reports one thru six

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

Communications from Council:

Board of Ethics Appointment

7. To: City Council

I am requesting that Mike Sobaszek be reappointed as a member of the Lackawanna Ethics Board.

Feel free to contact me with any questions.

COUNCIL PRESIDENT PIROWSKI

Moved by Pirowski seconded by Jerge to table for study
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Department/Division Heads:

Transfer of Funds-Codification

8. To: City Council

I seek approval of an ordinance transferring \$950.00 from the General Fund to Account A1410.442 Codification. I have received the maintenance bill for codification of ordinances and Local Laws to be included into the Municipal Code and the budget line for codification is depleted.

Any questions or concerns, please contact me.

JACQUELINE CAFERRO-CITY CLERK

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Transfer of Funds-Police and Fire Retirement

9. To: City Council

Please find attached for your review and approval an ordinance amending the 2014-2015 Budget Ordinance adopted July 14, 2014, for NYS Retirement and Police & Fire Retirement.

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

PEGGY BIGAJ-SOBOL-CITY COMPTROLLER

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

Yeas: Iafallo, Jerge, Pirowski

Nays: Noman, Lewis

Carried 3-2

Erie County Department of Emergency Services

10. To: City Council

Attached is a letter from the Erie County Department of Emergency Services asking the City to approve an amendment to the Erie County Fire Service Mutual Aid Plan. The fire department is an active member, by City Council resolution, of the Mutual Aid Plan and the Council would have to approve this amendment to continue our participation.

The amendment basically states that compensation of any kind for supplying mutual aid can only be reimbursed when there is a declared disaster in which the State or Federal government is supplying the reimbursement.

I recommend the passing of this amendment and our continued participation in the Mutual Aid Plan. The Lackawanna Fire Department, being a paid department, is not routinely called out for mutual aid in the county. As a case in point, we were not required to participate in the Flight 3407 incident because of resources readily available. The department has used mutual aid in the past, recently as 2012 when Buffalo Fire activated its HazMat Response for a hazardous material situation on Franklin Street and in 2004 for the Transmission Exchange fire.

(Complete text on file with City Clerk)

RALPH GALANTI-FIRE CHIEF

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

Carried 5-0

Fire Chief-Established Salary

11. To: City Council

In the current budget, my salary is lower than that specified in my contract. I have a contract with the City that sets my salary at a rate determined by the CBA between the City and the firefighter's union. My contract was signed by the Mayor and approved by the City Council and is still in effect.

I ask that you amend the budget line A3410.101 to reflect that the Fire Chief receives a contractually established salary of \$86,675.

RALPH GALANTI-FIRE CHIEF

Moved by Jerge seconded by Noman to approve request, budget line to be amended to reflect the established salary of the fire Chief per his contract

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Citizens:

Commissioner of Deeds-LMHA

12. To: City Council

I hereby request an appointment as a Commissioner of Deeds for 2015-2016. This appointment would be used solely for my duties at the Lackawanna Municipal Housing Authority.

BRANDON FALBO-LMHA COMPUTER SUPPORT SPECIALIST

Moved by Pirowski seconded by Jerge, to approve request as commissioner of deeds within the City of Lackawanna

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Business License:

Charles Goodspeed-Restaurant-"Mess Hall"- 717 Ridge Rd

Moved by Pirowski seconded by Noman to approve business license

Yeas: Noman, Iafallo, Lewis, Pirowski

Excused: Jerge

Carried 4-0

Ordinance:

(1.) An ordinance amending budget ordinance- adding \$950 to Acct. A1410.0442 City Clerk, Codification to cover the invoice for codification of ordinances into Municipal Code

AN ORDINANCE AMENDING THE 2014-2015 BUDGET ORDINANCE ADOPTED JULY 14, 2014

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

SECTION 1. That the 2014-2015 Budget Ordinance adopted July 14, 2014 is hereby amended to increase appropriations for Codification

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to add \$950.00 to Budget Code A.1410.0442 City Clerk, Codification

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to appropriate \$950.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Pirowski seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

(2.) An ordinance amending budget ordinance of 2014-2015 increasing appropriations for NYS retirement and Police and Fire Retirement

AN ORDINANCE AMENDING THE 2014-2015 BUDGET ORDINANCE ADOPTED JULY 14, 2014

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

SECTION 1. That the 2014-2015 Budget Ordinance adopted July 14, 2014 is hereby amended to increase appropriations for NYS Retirement and Police & Fire Retirement

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to add \$287,657.00 to Budget Code A.9000.9015 Employee Benefits, Police & Fire Retirement and \$131,046 to budget code A9000.9010 Employee Benefits, NYS Retirement

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to appropriate \$418,706 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Council President Pirowski requests his comments be part of the official minutes.

“Mr. Selvaggio (City Attorney) would you once again tell this council what would happen if we do not pass this ordinance?” The City Attorney replied that “we will be setting ourselves up for various lawsuits from our retirees, as well as repercussions from the NYS Comptroller’s Office.” Council Member Lewis asked if it would be possible to take the funds out of the current budget. Council President Pirowski replied, “So you are asking us to defund things that we will have to fund down the road. So all we are doing is juggling balances. It would cost the city additional money by voting “no” on this ordinance and open up lawsuits and breaking our word to our workers/retirees. I am absolutely shocked that anyone would vote “no” on this ordinance, especially when they voted “yes” on the budget. And with that, my vote is “yes” because I am not agreeing to wasting money for this city if we do not need to.

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

Yeas: Iafallo, Jerge, Pirowski

Nays: Noman, Lewis

Carried 3-2

Adjournment:

Moved by Pirowski seconded by Jerge meeting is adjourned

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Henry R Pirowski-Council President

Jacqueline A. Caferro –City Clerk