

**REGULAR MEETING
AUGUST 13, 2014
COUNCIL CHAMBERS
www.lackawannany.gov**

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

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

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

Approval of Minutes: of regular meeting of July 14, 2014 and special meeting of August 1, 2014

Moved by Pirowski, seconded by Lewis to adopt minutes of regular meeting of July 14th and special meeting of August 1st as written

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

Departmental Reports:

1. City Comptroller- Statement of Cond. Of Appropriations as of June 30,2014
2. City Comptroller- A/P Check listing #53, July 1, 2014
3. City Comptroller- A/P Check listing #54, July 10, 2014
4. City Comptroller-A/P Check Listing #55, July 17, 2014
5. City Comptroller- A/P Check Listing #56, July 25, 2014
6. City Comptroller-A/P Check Listing #57, July 31, 2014
7. City Comptroller-A/P Check Listing #1, August 1, 2014
8. City Treasurer-Deposits into General Fund, July 2014
9. City Clerk-Monthly report for July 2014

Moved by Pirowski seconded by Lewis to receive and file departmental reports one thru nine

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

Communications from the Mayor

St. Barbara's Property-Tax Waiver

10. To: City Council

Council members, the City of Lackawanna is looking to do a fair trade with the Diocese of Western New York. The City will demolish a blighted property for the Diocese and in return, they will deliver the property that St. Barbara's one stood on.

Today, I received a phone call from Father John at Queen of Angels and he is looking for a waiver on the 2014-15 taxes since the City will be acquiring it in the near future. I believe this is the right thing to do since they will not own it much longer.

The transfer of the property must be done by the Supreme Court of the State of New York and that is where the agreement is, as of this letter. The courts have their own timetable but we are expecting this transfer to be finalized by late September or early October.

I am seeking a waiver, by the City Council, of the Diocese property where St. Barbara's used to stand, for the 2014-15 taxes.

I was able to poll three of the five members of the City Council prior to me writing this, all in the affirmative. I believe that this is the right thing to do for the Diocese and the City since we will soon be absorbing this property.

GEOFFREY M SZYMANSKI-MAYOR

Moved by Pirowski seconded by Iafallo to approve request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Communications from Department/Division Heads:

Tax Exemption for Mixed Use Properties

11. To: City Council

Please put the attached Local Law on the agenda for Council approval.

Thank you

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Community Garden Grant

12. To: City Council

Please find attached for your review and approval an ordinance amending the 2013-2014 Budget Ordinance adopted July 20, 2013, to recognize the Community Garden Grant revenue and expenditures.

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: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Purchase Offer-36 & 38 Center St

13. To: City Council

I have received a purchase offer for the property located at 36 & 38 Center St. The property is a (4) unit apartment building assessed for \$60,000 which the City of Lackawanna just acquired from the last Inrem Auction, which had outstanding taxes of approximately \$22,000.

It is my recommendation that the City Council **TABLE** for further study by the Director of Development.

FRANK E KRAKOWSKI-CITY ASSESSOR

FAILED -NO MOTION ON ITEM-

Purchase Offer- 80 Caldwell

14. To: City Council

I have received a purchase offer for the property located at 80 Caldwell. The property is a vacant parcel which the City of Lackawanna just acquired from the last Inrem Auction, there where outstanding taxes of approximately \$18,000. The property is currently of interest to the Department of Development for future use.

It is my recommendation that the City Council **NOT** sell this parcel to Michael Sobaszek for the amount of \$500.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Purchase Offer-30 Apple St

15. To: City Council

I have received a purchase offer for the property located at 30 Apple St. The property is a 2 family building which the City of Lackawanna just acquired from the last Inrem Auction, there where outstanding taxes of approximately \$13,000. The property is in bad condition and in need of demolition.

It is my recommendation that the City Council **SELL** the parcel to Christopher Druz bik for the amount of \$1, which he has indicated that he will demolish the building at his expense and use the vacant land to extend his property.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Pirowski seconded by Noman to accept Assessor's recommendation to **sell** parcel to Christopher Druz bik, and amend with a 6 month timeline for demolition

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Purchase Offer-116 Warsaw

16. To: City Council

I have received two purchase offers for the property located at 116 Warsaw St. The Property is a 2 family building which the City of Lackawanna just acquired from the last Inrem Auction, there where outstanding taxes of approximately \$17,800. The property is in bad condition at the present time and in need of extensive renovation.

It is my recommendation that the City of Lackawanna **SELL** the parcel to Justin Zybert for the amount of \$2,000, which he has indicated that all renovations will be completed by the spring of 2015.

The additional bid submitted by Mr. Elliott was inadequate because of property tax issues.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Pirowski seconded by Iafallo to accept Assessor's recommendation to **sell** property to Justin Zybert

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Purchase Offer-110 Ingham Avenue

17. To: City Council

I have received three (3) purchase offers for the property located at 110 Ingham Ave. The property is a (4) unit apartment building assessed for \$30,000 which the City of Lackawanna just acquired from the last Inrem Auction, which had outstanding taxes of approximately \$15,000.

It is my recommendation that the City Council **SELL** the parcel to Mamadou Balde for the amount of \$15,000, which is the highest offered price submitted.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Pirowski seconded by Noman to accept Assessor's recommendation to **sell** the property to Mamadou Balde

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Baker Victory Services-Public Hearing

18. To: City Council

Please be advised that in accordance with the Code of the City of Lackawanna Chapter 230 "Zoning"; Article VIII "Permit and Site Plan Procedures, Enforcement and Penalties" Section (4) "Public Hearing" subsection (a) the Lackawanna Planning Board will be holding a Public Hearing on the project as proposed for the Baker Victory Services Martin Road Facility.

The Public Hearing is scheduled for 5:30 PM, Thursday, August 28, 2014 @ the Lackawanna Senior Center located at 230 Martin Road, Lackawanna, NY 14218.

In the event there are any questions I encourage you to contact me.

FRED K HEINLE-DIRECTOR OF DEVELOPMENT

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Proclamation Honoring ECC Interns

19. To: City Council

Please be advised that on behalf of the City of Lackawanna and the residents of our great City I would like to request that the Common Council honor the two (2) Interns from the Erie Community College Paralegal Program for their outstanding effort this summer.

Sherry Koscielny-was instrumental in the program design, implementation and follow up of for the Landlord Licensing Ordinance.

Arlette Burnett-assisted in the design and initial implementation of the landlord Licensing Ordinance as well as the design of a power point presentation and program design for a City-wide recycling initiative.

There will be separate proclamations for presentation at the opening of the Wednesday, August 13, 2004 Common Council Meeting.

In the event there are any questions I encourage you to contact me.

FRED K HEINLE-DIRECTOR OF DEVELOPMENT

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

Carried 5-0

Proposed RFP-264 Ridge Rd

20. To: City Council

Attached for your review and comments please find a copy of a request for Proposal that has been prepared for the former Friendship House located at 264 Ridge Road, Lackawanna, NY 14218 (the "Property").

The notice of the RFP will be published in the local and regional newspapers will be available on the City of Lackawanna Web page as well as delivered directly to a broad list of local and regional development companies. Additionally, I will be submitting the RFP to business and development agencies throughout the country.

As you will note, a team will be impaneled to review and select a Preferred Developer of the property, which includes a member of the Common Council.

(Complete text on file with City Clerk)

FRED K HEINLE-DIRECTOR OF DEVELOPMENT

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

Carried 5-0

Communications from Citizens:

Lackawanna Little Loop- Portable Toilets

21. To: City Council

I am writing to you on behalf of Lackawanna Little Loop requesting 3 portable lavatories for our season starting July 15, 2014. We would require the facilities until the end of our season no later than November 1, 2014.

Thank you in advance for your generosity and support of our Lackawanna young athletes. If you have any questions please feel free to contact me.

JENNIFER DELMONT-PRESIDENT LACKAWANNA LITTLE LOOP

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

Carried 5-0

Request to Address Council-Regarding Abandoned Shopping Carts

22. To: City Council

My name is Joseph Lobosco. I've only lived in Lackawanna for about 4 years but I've been told that this has been an ongoing problem for years. I'm asking permission to speak at the next town meeting to discuss stolen Save-A-Lot shopping carts left abandoned not only my street Eagan Drive but all over Lackawanna. I've seen them abandoned far up Ridge Road. I have photos of stolen shopping carts left abandoned in Lackawanna that I want to present to the council. I'm also including a copy of a BBB org complaint I filed against Save-A-Lot.

JOSEPH LOBOSCO

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Request to Address Council Regarding First Ward Shootings

23. To: City Council

The undersigned requests an opportunity to speak about the matter mentioned above and solicit the assistance of the Council to develop and support a strategy to address incidents of this nature in the future.

PASTOR MICHAEL WOODS-FIRST BAPTIST CHURCH

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Ordinances:

Community Garden Grant

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 revenues and appropriations for the Community Garden Grant.

SECTION 2. That the 2013-2014 Budget Ordinance is hereby amended to add \$1890.88 to budget code A.0000.3850 Community Garden Grant

SECTION 3. That the 2013-2014 Budget Ordinance is hereby amended to add appropriations of \$1,720.00 for budget code A.7310.102 Community Garden Personal Services and \$170.88 for budget code A.7310.480 Youth Community Garden.

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

Local Laws

A LOCAL LAW AMENDING SECTION 13 OF THE CHARTER OF THE CITY OF LACKAWANNA IN RELATION TO PROVIDING A REAL PROPERTY TAX EXEMPTION FOR CONVERSION OF MIXED USE PROPERTIES

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

Section 1. That Section 13 of the Charter of the City of Lackawanna, adopted pursuant to Law, is hereby amended by adding Section 213-14.1 as follows:

13-14.1. Residential-Commercial Urban Tax Exemption

(a) Pursuant to real Property Tax Law Section 485-a, non-residential real property, upon conversion to mixed-use property shall be exempt from taxation and special ad valorem levies for a period of twelve years from approval of an application for such exemption. The increase in assessed value of such property attributable to such conversion shall be exempt as provided below. Such exemption shall be computed with respect to the “exemption base”. The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year’s assessed value.

The following table shall illustrate the computation of the tax exemption:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

(b) **Definitions:** As used in this section, the following terms shall have the following meanings:

CITY-City of Lackawanna

APPLICANT-Any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.

COMMERCIAL CONSTRUCTION WORK-The modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.

COMMERCIAL PURPOSE OR USE-The buying, selling, or otherwise providing of goods or services, including hotel services or other lawful business or commercial activities permitted in mixed-use property.

MIXED-USE PROPERTY-Property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.

PERSON-An individual, corporation, limited liability company, partnership, association, agency, trust, estate foreign or domestic government or subdivision thereof, or other entity.

RESIDENTIAL CONSTRUCTION WORK-The creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

(c) No such exemption shall be granted unless:

1. Such conversion was commenced subsequent to the date on which this Local Law took effect; and
2. The cost of such conversion exceeds the sum of fifty thousand dollars.

(d) For purposes of this section the term conversion shall not include ordinary maintenance and repairs.

(e) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

(f) Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the State Board of Real Property Services. Such application shall be filed with the City Assessor on or before the appropriate taxable status date of the City.

(g) If the City Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as in this section provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision F of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(h) Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Local Law or act, the provisions of this Local Law shall be controlling.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to assessment rolls based on taxable status dates occurring on or after such date.

Moved by Pirowski seconded by Jerge to adopt Local Law regarding tax exemption for conversion of mixed use properties

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

Waive Rules

Moved by Pirowski seconded by Lewis to waive rules

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

Bond Expenditures

To: City Council

Please find attached for your review and approval an ordinance amending the 2014-2015 Budget Ordinance adopted July 14, 2014, for bond expenditures.

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

Ordinance-Bond Expenditures

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 Bond Issue and Note expense

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to add \$5,500.00 to budget code A.1315.0444 City Comptroller, Bond Issue and Note expense

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to appropriate \$5,500.00 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

Travel Allowance

To: City Council

Please find attached for your review and approval an ordinance amending the 2014-2015 Budget Ordinance adopted July 14, 2014, for travel allowance for the Comptroller to attend the NYCOM Conference.

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: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Ordinance-Travel Allowance-Comptroller

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 travel Allowance

SECTION 2. That the 2014-2015 Budget Ordinance is hereby amended to add \$1,000.00 to budget code A.1315.0464 City Comptroller, Travel Allowance

SECTION 3. That the 2014-2015 Budget Ordinance is hereby amended to appropriate \$1,000.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

Moved by Pirowski seconded by Jerge, move to executive session @8:10 PM
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

Meeting reconvened @ 8:50 PM

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

Adjournment:

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

Carried 5-0

Henry R Pirowski-Council President

Gail Nicholson –Deputy City Clerk