

REORGANIZATION/COUNCIL MEETING
MONDAY, JANUARY 4, 2016
COUNCIL CHAMBERS
www.lackawannany.gov

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

Meeting called to order
NB: Meeting being recorded

Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis, DePasquale
Dept. Heads: Present: Law, Comptroller, Development, Public Safety
Public Works, Recreation

Resolution #1, 2016- Appointment of City Clerk

WHEREAS, Chapter 5, Section 5.1 of the Lackawanna City Charter provides for the appointment of a City Clerk for the term of four years;

BE IT RESOLVED, that Jacqueline A. Caferro residing at 21 Spruce Street, Lackawanna, New York, be and hereby is appointed to the position of City Clerk of the City of Lackawanna, New York, said appointment to expire December 31, 2019.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt resolution as written, appointing Jacqueline Caferro as City Clerk of the City of Lackawanna
Yeas: Noman, Iafallo, Jerge, DePasquale, Lewis Carried 5-0

Approval of Minutes: of regular meeting of December 21, 2015

Moved by Lewis seconded by Iafallo to adopt minutes of regular meeting of December 21, 2015 as written
Yeas: Noman, Iafallo, Jerge, DePasquale, Lewis Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #21, December 11, 2015
2. City Comptroller-A/P Check Listing #22, December 18, 2015

Moved by Jerge seconded by Noman to approve departmental reports one and two
Yeas: Noman, Iafallo, Jerge, DePasquale, Lewis Carried 5-0

Communications from the Mayor:

Executive Orders-Appointment of Department Heads

Executive Order #1

3. To: City Council

By virtue of the power vested in me as Mayor of the City of Lackawanna, New York, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the Lackawanna City Charter, I hereby reappoint Antonio Savaglio as City Attorney, serving at the pleasure of the mayor.

MAYOR SZYMANSKI

Executive Order #2

4. To: City Council

By virtue of the power vested in me as Mayor of the City of Lackawanna, New York, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the Lackawanna City Charter, I hereby reappoint Anthony DeSantis as Commissioner of Public Works, serving at the pleasure of the mayor.

MAYOR SZYMANSKI

Executive Order #3

5. To: City Council

By virtue of the power vested in me as Mayor of the City of Lackawanna, New York, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the Lackawanna City Charter, I hereby reappoint James Kuna as Director of Public Safety, serving at the pleasure of the mayor.

MAYOR SZYMANSKI

Executive Order #4

6. To: City Council

By virtue of the power vested in me as Mayor of the City of Lackawanna, New York, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the Lackawanna City Charter, I hereby reappoint Marcia Cullens as Director of Parks and Recreation, serving at the pleasure of the mayor.

MAYOR SZYMANSKI

Executive Order #5

7. To: City Council

By virtue of the power vested in me as Mayor of the City of Lackawanna, New York, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the Lackawanna City Charter, I hereby reappoint Fred Heinle as Director of Development, serving at the pleasure of the mayor.

MAYOR SZYMANSKI

Executive Order #6

8. To: City Council

By virtue of the power vested in me as Mayor of the City of Lackawanna, New York, pursuant to the provisions of Chapter 4, Section 4.6 and Chapter 6, Section 6.1, of the Lackawanna City Charter, I hereby reappoint Maureen Murphy-Gambino as Confidential Secretary to the Mayor, serving at the pleasure of the mayor.

MAYOR SZYMANSKI

Moved by Jerge seconded by DePasquale to receive and file executive orders 1 through 6 for Mayor Szymanski’s department head appointments

Yeas: Noman, Iafallo, Jerge, DePasquale, Lewis

Carried 5-0

Communications from the Council:

Voting Order

9. To: City Council

I request the following voting order of the Lackawanna City Council be as follows:

First Ward Noman, Second Ward Iafallo, Third Ward Jerge, Fourth Ward DePasquale and Council President

Your anticipated approval is appreciated.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Noman to have voting order 1st, 2nd, 3rd, 4th wards, and Council President

Yeas: Lewis, Noman

Nays: Iafallo, Jerge, DePasquale

Motion Failed 3-2

Moved by Jerge seconded by Iafallo to have voting order be: Council President, 1st ward, 2nd ward, 3rd ward and 4th ward

Yeas: Iafallo, Jerge, DePasquale

Nays: Noman, Lewis

Carried 3-2

Ethics Board-Advertise for Members

10. To: City Council

The Lackawanna City Council is responsible for appointing members to the Ethics Board which consists of five (5) members at a five (5) year term. The members serve without compensation and not more than three of the members shall be of the same political affiliation. As of this date, all terms of previous members of the board have expired.

I am requesting, Council approval to direct the City Clerk to advertise in our official newspaper and on the City website, for any Lackawanna citizens who would be interested in being appointed to the Ethics Board.

Your anticipated approval and input is appreciated.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Jerge to approve request, City Clerk to advertise for citizens interested in being appointed to Ethics Board

Yeas: Lewis (passed), Norman, Iafallo, Jerge, DePasquale

Refer back to Lewis for vote:

Yeas: Lewis

Carried 5-0

Hiring of Outside Counsel-2004 to Present

11. To: City Council

I requested the City Attorney and Comptroller provide the Council with any previous requests for the hiring of outside counsel from the year 2004 to the present. I ask that the information contain all outside counsel hiring, the cost to the City of such, and the reason for outside counsel and the determination of findings resulting in the hiring of such.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge

Nays: DePasquale

Carried 4-1

Continuation of Investigation by Outside Counsel

12. To: City Council

Due to the investigation being discontinued for lack of payment as previously approved and voted on by the City Council, I am requesting council approval to allow our outside counsel to conclude their investigation.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Noman to receive and file

Yeas: Lewis

Nays: Noman, Iafallo, Jerge, DePasquale

Motion Failed- 4-1

Outside Counsel Payment

13. To: City Council

At the December 21, 2015 Council Meeting, the City Council voted to override the mayor's veto and approve the ordinance for payment to Barclay Damon for outside counsel. Apparently, the ordinance was \$1.00 short of funds and we have been directed to resubmit the ordinance with the added \$1.00. I ask your approval of this ordinance.

KEITH E LEWIS-COUNCIL PRESIDENT

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

Yeas: Lewis (passed), Noman, Iafallo, Jerge, DePasquale

Refer back to Lewis for vote:

Yeas: Lewis

Carried 5-0

Cell Phone Use-During Council Meetings

14. To: City Council

As you all are aware, the public is prohibited from the use of cell phones during council meetings. I believe that as a Council Member, we too, should be prohibited from using them as well. Our attention should be focused on the business at hand. It is also rude for the public to witness.

Therefore, I am proposing that the Council Members set an example and be banned from using their cell phones during the meeting.
I humbly ask for your consideration.

ANNETTE IAFALLO-2nd WARD COUNCIL MEMBER

Moved by Iafallo seconded by Lewis to approve request disallowing cell phones during council meetings

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Department/Division Heads:

City Code-Registration of Businesses

15. To: City Council

Kindly accept this correspondence as a follow up on a discussion that occurred at the Monday, December 21, 2015 Council Meeting regarding the City of Lackawanna Code Chapter 88.

I have taken the liberty of attaching a copy of the current Chapter 88 together with a copy of Chapter 87 for your perusal. I would direct your attention to the similarities of the Chapter Titles:

1. Chapter 87. Businesses, Licensing of
2. Chapter 88. Businesses Registration of

Unfortunately, this is at first brush, the start of the confusion associated with the implementation of an effective program as it relates to business development in the City of Lackawanna.

Further issues arise out of the very language found throughout Chapter 88 including however not limited as follows:

1. Nowhere within the Chapter does it exempt any business within the City of Lackawanna from the registration requirements regardless of when the business commenced operation. The only exemption for existing businesses was from the \$20.00 fee (Section 88-15 Fees)
2. The City Clerk can in fact approve applications under Chapter 88 without sending the application to the Council subject to specific types of businesses requiring Council approval as listed within the ordinance. (Section 88-7, Application procedure & Section 88-9, Applications requiring City Council action)
3. The City Clerk is also responsible to assure that all businesses obtain a renewal of their certificate of registration. Unfortunately, there is no expiration date found within the ordinance as written. (Section 88-4, Permit required; exemptions)
4. Nowhere does the ordinance, as written, specifically require any sign off and/or approval from Code Enforcement and/or the Department of Development.

I am suggesting that with Council approval the City Clerk, the City Law Department and the Department of Development undertake a full and complete review of both Chapter 87 and Chapter 88 to develop a workable ordinance that effectively addresses the intent of the Council as relating to businesses within the City of Lackawanna.

Thank you in advance for cooperation in this matter. In the event there are any questions I encourage you to contact me.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registration:

Business Registration-2600 South Park-Medical Office

16. To: City Council

Attached for your perusal please find a Code Enforcement Report regarding the above referenced matter. As you will note Joseph Geyer, City of Lackawanna Code Enforcement Officer has determined that the property is in compliance with all applicable building codes.

I trust that you find this satisfactory and will approve the business registration accordingly. Thank you in advance for cooperation in this matter. In the event there are any questions I encourage you to contact me. (Code Enforcement report on file with City Clerk)

FRED K HEINLE-DEPARTMENT of DEVELOPMENT

Moved by Jerge seconded by DePasquale to remove from the table, item from meeting of December 21, 2015 regarding business registration for 2600 South Park Ave

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

Moved by Lewis seconded by Jerge to approve business registration

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

Advertise for Bids-Demo of 330-336 Ridgewood Circle

17. To: City Council

Request is hereby asked that this honorable body direct the City Clerk to publish the appropriate notice soliciting bids for the demolition of the City of Lackawanna property as follows:

* 330-336 Ridgewood Circle

It is intended that the bids be opened on or about Monday, February 1, 2016. The asbestos surveys will be completed prior to the issuance of bid packages.

Thank you in advance for cooperation in this matter. In the event there are any questions I encourage you to contact me.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by DePasquale to approve request, City Clerk to advertise for bids for demolition of 330-336 Ridgewood Circle

Yeas: Lewis, Noman, Iafallo, Jerge (passed), DePasquale

Return to Jerge for vote:

Yeas: Jerge Carried 5-0

Local Law Amending Chapter 12-Budget and Expenditures

18. To: City Council

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

ANTONIO SAVAGLIO-CITY ATTORNEY

NO MOTION-FAILED

Bethlehem Park Entrance Sign

19. To: City Council

I am requesting the reimbursement for the property damage of the entrance sign for Bethlehem Park, be transferred back into the line item A.3020.250 in order to replace the sign immediately.

I also request that any additional property damage will automatically be put back into that line

item. If you have any additional questions or concerns you may contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Jerge seconded by DePasquale to receive and file, at on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Police Department-Insurance Funds Received

20. To: City Council

The Lackawanna Police Department has been issued a check in the amount of \$5592.69 from the Geico Indemnity Co., in settlement of a claim for damages to a 2002 Ford Explorer Police vehicle, sustained as the result of a property damage accident involving a Geico Insurance covered motorist. Date of loss was July 10, 2014 and the claim number is 0318448450101058.

I respectfully request that the \$5592.69 proceeds from said claim be applied to the Police Department patrol vehicle account, A-3120.250, so that these funds can be applied to the cost of equipping two (2) new police patrol vehicles which have been ordered, and are expected to be delivered within the next week.

Thank you in advance, for your anticipated approval of this request.

JAMES T KUNA-DIRECTOR of PUBLIC SAFETY

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Budget Transfer-Personal Services

21. To: City Council

To finalize the payments of services rendered for new firefighters via the Safer Grant, please transfer \$80 from Medical Fees to Proctor Fees.

SHANNON PRZBYLAK-CIVIL SERVICE

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

Resolutions:

(1) A resolution establishing the City Council meeting dates for the year 2016

Resolution #2, 2016

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 Meeting law of the State of New York.

BE IT RESOLVED, the following meeting dates for the City Council meetings for the ue=year 2016 shall be as follows:

Tuesday, January 4 (Organization & Regular meeting)

Tuesday, January 19

Monday, July 18

Monday, February 1
Tuesday, February 23
Monday, March 7
Monday, March 21
Monday, April 4
Monday, April 18
Monday, May 2
Monday, May 16
Monday, June 6
Friday, June 10 (Adopt Budget)
Monday, June 20

Monday, August 15
Tuesday, September 6
Monday, September 19
Monday, October 3
Monday, October 17
Monday, November 7
Monday, November 21
Monday, December 5
Monday, December 19

BE IT RESOLVED, that all Council Meetings will 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, the City Clerk's Office and the Treasurer's Office

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt resolution as amended changing time of department heads to report from 5:00 to 5:30 pm

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(2) A resolution appointing a Council President Pro-Tempore for the year 2016

Resolution #3, 2016

WHEREAS, Chapter 3, Section 3.5 of the Charter of the City of Lackawanna, New York, may select from its members a Council President Pro-Tempore who shall serve in place of the Council President in the event of 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, 2016; and

NOW, THEREFORE BE IT RESOLVED that Council Member Joseph Jerge of the Third Ward, is hereby selected to be the Council President Pro-Tempore for the year 2016.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Iafallo to approve resolution as amended appointing Third Ward Council Member Joseph L. Jerge as Council President Pro-Tempore for the year 2016

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(3) A resolution designating “The Front Page” as the official newspaper of the City for 2016

Resolution #4, 2016

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

NOW, THEREFORE, BE IT RESOLVED, that the Front Page located at 2703 South Park Avenue, Lackawanna, New York is hereby designated as the official newspaper of the City.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Lewis to adopt resolution as written designating the Front Page Newspaper as the official newspaper of the City of Lackawanna

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ordinances:

(1) An ordinance directing the payment to Barclay Damon for outside counsel

AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

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

SECTION 1. That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to increase appropriations for Outside Counsel Fees

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to add \$21,954.25 to budget code A.1010.465 City Council, Outside Counsel Fees.

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$21,954.25 of the City’s Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by DePasquale to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(2) An ordinance amending budget ordinance for repair of sign at Bethlehem Park entrance

AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

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

SECTION 1. That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to increase revenues and appropriations for Insurance Recovery Proceeds

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to increase revenues by \$671.00 to budget code A..2770, Miscellaneous Revenue

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to add \$671.00 to budget code A.3020.250 Communications System, Signs & Replacements

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written, adding \$671.00 for repair of sign at Bethlehem Park entrance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(3) An ordinance amending budget ordinance for Police Department

AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

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

SECTION 1. That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to increase revenues and appropriations for Insurance Recovery Proceeds

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to increase revenues by \$5,592.69 to budget code A..2680, Insurance Recoveries

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to add \$5,592.69 to budget code A.3120.250 Police Department, Police Cars

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written, adding \$5,592.69 to A3120.250, police Department/Police Vehicle Account

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(4) An ordinance amending budget ordinance for Proctor Fees

AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE ADOPTED JULY 16, 2015

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

SECTION 1. That the 2015-2016 Budget Ordinance adopted July 16, 2015 is hereby amended to transfer appropriations to Proctor Fees from Medical Fees

SECTION 2. That the 2015-2016 Budget Ordinance is hereby to transfer \$80.00 to budget code A.1430.456, Personal Services, Proctor Fees

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to transfer \$80.00 from budget code A.1430.451 Personal Services, Medical Fees

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Waive Rules:

Moved by Jerge seconded by Iafallo to waive the rules

Yeas: Noman, Iafallo, Jerge, DePasquale

Nays: Lewis

Carried 4-1

Moved by Jerge seconded by Iafallo to include Councilman Jerge's communication into the meeting's agenda

Yeas: Noman, Iafallo, Jerge, DePasquale

Nays: Lewis

Motion failed: Per City Attorney, must be an unanimous vote

Adjournment:

Moved by Lewis seconded by Iafallo to adjourn

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Keith E. Lewis, Council President

Jacqueline A Caferro, City Clerk