

**COUNCIL MEETING
MONDAY, FEBRUARY 1, 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: Lewis, Noman, Iafallo, Jerge, DePasquale
Dept. Heads: Present: Comptroller, Development, Public Safety
Public Works, Recreation
Absent: City Attorney**

Approval of Minutes: of regular meeting of January 19, 2016

Moved by DePasquale seconded by Jerge to adopt minutes of regular meeting of January 19, 2016 as written

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

Communications from the Council:

Barclay Damon-Final Invoice

1. To: City Council

I requested that the City Comptroller prepare an ordinance for payment to the outside counsel which would cover the final invoice due to Barclay Damon in the amount of \$8,015.00.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Iafallo seconded by DePasquale to **TABLE**, City Attorney to contact Barclay Damon for the reason charges were added after December 7, 2015 meeting where the council voted to conclude outside counsel, per attachment that 3 hours or less were needed for closing letter. Why then is the closing invoice for \$8,010.00?

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

Mayor's Raise

2. To: City Council

I requested the City Attorney remit an opinion as to whether the New York State Constitution was violated regarding the increase of the Mayor's salary as approved by the City Council at the Council meeting of January 19, 2016.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Jerge to receive and file
Yeas: Lewis, Norman, Iafallo, Jerge, DePasquale

Carried 5-0

Bingo Inspector-Appointment-Sandra Easley

3. To: City Council

I am requesting that the Council appoint Sandra Easley, of 47 Gates, for the position of Bingo Inspector.

Thank you in advance for your support.

ABDUSALAM NOMAN-1ST WARD COUNCIL MEMBER

Moved by Noman seconded by Lewis to approve appointment of Sandra Easley as bingo inspector
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Bethlehem Park Bridge-Dismantlement

4. To: City Council

I am requesting the Council's support in obtaining an estimate for the cost to dismantle the "Pedestrian Walkway/Bridge" in Bethlehem Park, behind the Mulberry Italian Ristorante. This has been closed to the public for many years.

ABDUSALAM NOMAN-1ST WARD COUNCIL MEMBER

Moved by Lewis seconded by Noman to approve request, Commissioner of Public Works will obtain an estimate of cost to dismantle

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Traffic Study-Cost Estimate

5. To: City Council

I would like to have a traffic study initiated to see the feasibility of changing the traffic signal pattern at the following intersections:

- * Ridge Road & South Park to include a steady light accompanying green arrow for northbound vehicles on South Park to turn left onto Ridge Road, before southbound traffic is permitted to proceed. By having both the green light & arrow simultaneously, there would be no impact whatsoever if vehicles are not side by side or if they are parked on the east shoulder of South Park during services at Our Lady of Victory Basilica.
- * Abbott Road & Ridge Road for a green arrow for vehicles traveling northbound on Abbott Road so a left turn onto ridge Road can be made more timely and safer. The arrow would correspond with the green arrow that already exists on Abbott Road for southbound traffic. This proposal would not only make traffic flowing through the intersection more efficient, but would also eliminate much of the confusion for pedestrians attempting to cross this busy intersection.

JEFF DEPASQUALE-4TH WARD COUNCIL MEMBER

Moved by DePasquale seconded by Lewis refer to public works commissioner for cost of traffic study, including the Martin Road/South Park Ave intersection

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Clean Up-Former Bethlehem Steel Site

6. To: City Council

I would like a proclamation from this council, calling on our local, state, county and federal elected representatives demanding the complete and thorough clean-up of the former Bethlehem Steel site.

We, as a council, want the New York State Department of Environmental Conservation along with Tecumseh Redevelopment, to ensure that the best methods possible, not the cheapest nor the easiest, are utilized to ensure that the site is clean and rid of any and all toxic waste. We are calling on these same leaders to ensure that no stone is left unturned to assist with whatever state and federal financing may be available for this worthwhile endeavor.

Furthermore, we, the Council, would like to see that site, at least partially developed in such a manner that the general public has safe and easy access to our beloved waterfront and to continue the ongoing efforts in the region of revitalizing one of our greatest assets-the waterfront.

JEFF DEPASQUALE-4TH WARD COUNCIL MEMBER

Moved by DePasquale seconded by Lewis, Noman, Iafallo, and Jerge to receive and file, act on resolution

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Crosswalk-Library

7. To: City Council

I am requesting a crosswalk on Ridge Road in front of the Lackawanna Public Library. Due to a traffic study that was completed, the traffic light on Ridge Road at Center Street was removed. The study found the light was unnecessary and has improved traffic flow east and westbound throughout the city. Unfortunately, this has also created a safety concern for people trying to cross from Ridge Road to utilize our library.

I have received several complaints from city residents on this issue. Due to the steady flow of traffic on one of our busiest thoroughfares, I am concerned for the safety of residents trying to cross the street to enter the library. It's dangerous for adults and even more dangerous for children, senior citizens and handicapped residents. I know the safety of our residents is one of the highest priorities to all elected officials and I respectfully ask for your cooperation in this matter.

ANNETTE IAFALLO-2ND WARD COUNCILWOMAN

Moved by Iafallo seconded by DePasquale to **TABLE** for study, Public Works to check on cost analysis

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ethics Board Appointments

8. To: City Council

We would like to nominate the following to serve on the Ethics Board:

Miguel Rivera (R) 177 Colton- 5 years

Chuck Abdallah (D) 508 South Shore- 4 years

Catherine Gawronski (D) 263 Colton- 3 years

Raymond Braxton (D) 165 Wilmuth- 2 years

Marybeth Moretti (C) 30 Palm- 1 year

Thank you so very much for your anticipated cooperation.

ANNETTE IAFALLO-2ND WARD COUNCIL MEMBER

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

JEFFERY DEPASQUALE-4TH WARD COUNCIL MEMBER

Moved by Jerge seconded by Iafallo to appoint Miguel Rivera, Chuck Abdallah, Catherine Gawronski, Raymond Braxton and Marybeth Moretti as members of the ethics Board
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

Hydrant Markers

9. To: City Council

I requested that the Director of DPW, provide the council with an update on the purchase of the hydrant markers.

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Department/Division Heads:

Lehigh Soccer Field-Rehabilitation

10. To: City Council

I am asking permission to advertise the rehabilitation of the Lehigh Soccer field. If you have any additional questions or concerns, feel free to contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Noman seconded by Jerge to grant request, City Clerk to advertise for bids

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Budget Transfer-“Garage Overtime”

11. To: City Council

I am asking permission to have \$6,000.00 transferred from the “Contingency” account, A.1900.1990, to the “Garage Overtime” account, A.5132.102. If you have any additional questions or concerns, feel free to contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Budget Transfer-Animal Control/Department Supplies

12. To: City Council

I respectfully request that the City Council provide additional funding to the Control of Animals Account, Code A3510.405, Department Supplies, in the amount of seven hundred dollars (\$700.00), so as to provide sufficient funding through the remainder of the current fiscal budget, ending on July 31, 2016. The current remaining available balance in this account is \$118.00, which are insufficient funds for needed supplies required through July 31, 2016.

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

JAMES T KUNA-DIRECTOR of PUBLIC SAFETY

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Lobbyist-Contract with Masiello, Martucci, Calabrese & Assoc

13. To: City Council

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

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded Iafallo to approve lobbyist contract with Masiello, Martucci, Calabrese and Associates, Council to be given a quarterly report of what has been done, past, and present and a synopsis of upcoming projects being considered

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Mayor Salary Increase

14. To: City Council

Please be advised that it is my opinion that the January 19, 2016 vote regarding the Mayor's salary did not violate the State Constitution as the Mayor is not a "state officer" and therefore the provisions of the Constitution regarding compensation do not apply to the Mayor. Additionally, Section 4.1 of the Charter provides only that the Mayor's salary may not be diminished during his term of office.

In this instance, however, the Mayor's salary has been set by Section 5-50 of the Code (enacted July 15, 1996) which establishes that the Mayor's salary shall be \$100 more than the salary of the City Comptroller. Thus, the Council's vote on January 19, 2016 merely restored the Mayor's salary to the correct amount as set forth in the Code.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Jerge seconded by DePasquale to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Sale of Property-2901 South Park Ave

15. To: City Council

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

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registration

16. Steven Doraski-385 University Ave., Tonawanda, NY

DBA: Hood Industries-2800 Hamburg Turnpike- Manufacture/Repair Steel Fabrication

Moved by Lewis seconded by Noman to approve business registration

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Resolutions:

(1) Bethlehem Steel Site-Clean-up Toxic Waste

Resolution #6, 2016

WHEREAS, the City Council of the City of Lackawanna, New York is desirous to ensure the former Bethlehem Steel site is clean and free of any and all toxic waste; and

WHEREAS, the City Council of the City of Lackawanna, New York, County of Erie wishes to call upon our local, state, county and federal elected representatives demanding the complete and thorough clean-up of the former Bethlehem Steel site; and.

WHEREAS, we as Council, desire that the New York State Department of Environmental Conservation along with Tecumseh Redevelopment, want to be ensured, that the best methods possible, not the cheapest nor the easier, are utilized to make sure removal of all toxic waste is performed; and

WHEREAS, the City Council are calling on these same leaders to see that no stone is left unturned to assist with whatever State and federal financing may be available for this worthwhile endeavor; and

FURTHERMORE, we the Council are desirous to see that site, at least partially developed in such a manner that the general public has a safe and easy access to our beloved waterfront and to continue the ongoing efforts in the region of revitalizing one of our greatest assets-the waterfront.

BE IT RESOLVED, that a copy of this resolution be forwarded to our local, state, county and federal elected representatives.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

(2) Lobbyist Contract-Masiello, Martucci, Calabrese & Associates

Resolution #7, 2016

NOW, THEREFORE, BE IT

RESOLVED, that the attached contract extension between the City of Lackawanna and Masiello. Martucci, Calabrese & Associates is approved and the mayor is hereby authorized to sign same.

RESOLVED, that this resolution shall take effect immediately

Moved by Lewis seconded by Iafallo to approve resolution as written, lobbyist to submit a synopsis of work done in the past, present and upcoming projects
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

Ordinances:

(1) An ordinance amending budget-Barclay Damon final payment

**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 \$8,015.00 to budget code A.1010.465 City Council Outside Counsel Fees

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$8,015.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by DePasquale to **TABLE**

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(2) An ordinance amending budget-DPW Overtime

**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 City Garage, Overtime

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to add \$6,000.00 to budget code A.5132.102 City Garage, Overtime

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$6,000.00 from the Contingency Account, A.1900.1990

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

(3) An ordinance amending budget-Animal Control Supplies

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 Control of Animals, Departmental Supplies

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to add \$700.00 to budget code A.3510.405 Control of Animals, Departmental Supplies

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$700.00 from the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(4) An ordinance amending budget – SAFER Grant

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 the SAFER Grant

SECTION 2. That the 2015-2016 Budget Ordinance is hereby amended to increase revenues to Budget code A..3389, Fire Grants by \$129,388

SECTION 3. That the 2015-2016 Budget Ordinance is hereby amended to add \$129,388.00 to budget code A.3410.101 Fire Department, Personnel; \$11,200.00 to budget code A.3410.258 Fire Department, Protective Clothing; \$1,815.00 to budget code A.3410.418 Fire Department, Uniforms & Accessories; \$16,190.00 to budget code A.3410.467 Fire Department, Training Schools and \$9900.00 to budget code A.9000.9030 Social Security

SECTION 4. That the 2015-2016 Budget Ordinance is hereby amended to appropriate \$39,105.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(5) Sale of Property-2901 South Park Ave-Collegiate Builders

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

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

SECTION 1. That the City Council hereby approves of the transfer of property known as 2901 South Park Ave. (SBL # 142.46-9-17.1) a parcel approximately 50x148, to Collegiate Builders Inc.

SECTION 2. That transfer is made for the sum of \$5,000.00 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 Lewis seconded by Jerge to adopt ordinance as written, City Attorney to prepare necessary paperwork

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

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