

**COUNCIL MEETING
MONDAY, JUNE 20, 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
Department Heads: Present: City Attorney, Development, Public Works,
Recreation
Excused: Comptroller, Public Safety**

Approval of Minutes:

Moved by Lewis seconded by Iafallo to adopt minutes of regular meeting of June 6th and special meeting of June 10, 2016, as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Departmental Reports:

1. Comptroller-A/P Check Listing #44, June 3, 2016
2. Comptroller-A/P Check Listing #45, June 8, 2016

Moved by Jerge seconded by Iafallo to receive and file departmental reports one and two

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Mayor:

Budget Transfer-Special Items

3. To: City Council

I am requesting your Honorable Body adopt the following Ordinance for the transfer of funds from A.1900.1910-Special Items Unallocated \$35,000 to A.7020.404-Special Sporting Events.

Thank you in advance for your anticipated cooperation in this matter.

MAYOR SZYMANSKI

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from the Council:

Sex Offenders-Website

4. To: City Council

I request Council approval to direct the Public Safety/Police Department to put a photo and current address of all sex offenders currently residing within the City, on the City Website.

JOE JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Iafallo to grant request, Sex Offenders residing in the City of Lackawanna shall be listed on the City Website

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

Garbage Tax Fee-Sunset Clause

5. To: City Council

I request that the Council direct the City Attorney to prepare an ordinance/resolution eliminating the sunset clause on the garbage tax fee.

JOE JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by DePasquale to receive ad file

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

Communications from Department/Division Heads:

Agreement between City & R.A. Mercer

6. To: City Council

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

Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

FEE ACCOUNTING SERVICES

R.A. Mercer & Co., P.C.

As detailed in our proposal for fee accounting services dated 5/13/16 we will provide the following services to the City of Lackawanna:

1. Cash management services
2. Review payroll prepared by Payroll clerk
3. Review and prepare bank reconciliations
4. Make required payroll deposits and filings
5. Review and approve vouchers
6. Assist in any required budget amendments or discussions
7. Attend Council meetings as needed
8. Other services as required
9. Assistance with the 2016/2017 budget process as needed
10. Kathryn Larracuenta, CPA will be the main representative of the firm to perform and/or supervise the services outlined above. R.A. Mercer & Co., P.C. will perform the entire engagement, no subcontractors will be used.

Our fees for these services at a discounted hourly rate will be billed on a weekly basis as follows:

Our fee for a 26 hour work week will be \$2,400 for 7 weeks for a total of \$16,800. Any hours in excess of 26 per week will be billed at a discounted hourly rate of:

Partner \$100
Manager \$ 80

The undersigned is entitled to represent the firm and authorized to sign a contract with the City of Lackawanna.

Moved by DePasquale seconded by Iafallo to approve agreement as amended to state prior approval for additional funding must be approved by the City Council

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Amending Chapter 165-Peace and Order

7. 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 Iafallo to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Enacting Chapter 1175 Residential Parking

8. 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 Jerge to receive and file, act on ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-

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Communications from Citizens:

Slow Roll

9. To: City Council

We are seeking Council permission to conduct a "Slow Roll" Bicycle Ride on Monday, July 25th, 2016. Attached find a map of the route we will be taking showing sections of the City included in this ride.

I have met with Mayor Szymanski regarding this event and he has given his approval. It will be held on the Monday, following the Lackawanna Festival. Mayor Szymanski has allowed us the use of a large tent, 3-5 portable toilets and 45 tables/chairs from the Festival. He has stated he will have these picked up on Tuesday instead of Monday to accommodate the riders.

The route will start at Veterans Stadium at approximately 6:15 PM, onto South Park to the intersection of South Park and Ridge Road and continuing on South Park into Buffalo. We will be returning to the City limits approximately 7:30 PM, via McKinley Pkwy., Dorrance Avenue, South Shore Boulevard, down Shamokin, onto Martin Road and back to Veterans Stadium.

This is a family orientated event. We urge everyone to get a bike and join us in having a fun "slow" ride with their children and grandchildren. If possible, could we have a police car at the intersection of South Park @ Ridge Road at approximately 6:30 PM?

Thank you in advance for your anticipated approval, any questions or concerns, please contact us at gallivan.seamus@gmail.com or tonycaferro@gmail.com.

SEAMUS GALLIVAN & TONY CAFERRO-SLOW ROLL of BUFFALO

Moved by Lewis seconded by Jerge to grant request, Public Safety Director to have police vehicle at Veterans Stadium at 6:30 PM on July 25th and at intersection of South Park and Ridge at 6:35 PM

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

B.O.Y.S. Association

10. To: City Council

I am writing to you to be put on the agenda for the next meeting of the City Council. I feel as the president of the B.O.Y.S. Association we need to be heard and we are not asking for a handout because as we have done in the past we take care of our needs to the best of our ability.

So to close I hope you accept this letter on behalf of the B.O.Y.S. Association and let me speak on what we are doing now and planning to do in the future. Not only to help the B.O.Y.S. Association, but to help the youth and the City of Lackawanna grow, and find that what a great City this is, a place where I was born and still live today.

JEFFERY D CIOLEK-PRESIDENT OF B.O.Y.S.

Moved by Lewis seconded by Iafallo to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Car Show/Cruise Night

11. To: City Council

My name is Rob Kozak. I operate a small business called Kozak Motorsports Marketing. Kozak Motorsports Marketing specializes in the promotion of drag racing events, public relations for professional drag racing teams, and management of professional drag racing team.

One of our upcoming events is July 1 at Lancaster National Speedway and Dragway. This event features two of the stars of the hit Discovery Channel TV show, "STREET OUTLAWS", BOOSTED GT and KAMIKAZI CHRIS.

I was recently made aware of the need for funds for the athletic department at the Lackawanna City school system. Along with Steve Sabuda, proprietor of the Nite Cappe Restaurant, we were able to bring the two celebrities to our City for a public meet and greet on Thursday, June 30th at the Nite Cappe. On this night we will also be running a Car Show/Cruise Night.

While we will fill the parking lot at the Nite Cappe with show vehicles; due to the expected volume of show cars and spectator vehicles we have also reached out to the school system to park other show vehicles and spectator vehicles on school grounds. The school system will be charging a parking fee. This money raised will be earmarked for new football uniforms as well as other needed funding for the athletic department.

A majority of the show vehicles are purpose built completion vehicles and not street legal. In order to relieve congestion in the high school parking lot we will be parking trucks and trailers at the Martin Road School.

My request to this board is twofold. One, for the vehicles that are not street legal and trailered in; if at all possible could there be a police escort of these vehicles from the Martin Road School up to the high school? The event will run from 6 PM to 10 PM. Attendees will begin arriving at 4 PM. Could a police escorted motorcade be made available at 4:30 PM and 5:00 PM in order to position these vehicles for the show? Also, with the show ending at 10 PM could the same be done after the show at 10:30 PM?

My second request of this board is to have Martin Road closed from Abbott Rd., westward just beyond the horseshoe driveway of the high school. We would then make the entrance to the school, on the street next to Pat's Drive Inn, our main entrance onto school property. I feel with the expected volume of people traveling back and forth from the school and the Nite Cappe the area of the closure will help alleviate any possible issues with pedestrians and motorized vehicles traveling upon Martin Road.

Thank you for your time and consideration.

ROBERT KOZAK-KOZAK MOTORSPORTS MARKETING

Moved by DePasquale seconded by Jerge top approve request, Public Safety Director to have police escort June 30th, from 5 PM to 6 PM for beginning of car show and 9 PM to 10 PM for closing of car show. Martin Road will be closed at these times from Abbott to Josie

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

Entertainment Licenses:

(1) William Napierski-204 Millhurst-Live Music-1 day August 20, 2016-backyard party- \$25

Moved by Lewis seconded by DePasquale to approve entertainment license

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

(2) Nite Cappe Restaurant-1769 Abbott Road- Class 1 Live Music \$50

Moved by Lewis seconded by Jerge to approve license

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

(3) Ernie Weber's Beef N Ale-3167 South Park- Class 1 Live Music \$50

Moved by Lewis seconded by Jerge to approve license

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

Ordinances:

(1) **Budget Transfer-Special Events**

AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE

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

SECTION 1. That the sum of \$35,000.00 be transferred from Code A1900.1910 Special Items Unallocated Insurance to A7020.404 Special Sporting Events.

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

(2) **"Peace and Order"**

**AN ORDINANCE AMENDING CHAPTER 165, PEACE AND ORDER
OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 165-10(c), Loitering, shall be amended by adding the following:

No person shall sit or lie down upon a public sidewalk in the City of Lackawanna provided however that this prohibition shall not apply to any person:

1. Sitting or lying down due to a medical emergency or using a wheelchair or walker as a result of a disability
2. Who is a child seated in a stroller or similar device
3. Operating or patronizing a sidewalk café as set forth in §194-33 of this Code
4. Obtains a permit or permission to sit upon a sidewalk from the City Council

No exception listed above shall be construed to permit any conduct which willfully obstructs the free movement of persons upon a sidewalk or which is otherwise prohibited by the City Code.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Iafallo to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(3) **“Residential Parking”**

**AN ORDINANCE ENACTING CHAPTER 175, RESIDENTIAL PARKING
OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code 175 shall be enacted as follows:

1. PURPOSE

The purpose of this Chapter is to preserve the residential character streetscapes in the City’s neighborhoods

2. PARKING ON UNPAVED PORTIONS

No person shall park a vehicle or any part thereof on any unpaved portion of any lot on which any portion of the lot is used for residential purposes

3. FRONT YARD PAVING

A. No front yard of any residential lot may be covered by more than 50% by concrete, asphalt or any other impervious material, including, but not limited to, driveway patio area, walkways or other landscape features.

B. Any residential lot which prior to the enactment of this Chapter has more than 50% of the front covered as set forth in §175-3(A) shall be considered a legal non-conforming use and may continue.

4. EXEMPTIONS

Special family events or social gatherings occurring no more than once every 3 months shall be exempt from the restrictions set forth in §175-2 above.

5. PENALTIES FOR OFFENSES

Any person violating any provision of this Chapter shall be subject to a fine not to exceed \$250.00 and/or imprisonment for no more than 15 days and shall be responsible for all towing costs incurred by the City.

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

Executive Session:

Moved by Lewis seconded by Iafallo to move to executive session at 7:40 PM

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Meeting reconvened at 7:54 PM

Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge, DePasquale

Adjournment:

Moved by Lewis seconded by Iafallo, meeting is adjourned

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Keith E. Lewis, Council President

Jacqueline A Caferro, City Clerk