

COUNCIL MEETING
MONDAY, AUGUST 15, 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,
Public Safety, Recreation
Excused: Comptroller

Approval of Minutes:

Moved by Lewis seconded by Noman to adopt minutes of regular meeting of July 18, 2016, as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Departmental Reports:

1. City Clerk-Monthly report for July 2016
2. City Treasurer-Receipts deposited into General Fund, July 2016
3. City Comptroller-A/P Check listing #48, June 30, 2016
4. City Comptroller-A/P Check Listing #49, July 8, 2016
5. City Comptroller-A/P Check Listing #50, July 14, 2016
6. City Comptroller-A/P Check Listing #51, July 22, 2016
7. City Comptroller-A/P Check Listing #52, July 29, 2016
8. City Comptroller-A/P Check Listing #1, August 2, 2016

Moved by Jerge seconded by Lewis to receive and file departmental reports one thru eight

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from the Mayor:

2016-17 Tax Collection Warrant

9. To: City Council

Pursuant to the City Charter, Section 13.8, I am attaching the warrant for tax collection of the first and second half of the City of Lackawanna taxes for the 2016-17 fiscal year.

GEOFFREY M SZYMANSKI-MAYOR

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

Carried 5-0

Communications from the Council:

Commercial Construction Notification

10. To: City Council

I am requesting that the Council direct the City Attorney to draft an ordinance requiring a seven (7) day notification to all residents within a half mile radius of any new commercial construction. Feel free to contact me with any questions you may have regarding this matter.

JOSEPH JERGE-THIRD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis to direct the City Attorney to prepare an ordinance and refer to the planning board for their recommendations

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Speed Limit-First Ward

11. To: City Council

It has been brought to my attention that too many cars are speeding through the First Ward; therefore, I am requesting the Council's support in reducing the speed limit for all of the First Ward to 25 MPH and also to post the required speed limit signs.

ABDULSALAM NOMAN-FIRST WARD COUNCIL MEMBER

Moved by Lewis seconded by Jerge to refer to the Traffic Safety Advisory Board for their recommendations

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Slum Lords-Advertise Names

12. To: City Council

I requested that the Director of Development expose all Slum Lords, including Bank Owned properties, by listing their names and addresses in the Front Page and on the City of Lackawanna website.

ABDULSALAM NOMAN-FIRST WARD COUNCIL MEMBER

Moved by Lewis seconded by Noman to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Zoning/Planning Board Identification Cards

13. To: City Council

I am requesting that all members of the Lackawanna Zoning Board be issued photo identification cards indicating their name, position and the date of term.

These members, as part of their official duties, often respond to residences and businesses in the community to alleviate any questions or fears, the ID tags are considered necessary and must be presented or displayed during these visits.

JEFF DEPASQUALE-FOURTH WARD COUNCIL MEMBER

Moved by Lewis seconded by DePasquale to have all planning and zoning board members be issued photo ID cards, with name, position and date of term on card
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

Hiring of Outside Counsel-2004 to Present

14. To: City Council

I requested that the City Attorney/City Comptroller provide this Council with any previous requests for the hiring of outside counsel from the years 2004 to present. I asked 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.

Your timely response is appreciated.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by DePasquale to receive and file, City Attorney to forward requested information to all council members

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

Communications from Department/Division Heads:

Award Contract-Washer/Dryer System-Fire Department

15. To: City Council

I have reviewed the bids for the Washer/Dryer System for PPE. I recommend the bid be awarded to the lowest bidder, Statewide Machinery, 60 Pixley Industrial Parkway, Rochester, NY, for the amount of \$14,418. Ninety-five percent of this purchase is being reimbursed through the 2015 Assistance to Firefighter's Grant award.

RALPH GALANTI-FIRE CHIEF

Moved by Lewis seconded by Jerge to approve request and award contract to Statewide Machinery
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

Chapter 144 Land Subdivision Ordinance

16. 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

Rehabilitation of the Lehigh Soccer Field-Advertise for Bids

17. To: City Council

Presently the Lehigh Soccer Field drawings are being redesigned by Clough Harbor Associates out of Buffalo. Previous drawings that were prepared by Watts Engineers pro bono at the request of Assemblyman Ryan's office had some deficiencies which caused the need for the revisions.

I respectfully ask your Honorable Body to allow the advertisement of this project once the redesign has been reviewed and completed. Furthermore, I ask that the project can be awarded as long as the project is within budget. This will help the project to be expedited and construction can start as soon as possible.

Thanks in advance for your cooperation in this matter.

KENNETH J STRELL, SR.-CITY ENGINEER

Moved by Lewis seconded by DePasquale to amend request, approve to have City Clerk advertise for bids, contract not to be awarded without council approval

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Redevelopment of Former Friendship House Site

18. To: City Council

Please be advised that the Department of Development has begun preliminary discussions with the Neighborhood Health Center (the “NHC”) for the redevelopment of the Property. Please be further advised that the NHC is a not-for-profit entity with over twenty-nine (29) years of experience providing medical services to underserved communities throughout the region. This project is seen as an economic development opportunity that will create jobs, bring a long vacant parcel back to life and begin the redevelopment of Ridge Road. Initial plans call for the development and construction of a full service multi-use medical facility. The NHC will provide basic medical, dental and healthy living services to the underserved community in the City of Lackawanna. The plans also call for a pharmacy to be located at the site.

Preliminary discussion by and between the Department of Development, the City Assessor’s Office and NHC have established a proposed sale of the Property at the price of Seventeen Thousand Five Hundred Dollars (\$17,500.00) per acre. It is anticipated that the site will be approximately 4.54 acres and will include a single story twenty thousand square foot structure. Total development costs are anticipated to be approximately Five Million Dollars (\$5,000,000.00). The contract will contain a two (2) year reverter clause in the event construction fails to take place and all cost associated with the transfer of title will be borne by the NHC.

Please keep in mind that the NHC has targeted the project to be operational no later than One Hundred and Twenty (120) days after January 1, 2017, in order to meet requirements of proposed federal grant funding. Accordingly, approval by this Honorable Body is respectfully requested to authorize the sale of the Property in accordance with the above referenced terms and conditions. Please keep in mind the final contract of sale will require this Council approval and the project will require Planning Board approval as well.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Iafallo to receive and file

Yeas: Lewis, Noman, Iafallo

Nays” Jerge, DePasquale

Carried 3-2

Sale of Six (6) Vacant Parcels at Ridge and Wasson-Family Dollar

19. To: City Council

Please be advised that the Department of Development and the City Assessor have commenced preliminary negotiation for a proposed contract for the sale and redevelopment of the Property to Durban Acquisitions, LLC (the “Purchaser”).

Upon execution of the final contract the Purchaser will commence with the planning and design stage for the development of a Family Dollar Store. The development will consist of a proposed single story 8,320 sq. ft. structure. Once the operation is open for business it is scheduled to employ 4-6 FTE and 8-12 PTE employees and there is a commitment to primarily employ residents of the neighborhood.

Preliminary discussions have established a proposed purchase price at One Hundred Seventy-Five Thousand Dollars (\$175,000) (the “Sale Price”). The Purchaser will be responsible for all costs related to the conveyance of the Property and the City will be responsible for the Twenty-Five Thousand Dollar (\$25,000) Broker Commission to Pyramid Brokerage Company. Additionally,

we negotiated an environmental clean-up cost to the City not to exceed Sixty Thousand Dollars (\$60,000). Although, discussion with the NYS Department of Environmental and Conservation has stated that the cost would be much less than the \$60,000. This would provide net proceed of not less than Ninety Thousand Dollars (\$90,000). There will be a two (2) year reverter clause contained within the Deed, in the event the Purchaser fails to complete the proposed redevelopment of the Property.

Accordingly, approval by this Honorable Body is respectfully requested to authorize the sale of the Property to the Purchaser in accordance with the above references terms and conditions. Please keep in mind that the final contract of sale will require this Council approval and the project will require Planning Board approval as well.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman to approve sale, City Attorney to prepare necessary ordinance

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Listing of Slum Lords in front Page/Website

20. To: City Council

In response to the August 1, 2016 correspondence received from Council member regarding the posting of “Slum Lords” names in the Front Page & the City Website; I have commenced with a review of this proposal. Discussion by and between myself and the City Attorney have raised several potential issues associated with establishing a program such as this.

More importantly, the Department of Development is in the process of preparing an accurate list of all vacant and abandoned properties within the City of Lackawanna. Additionally, the Department is in the process of submitting for a grant thorough the NYS Attorney General’s Office associated with the growing vacant and abandoned “Zombie” property issue.

The proposed grant will be utilized to indentify early foreclosure issues, provide services to keep families in their homes as well as create avenues to address existing slum lord and “Zombie” properties throughout the City. I will make certain that this proposal is addressed during the grant application process.

Upon completion of the list I will take all necessary and appropriate steps to assure correct postings.

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

Communications from Citizens:

Lackawanna Community Fun Day Event 2016

21. To: City Council

The Lackawanna Community Fun Day Planning Committee would like to thank you for your support of our efforts to unify the City of Lackawanna and provide residents with access to important resources for the past four years. With your support, we are changing the spectrum of the event to promote Lackawanna’s Community Fun Day Event.

It is important that we gain your support to keep momentum going and begin to start planning for Lackawanna Community Fun Days Event 2016. This year we are taking a different approach to the event by having a two day event at Jeffery Taggart Memorial Park on August 26 thru August 27, 2016.

The Lackawanna Fun Day Planning Committee is requesting your approval for the following:

- (1) All of our events outlined included with this letter
- (2) The use of the City of Lackawanna's portable restrooms for our event at Jeffrey Taggart Memorial Playground
- (3) The use of Wilkesbarre St., in the City of Lackawanna for our Youth Parade on Saturday, August 27 from 11am-11:30am, which will run along Wilkesbarre St. from the Friendship House to the Jeffrey Taggart Memorial Playground and take approximately 20 minutes.

You will receive our 2016 schedule of events in a couple of weeks our goal is to strengthen our partnership with you and make you a part of our event. The City of Lackawanna's residents have shown an interest in seeing this event grow and we plan to work with the community to make sure it continues to be a success.

The purpose of Lackawanna Community Fun Day is to provide the community with a safe and fun environment to celebrate our community and its diversity while giving Lackawanna youth the opportunity to access important resources and information to improve their quality of life. Your support is critical and we would not have been successful without you. 2016 is here and we hope to continue working with you for years to come.

JOHN INGRAM-CHAIRMAN

Moved by Lewis seconded by Noman to grant request for Lackawanna Fun Day

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

New Businesses Notifications

22. To: City Council

The residents of the City of Lackawanna should be notified when there are new businesses or changes in businesses within their area as it may have an impact on their quality of life. Local areas, such as the City of Buffalo provide notification and a public hearing to allow residents to share concerns or have questions asked about the proposed business (or changes of the business) before the council vote for approval/denial. Such a practice not only empowers the people to engage more in the civic aspects of their city, but also attracts and maintains a population of responsible, tax-paying, law-abiding citizenship for our city.

I could not find any code in our city that currently notifies residents and requires the city to hold a public forum of new or changed businesses. It would seem that residents would need to read every legal notice in the local paper or attend every City Council meeting to be aware of these changes, which is highly unreasonable. If the city Attorney does research on this, he will find most of the local municipalities provide neighborhood notifications of significant business changes and allows them the right to speak about their concerns. I can understand that there is an eagerness to bring in business or allow current businesses to flourish in Lackawanna, but it should not be at the cost of losing good residents. I am currently looking to move out of the City of Lackawanna due to the year to year allowed expansion of the Press Box activities, and the multiple business changes that they have undergone over the past three years that have impacted the quality of life for my family. Such permit approvals include the side-porch eating/drinking area, a permit for the volleyball tournaments, a change from 9:00 pm games to play until 10:00 pm, and starting earlier in the year to start the season. This has had a major disruption to my family's day-to-day quality of life. In spite of my multiple attempts to address these concerns, they continue to expand. I will not move to another part of this city as I do not believe that the local government in general has the best interest of all citizens at the center of decisions and actions that take place. However, I do believe that the current Council has the potential of changing this image and make decisions that are for the people, first and foremost. A neighborhood notification system would be a positive turn in that direction.

KATHY JAMIL

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

Carried 5-0

Lackawanna Yemen Soccer Club Funding

23. To: City Council

I am enclosing the list of all players Lackawanna City residents who registered and participated with the Lackawanna Yemen Soccer Club during this 2016 Soccer Season. Rosters show 208 players at \$6.00, which would be a subsidy of \$1,248.00. I am requesting for funding from the Lackawanna Recreation Department. Any questions please call me.

Thank you for your support.

(Complete roster on file in City Clerk's office)

ALI SALEH-ASSISTANT DIRECTOR

Moved by Lewis seconded by Noman to approve request for funding

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Rename Street in Honor of Deacon Hendrix

24. To: City Council

On behalf of the Hendrix family, here are some reasons why we believe our father Deacon Eugene Hendrix deserves a street named after him.

He came to Lackawanna N.Y. in 1956 and began working at the Bethlehem Steel plant until he retired; he also was a member of the Auxiliary Police Patrol under the leadership of Michael Flak: he was also security for the Lackawanna Municipal Housing Authority, working in the offices as well as walking the grounds in the housing projects. He was a member of the LCDC program, helping with community development. Deacon Hendrix became more than just a pillar in his community, but also in his church, earning the titles Deacon and Trustee, also overseeing the building of the new Mount Olive Baptist Church from the ground up. In closing he was a loving & devoted husband, father of five and family man.

On behalf of the Hendrix Family we thank you for your time and consideration on this matter.

CHERYL GIDDENS

Moved by Lewis seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Miscellaneous:

Business License:

Charles Karaga-96 Jackson Ave-Able Automotive @ 593 Ridge Road-Car repair

Moved by Jerge seconded by Lewis to approve business registration

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ordinances:

An ordinance establishing land subdivision regulations (complete ordinance on file in the City Clerk's office)

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

Carried 5-0

Adjournment:

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

Carried 5-0

Keith E. Lewis, Council President

Jacqueline A. Caferro, City Clerk