

COUNCIL MEETING
MONDAY, NOVEMBER 7, 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,
Comptroller, Public Safety
Excused: Recreation

Executive Session:

Moved by Lewis seconded by Jerge to move to executive session at 7:07 PM

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Meeting reconvened at 7:24 PM

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

Approval of Minutes: of October 17, 2016

Moved Lewis seconded by DePasquale to adopt minutes of regular meeting of October 17, 2016 and special meeting of October 27, 2016, as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #13, October 13, 2016
2. City Comptroller-A/P Check Listing #14, October 14, 2016
3. City Comptroller-A/P Check Listing #15, October 31, 2016
4. City Treasurer-Receipts deposited into General Fund month of October 2016
5. City Clerk-Monthly report for month of October 2016
6. City Comptroller-Statement of Condition of Appropriations as of September 30, 2016

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from the Mayor:

Bank Erosion- Sharon Parkway

7. To: City Council

I am requesting your Honorable Body review the attached proposal regarding the bank erosion problem on Sharon Parkway.

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

GEOFFREY M SZYMANSKI-MAYOR

Proposal-

As you are aware there is a significant stream bank erosion at the above referenced location which is encroaching two (2) residential homes on Sharon Parkway (Address 166 and 190) in the City of Lackawanna. After several meetings with the US Army Corps of Engineers and the NYS Department of Environmental Conservation, I was encouraged to find a solution to this problem by the Mayor and Council Members. Therefore, I solicited McMahon & Mann who are very experienced in this type of issue, as they have been involved with the significant similar problems which are along Tonawanda Creek in the Towns of Pendleton, Amherst and Clarence. They are the premier geotechnical engineering firm in this kind of work in Western New York.

I have attached the proposal that they have prepared for the City to identify the cost of their study of this issue. Their proposal identifies a cost of \$43,786.00 to complete Tasks 1-5 as delineated in their table on page 5 of 6. However, there are additional costs associated with their proposal which were excluded that makes the cost of this proposal significantly higher.

The summary of the total cost of this proposal is:

Topographic Survey	\$15,000.00
Hydraulic Analysis	\$15,000.00
Data Review and Site Reconnaissance	\$16,600.00
Subsurface Explorations	\$ 7,720.00
Laboratory Testing	\$ 1,616.00
Conceptual Design Alternatives Report	\$15,970.00
Meetings	\$ 1,880.00
Construction Level Design	\$29,000.00
Permitting	<u>\$ 4,000.00</u>
Total Cost	\$106,786.00

The costs identified above are budgetary estimates and are conservative in nature, however each Task could be slightly higher or lower. This will depend on what alternative is selected by the City. It must be noted that the costs identified above do not include bidding, construction administration or inspection.

If the Mayor or any of the City Council members have any questions feel free to call me at 716-880-7475. (Complete proposal from McMahon & Mann on file with City Clerk)

KENNETH J STRELL, SR-CITY CONSULTANT ENGINEER

Moved by DePasquale 2nd by Lewis to approve request

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Council:

Appointment-Bingo Inspector

8. To: City Council

Connie Bauer has informed the City Clerk, that she is resigning from her position as a Bingo Inspector.

I am requesting that the Council appoint Shannon M. Schultz, of 39 Roland, to fill the vacant position of Bingo Inspector.

Thank you in advance for your support.

ANNETTE IAFALLO-2ND WARD COUNCIL MEMBER

Moved by Iafallo 2nd by Noman to approve request

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registration Amendments

9. To: City Council

I submitted the following suggestions to the revised business registration to our City Attorney-

Definitions:

Business: a business shall be exempt from requirements with the City of Lackawanna if all the following provisions are met:

1. No outdoor or visible signage or advertising on the business property or immediate vicinity
2. No on or off street parking required for customers, clients for employees
3. No indoor or outdoor storage of equipment and/or supplies. Other than what is required for typical record keeping
4. No need for customers, clients or employee's other than the owner, to enter or remain on the premises

Any concerns or questions, please contact me.

JEFFREY DEPASQUALE-4th COUNCIL MEMBER

Moved by DePasquale seconded by Lewis to refer to City Attorney

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Communications from Department/Division Heads:

Sale of Vacant Land-264 Ridge Road

10. To: City Council

Please be advised that the Department of Development has negotiated a contract for the sale and redevelopment of the 2+/-acre vacant parcel of City of Lackawanna owned property located at 264 Ridge road (the "Property") to the Community Services for the Developmentally Disabled, Inc. (the "Purchaser"). The Property represents the westerly portion of the former Friendship House site and includes the fifty (50) foot right of way formerly known as N. Wilkesbarre.

The proposed project is for the development a thirty three thousand (33,000+/-) SF. Two (2) story thirty (30) affordable rental units funded through the New York State Department of Housing and Community renewal ("DHCR"). As a DHCR funded project there will be a requirement for a Payment in Lieu of Taxes ("PILOT") agreement to be negotiated.

The Purchaser has submitted an offer in the amount of One Hundred Thousand Dollars (\$100,000.00) (the "Sale Price") and will be responsible for all costs to the conveyance of the Property. There will be a one (1) year reverter clause contained within the Deed, in the event the purchaser fails to substantially complete the proposed redevelopment of the Property. Accordingly, permission and authority for the Mayor to execute the contract of sale and all related documentation necessary and appropriate to complete the transaction is hereby requested.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman to TABLE for study, work session to be held on November 21st at 6:00 PM regarding the sale of this property

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

Budget Transfer-Building & Equipment

11. To: City Council

Attached for your review and consideration is an ordinance to transfer \$20.00 from the Contingent Account to Appraisals-Building & Equipment for the 2016-17 Appraisal for insurance values invoice.

PEGGY BIGAJ-SOBOL-CITY COMPTROLLER

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

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

Fire Department-Budget Transfer

12. To: City Council

The fire department has purchased a new dispatch desk replacing one from 1982. While installing the new desk it was discovered that the wiring for obsolete equipment was abandoned in place inside the old dispatch desk and that wires from the telephones, radios and traffic lights were run through this mess. This has created a safety issue in that lines are not marked and cannot be connected properly when we installed the new desk. I have received a quote of \$16,850 to rerun these lines to a junction box on the wall, reconnect lines properly from these junction boxes to the equipment on the desk (phones, radios, etc) and to remove all obsolete lines and equipment.

I am requesting your Honorable Body to place \$16,000 in fire department line 3410.0443 – Repairs to Buildings & Equipment and to direct the City Clerk to advertise for bids for this project. Specifications are in the process of being prepared.

RALPH GALANTI-FIRE CHIEF

Moved by Lewis seconded by Jerge to receive and file, act on ordinance, City Clerk to advertise for bids

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

Tabled Items Over 90 Days

13. To: City Council

As per the Council directive on May 20, 1991, all tabled items over the ninety (90) day period and not acted upon, shall be deemed null and void and the Council shall receive and file said communications. I did previously notify the Council of this item reaching the upcoming time limit. The following is the item over the 90 day time period:

Meeting of 7/18/16-Chitra Salvarej-Commissioner of Deeds for Front Page Newspaper

Please note the communication from Council Member Jerge regarding Police officer Education Qualifications was tabled on September 6, 2016. This serves as notification that this item soon will reach the ninety (90) day period on December 6, 2016.

JACQUELINE CAFERRO-CITY CLERK

Moved by Jerge seconded by Lewis to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Snow Removal Agreement with County

14. To: City Council

I am requesting the City Council to enter into an agreement with the County, on a snow removal contract. The contract will take place from September 1, 2016 to August 31, 2018. If you have any additional questions or concerns you may contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Jerge to approve request

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Amending Budget Ordinance-Law Department

15. To: City Council

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

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ordinances Amending Chapter 155-2 and Chapter 155-9

16. To: City Council

Please put the attached ordinances 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 5-0

Communications from Citizens:

Keever St. Parking-Christmas Party

17. To: City Council

I am requesting permission to use both sides of Keever Ave. between South Park and Electric Ave. for parking on Sat., Dec. 24, 2016 for my Annual Christmas Party.

Thank you.

MARNIE NOVAK

Moved by Iafallo seconded by Lewis to grant request

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registrations:

Matthew Krupp-DBA Cantina 62-Mexican Restaurant-2723 South Park Ave

Moved by Iafallo seconded by Jerge to approve business license

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ordinances:

(1) Budget Transfer-Building & Equipment

AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016

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

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to transfer appropriations for Building and Equipment Appraisals

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$20.00 to Budget code A.1900.1936 Special Items, Appraisal-Buildings & Equipment

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$20.00 from budget code A.1900.1990 Special Items, Contingent Account

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) Part Time City Attorneys

AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016

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

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to reduce appropriations for 1 full time Assistant City Attorney and increase appropriations for 2 part time Assistant City Attorneys

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to decrease budget code A.1420.101 by \$40,800.00 Department of Law, Personal Services 1 Assistant Attorney

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to increase budget Code A.1420.101 by \$40,800.00 Department of Law, Personal Service (2) Part time Assistant City Attorney's (\$20,400.00 each).

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Lewis to adopt ordinance as written

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

(3) Municipal Code-Amendment-Violations Chapter 155

AN ORDINANCE AMENDING CHAPTER 155, MUNICIPAL CODE VIOLATIONS BUREAU, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 155-2 shall be rescinded and replaced with the following:

- A. Chapter 66, Sections 66-6, 66-7, 66-14 and 66-19
- B. Chapter 135, Sections 135-2, 135-3, 135-4, 135-5, 135-6, 135-7 and 135-14
- C. Chapter 194, Sections 194-4, 194-5, 194-5.5, 194-6, 194-8, 194-15, 194-16, 194-17, 194-20, 194-21, 194-24, 194-25, 194-25.1, 194-26, 194-33
- D. Chapter 190, Sections 190-2, 190-3, 190-4, 190-5, 190-7 and 190-8
- E. Chapter 75, Section 75-6 (A) (3)
- F. New York Property Maintenance Code Sections PM 302.1, PM 302.4, PM 302.8, PM 304.3, PM 307.3.2, PM 609.1 and PM 704.2 as adopted in Chapter 75 of the Municipal Code
- G. Chapter 107, Section 107-3
- H. Chapter 172, Section 172-3
- I. Chapter 177, all sections
- J. Chapter 88, all, sections
- K. Chapter 159, 159-5
- L. Chapter 210, 210-4

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

(4) Violations-Added to Property Taxes

AN ORDINANCE AMENDING CHAPTER 155, MUNICIPAL CODE VIOLATIONS BUREAU, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 155-9 shall amended by adding the following;

A judgment against a property owner entered under this Chapter shall, if unpaid, be a lien against the property and shall be added to the property taxes of said property owner.

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

Moved by Lewis seconded by Jerge to remove from table, meeting of October 3, 2016, business registrations

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Business Registrations:

- (1) Joel Echeverria-DBA Joel Ech Barber & Beauty Shop-3056 South Park Avenue
- (2) Art Voice-Darryl McPherson-2702 South Park-Newspaper

Moved by Lewis seconded by Jerge to approve business registrations for Joel Echeverria and Darryl McPherson

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

Waive Rules-

Moved by Lewis seconded by Jerge to waive rules

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

Budget Transfer-Fire Department-Dispatch Desk

AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016

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

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to transfer appropriations for Fire Department, Repairs to Building and Equipment

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$16,000.00 to budget code A.3410.443 Fire Department, Repairs to Buildings and Equipment

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$16,000.00 from budget code A.1900.1990 Special Items, Contingent Account

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

Adjournment:

Moved by Lewis seconded by Noman, Iafallo, Jerge and DePasquale to adjourn in memory of Ronald Spadone

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

Keith E. Lewis, Council President

Jacqueline Caferro, City Clerk