

**COUNCIL MEETING  
MONDAY, DECEMBER 19, 2016  
COUNCIL CHAMBERS  
[www.lackawannany.gov](http://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:** of regular meeting of December 5, 2016

Moved by Lewis seconded by Iafallo to adopt minutes of regular meeting of December 5, 2016, as written

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

**Departmental Reports:**

1. City Comptroller-A/P Check Listing #20, November 28, 2016
2. City Comptroller-A/P Check Listing #21, November 30, 2016
3. City Comptroller-A/P Check Listing #22, December 7, 2016
4. City Comptroller-A/P Check Listing #23, December 8, 2016
5. City Clerk-Monthly Report for November 2016
6. City Treasurer-Receipts deposited into General Fund, November 2016

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

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

**Communications from Council:**

**Amend Budget-Outside Counsel Fees**

7. To: City Council

I respectfully submit an ordinance for Council approval, appropriating funding of \$25,000 for outside counsel.

**KEITH LEWIS-COUNCIL PRESIDENT**

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0  
December 19, 2016

**City Clerk Training**

8. To: City Council

I request Council approval of an ordinance establishing funding for the pay period of January 2 through January 13, 2017 in account A1410.101 City Clerk. Funding slotted for the training period of the City Clerk.

**KEITH LEWIS-COUNCIL PRESIDENT**

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

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

**Communications from Department/Division Heads:**

**DPW-Purchase Ford F250**

9. To: City Council

I am requesting permission to purchase a new Ford F250, with an extended cab and snow plow package. The money will be taken from the Capital Fund, account number: H.2080.150. No money will be removed from City funds. 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 Lewis to grant request for public works to purchase Ford 250 truck, funds to be taken from capital fund acct H2080.150

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

**Commissioner of Deeds-City Clerk Personnel**

10. To: City Council

I seek approval of Commissioner of Deeds for the appointed City Clerk and the office personnel, Colleen Mure, Linda Smerka and Gail Nicholson for years 2017-2018, ending December 31, 2018.

**JACQUELINE CAFERRO-CITY CLERK**

Moved by Lewis seconded by Iafallo to grant request for City Clerk DePasquale, Colleen Mure, Linda Smerka and Gail Nicholson as Commissioner of Deeds

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

**Building and Property Safety Inspector**

11. To: City Council

As this Honorable Body is aware one (1) of the existing Code Enforcement Position has remained vacant for an extended period of time. The Department of Development has undertaken extensive research and discussions regarding the creation of a new position that more accurately addresses current conditions and how to best service the residents of the City of Lackawanna.

Please be advised that through these efforts it has been determined to be in the best interest of the City of Lackawanna to redirect resources associated with the implementation of existing Code Enforcement activities. Accordingly, it is hereby requested that the Council takes all necessary and prudent steps to support and authorize the following actions:

1. The elimination of one (1) of the previously funded positions of Code Enforcement Officers; and
2. The creation of a new position under the heading of Building and property Safety Inspector

In the event there are any questions, comments and/or concerns, I encourage you to contact me.

## **FRED K HEINLE-DIRECTOR of DEVELOPMENT**

Moved by Lewis seconded Iafallo to grant request, eliminating the title of Code Enforcement Officer and creating the position of Building and Property Safety Inspector

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

### **Communications from Citizens:**

#### **Commissioner of Deeds-Front Page**

12. To: City Council

I, Dr. Chitra Selvaraj, am the Managing Editor for the Front Page and the South Buffalo News. I would like to apply to become a Commissioner of Deeds, as we issue several affidavits of publication for legal notices in our paper. The legal notices are usually, notice of Formation of LLC, Liquor License, and other public notices.

The affidavits have to be notarized every week, and that would be facilitated by my becoming a Commissioner of Deeds. I thank you for your consideration.

If you have any questions, please feel free to contact me at [frontpagegroup@gmail.com](mailto:frontpagegroup@gmail.com).

**CHITRA SELVARAJ**

Moved by Iafallo seconded by Jerge to approve request as commissioner of deeds for the City

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

#### **Firefighter Equipment**

13. To: City Council

The recent event at the Bethlehem Steel Plant property has resurfaced multiple concerns felt by members of the Lackawanna Fire Division in regards to firefighter safety. As firefighters we understand that no matter how well we perform or prepare, a great amount of inherent risk comes with the job. With that said there are many steps we can take to strive for the safest conditions possible.

Several years ago the City received a grant to outfit every firefighter with their own personal face piece (Scott Av-3000). Since the firefighters have not been provided with new masks but the new hires have been issued face pieces. The conditions of these face pieces are deteriorating, becoming damaged, beat up and in some cases just simply unusable. As firefighter's this face piece is the first line of defense in hazardous air conditions.

During the events at Bethlehem Steel site on November 11, 2016 the Lackawanna Fire Department received mutual aid from multiple agencies. The Buffalo Fire Department without a doubt was one of our biggest assets in containing and extinguishing this massive fire in a swift and safe manor. In the following days to come Buffalo has provided us with Scott safety cartridges. These canisters act as an air purifier to protect against and filter out a wide range of harmful chemicals, gases and particles. The canisters combined with an adapter are compatible with our Scott face pieces. Being equipped with these canisters would be a great asset for, our department.

As a public safety department this w=equipment is essential to our safety and success. We are proposing that the City provides us with the following:

- \* 12 Face pieces (Scott AV-3000)
- \* 50 Scott cartridge and filter adapters
- \* 50 Scott respirator cartridges

Attached is a quote from Dival Safety for the equipment the members of the department are in pursuit of.

**JASON SZPARA-FIREFIGHTER**

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

Carried 5-0

**Resolutions:**

**RESOLUTION # 28, 2016**

**City Clerk Appointment**

**WHEREAS**, Chapter 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 Jeffrey P. DePasquale, residing at 293 Martin Road, Lackawanna, New York be and hereby is appointed to the position of City Clerk of the City of Lackawanna, term to expire December 31, 2020.

**THIS RESOLUTION SHALL TAKE EFFECT JANUARY 1, 2017**

Moved by Jerge seconded by Iafallo to appoint Jeffrey DePasquale as City Clerk term to expire December 31, 2020

Yeas: Lewis, Noman, Iafallo, Jerge

Excused: DePasquale

Carried 4-0

**Ordinances:**

**(1) Budget Amendment-City Clerk-Personal Services**

**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 City Clerk Personal Services

**SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$1,176.92 to budget code A.1410.101 City Clerk, Personal Services and to transfer \$180.07 to budget code A.9000.9030 Employee Benefits, Social Security

**SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$1,356.99 from budget code A.1900.1990, 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) Budget Amendment-Outside Counsel Appropriations**

**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 increase appropriations for Outside Counsel Fees

**SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to add \$25,000.00 to budget code A.1010.465 City Council, Outside Counsel Fees

**SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to appropriate \$25,000.00 of the City's Fund Balance

**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) Budget Amendment-Building & Property Safety Inspector**

**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 Code Enforcement Officer and increase appropriations for 1 full time Building and Property Safety Inspector

**SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to decrease budget code A.3620.101 by \$54,544.00 Development, Personal Services 1 Code Enforcement Officer

**SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code A.3620.101 by \$26,620.00 Development, Personal Services for 1 Building and Property Safety Inspector (\$43,250)

**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

**Tabled Items:**

Moved by Jerge seconded by Lewis to remove from table, Communication #5 from meeting of October 17, 2016 regarding parking markers

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

### **Parking Markers-Business District**

To: City Council

As we are aware, Ridge Road has become increasingly congested near the intersection of South Park at certain times of the day, extending sometimes all the way back to Electric.

Additionally, the need for on-street parking has increased on Ridge Road in the “Central Business District” and with the anticipated renovation of the building at Colton and Ridge this need will likely grow. Many of the businesses on Ridge Road in the CBD do not have a parking lot, which means they must rely on municipal lots and on-street parking. Additionally, parishioners and visitors of the Basilica often rely on street parking on Ridge Road as well as South Park.

At present, there are no markings on the street that designate parking spots, so cars park where they like, causing congestion and traffic delays, as well as being problematic to getting more cars on the street.

I would like to request that markings similar to those on South Park north of Ridge be placed along the entire CBD to facilitate order.

Further, with several restaurants and bars in the CBD, deliveries are becoming problematic to traffic as well. I would like to suggest a “no parking between signs” section in each block of Ridge (where it is necessitated) in the CBD be installed and enforced between the hours of 9 AM and Noon, meaning beer trucks and larger delivery vehicles would not impede traffic flow. This may require some cooperation from businesses to inform their vendors of specific delivery times as they pertain to deliveries on Ridge Road in the CBD, but, I would not foresee that as a problem because many businesses use a lot of the same vendors.

I am not asking for a vote on this tonight. At this point I am asking simply for feasibility and feedback.

**JOSEPH JERGE- 3<sup>RD</sup> WARD COUNCILMAN**

Moved by Jerge seconded by Lewis to approve parking markers in the business district of the City  
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale Carried 5-0

### **Executive Session:**

Moved by Lewis, seconded by Iafallo to enter into executive session at 7:20 PM

Meeting reconvened at 8:27 PM

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

Moved by Lewis seconded by Jerge to remove item #10, meeting of November 7, 2016 regarding the sale of 264 Ridge Road from the table

Yeas: Lewis, Noman, Jerge, DePasquale

Nays: Iafallo

Carried 4-1

### **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 direct the Mayor to execute the sale of 264 Ridge Road with the following stipulations:

1. As per NYHCR rules, sex offenders will never be permitted to live at 264 Ridge Road
2. Community Services for the Developmentally Disabled or Community Services Forth Housing Corporation will not re-apply for a PILOT after the 15 year PILOT ends.
3. Community Services will make a \$20,000 payment to the City of Lackawanna and at the time of Deed transfer and will make another \$20,000 no later than five (5) years from that date.

Yeas: Lewis, Noman, Jerge, DePasquale  
Nays: Iafallo

Carried 4-1

**Adjournment:**

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

Carried 5-0

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Keith E. Lewis, Council President

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Jacqueline Caferro, City Clerk