

REORGANIZATION/COUNCIL MEETING
MONDAY, JANUARY 9, 2017
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
Dept. Heads: Present: Law, Comptroller, Development, Public Safety
Public Works, Recreation

Executive Session:

Moved by Lewis seconded by Jerge to move to executive session at 7:02 PM
Yeas: Lewis, Noman, Iafallo, Jerge **Carried 4-0**

Meeting reconvened at 7:34 PM
Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge

Approval of Minutes: of regular meeting of December 19, 2016 and special meeting of December 29, 2016

Moved by Lewis seconded by Iafallo to adopt minutes of regular meeting of December 19 and special meeting of December 29, 2016 as written
Yeas: Lewis, Noman, Iafallo, Jerge Carried 4-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #24, December 16, 2016
2. City Comptroller-A/P Check Listing #25, December 21, 2016
3. City Comptroller-A/P Check Listing #26, December 30, 2016
4. City Comptroller-Revenue Report & Statement of Conditions of Appropriations, as of November 30, 2016
5. City Clerk-Monthly Report for December, 2016
6. City Treasurer-Receipts deposited into General Fund Account, December, 2016

Moved by Lewis seconded by Noman to receive and file departmental reports one thru six
Yeas: Lewis, Noman, Iafallo, Jerge Carried 4-0

Communications from the Mayor:

Outside Attorney Veto Message

7. To: City Council

In accordance with the Charter, Chapter 4, Section 4.4, I submit herewith my objections to the Ordinance adopted December 19, 2016, a certified copy of which was presented to me on Tuesday, December 20, 2016. The ordinance, as required, is attached to his veto message.

Although the council has the right to hire outside council under section **5-85 Private Counsel**, as stated:

The Council may in its discretion by motion, resolution or otherwise retain private legal counsel and provide for the payment of the same from City funds in any case wherein it determines that the City Attorney may be disqualified because of a conflict of interest or due to the subject matter of any controversy which may arise between the Council and the executive department of the City government.

Although the legislative and executive branches often times nominally disagree on certain items, I do not see where there is a conflict of a magnitude that constitutes a \$25,000.00 discrepancy. I have just recently, with the assistance of the city council, upgraded our law department by adding one more lawyer, to a total of three attorneys, at no additional cost. I have a hard time understanding that all three attorneys would register a conflict of interest with the entire city council. I therefore am respectfully vetoing this ordinance.

MAYOR SZYMANSKI

Moved by Lewis seconded by Noman to override the Mayor's veto, ordinance stands

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Communications from the Council:

Council President Pro-Tempore-Appointment

8. To: City Council

I respectfully request that Council member Annette Iafallo be appointed as Council President Pro-Tempore for the year 2017.

Thank you in advance for your approval.

ABDULSALAM NOMAN-FIRST WARD COUNCIL MEMBER

Moved by Lewis seconded by Noman receive and file, act on resolution

Yeas: Lewis, Noman, Jerge

Excused: Iafallo

Carried 3-0

Communications from Department/Division Heads:

Planning & Development Board/Zoning Board of Appeals Meetings

9. To: City Council

In order to begin the New Year on a more positive note and in the spirit of cooperation and information sharing, attached for your perusal please find copies of the Agenda for the Thursday, January 19, 2017 Planning & Development Board and the Zoning Board of Appeals Meetings.

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

Carried 4-0

Communications from Citizens:

Democratic Endorsement-4th Ward Council

10. To: City Council

This evening the Lackawanna Democratic Committee held a meeting to vote on and recommend a candidate for the recently vacated position of Fourth Ward Councilman. Norman L. Polanski Jr. and Kevin Surdyke expressed interest in the position and came before the committee for support. After both interested individuals introduced themselves and cited reasons why they felt they should be considered, the committee voted to recommend Kevin Surdyke to the council. After the vote was held, Mr. Polanski withdrew his name and asked that the committee voted unanimously for Kevin Surdyke.

The committee would like the council to be advised that they have unanimously voted to support Kevin Surdyke for the position of Fourth Ward Councilman. As Chairman, I am hopeful that the sitting Council members give this recommendation your consideration.

If you have any questions, please feel free to contact me anytime.

DAVID A IAFALLO-LACKAWANNA DEMOCRATIC CHAIRMAN

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

Carried 4-0

Address Council-John Ingram

11. To: City Council

Item I would like to discuss at City Council meeting

1. I would like to know why no one from the council inform the resident of the 1st ward about a group of individual who were trying to take the city to court about the 6 parcel of land in the first ward. To be fair to the council we the citizens of the 1st ward want to know did the 1st ward councilman was aware of this and if he did, why did he not inform the resident and what is going on with that and will this delay the opening of the family dollar store.
2. Although you had a special meeting concerning the affordable housing opportunity intended for low income family at 264 Ridge Road on December 29, 2016 concerning some of that land formally of the old Friendship House site and which was pass by this council on December 19, 2016 by 4-1 why would you have a special meeting have the meeting vote on it say that it pass 2-1 because only 3 council member were present. Then after everyone who attended leave thinking it pass we found out it did not pass and did not inform the individual who or the citizens of 1st ward to after the fact.
3. Although my question is for 2nd ward councilwomen I will address the council president with this question the 2nd ward councilwomen has voted down this project twice but never has she given her reason why when the entire council had concern about this project such as-

1. Working on site without council approval

2. Will sex offender be able to move there

We the citizens was grateful that the council were doing their job but when the council issue were address that no sex offender would ever be able to live there and that the building being put up would be top notch and by putting this building up it would benefit ward 1 and the city of Lackawanna we are puzzle on why the 2nd ward councilwomen continue to try stop this project since no one from 1st ward have any problem with it.

JOHN INGRAM

Moved by Lewis seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Commissioner of Deeds-Janet Gureski

12. To: City Council

Please be advised that I am Arc J. Petricca's legal assistant and my application for "Commissioner of Deeds" was approved on September 19, 2016. My Commission expires at the end of this month; therefore, I am writing to request a new two-year term effective January 1, 2017 and ending December 31, 2018.

Please advise if there is anything additional I am required to do with regard to my two-year renewal.

Thank you for your anticipated cooperation.

JANET M GURESKI-LEGAL ASSISTANT

Moved by Jerge seconded by Lewis to approve Commissioner of Deeds status within the City of Lackawanna

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Resolutions:

(1) Resolution #1, 2017 -Council President Pro-Tempore Appointment

Whereas, Chapter 3, Section 3.5 of the Charter of the City of Lackawanna provides that the City Council may elect from its members, a Council President Pro-Tempore who shall serve in the event of the Council President's absence or disability; and

Whereas, the Council President Pro-Tempore, selected by the City Council, shall serve as Council President Pro-Tempore for the term of one year, expiring on December 31, 2017, and

Now, Therefore, Be it Resolved, that Council Member Iafallo, Council Member of the 2nd Ward, be and hereby is selected and appointed to be Council President Pro-Tempore for the year 2017.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt resolution as written

Yeas: Lewis, Noman, Jerge

Excused: Iafallo

Carried 3-0

(2) 4th Ward Council Member Appointment

A resolution appointing Kevin R. Surdyke to the position of 4th Ward Councilman

Moved by Jerge seconded by Iafallo to adopt resolution as written

Yeas: Iafallo, Jerge

Nays: Lewis, Noman

Motion failed 2-2

(3) Resolution #2, 2017- Establishing the City Council Meeting Dates for the Year 2017

WHEREAS, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council; and

WHEREAS, the City Council is desirous of complying with the Charter of the City of Lackawanna and the Open Meeting law of the State of New York.

BE IT RESOLVED, the following meeting dates for the City Council meetings for the year 2017 shall be as follows:

Monday, January 9 (Organization & Regular meeting)

Monday, January 23

Monday, February 6

Monday, February 27 (budget 5:30)

Monday, March 6 (budget 5:30)

Monday, March 20 (budget 5:30)

Monday, April 3 (budget 5:30)

Monday, April 17 (budget 5:30)

Monday, May 1 (budget 5:30)

Monday, May 15

Monday, June 5

Monday, June 19

Monday, July 17

Monday, August 21

Tuesday, September 5

Monday, September 18

Monday, October 2

Monday, October 16

Monday, November 6

Monday, November 20

Monday, December 4

Monday, December 18

BE IT RESOLVED, that all Council Meetings will be held in Lackawanna City Hall unless deemed otherwise by the City Council; and

BE IT FURTHER RESOLVED, that a copy of this resolution be posted on the centrally located bulletin board, the City Clerk's Office and the Treasurer's Office

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Iafallo to adopt resolution as written

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

(3) Resolution #3, 2017-Designating "The Front Page" as the official newspaper of the City for 2017

WHEREAS, Chapter 2, Section 2.9 of the City Charter of the City of Lackawanna by resolution designates a newspaper having general circulation and published within the City, to serve as the "Official Newspaper" of the City of Lackawanna.

NOW, THEREFORE, BE IT RESOLVED, that the Front Page located at 2703 South Park Avenue, Lackawanna, New York is hereby designated as the official newspaper of the City.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt resolution as written designating the Front Page Newspaper as the official newspaper of the City of Lackawanna

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Waive Rules:

Moved by Iafallo seconded by Jerge to waive the rules regarding new firefighter equipment

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Moved by Iafallo seconded by Jerge to approve payment to cover cost of firefighter equipment

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Agreement Extension-Masiello, Martucci, Calabrese & Associates

To: City Council

I am requesting that your honorable body waive the rules at the next council meeting to authorize the Mayor to enter into an agreement extension with Masiello, Martucci, Calabrese & Associates.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Jerge to authorize the Mayor to enter into an agreement extension, effective February 23, 2017 to February 23, 2018

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Adjournment:

Moved by Lewis seconded by Jerge to adjourn

Yeas: Lewis, Noman, Iafallo, Jerge

Carried 4-0

Keith E. Lewis, Council President

Jeffrey P. DePasquale, City Clerk