

**COUNCIL MEETING
WEDNESDAY, FEBRUARY 8, 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, Surdyke
Dept. Heads: Present: Law, Comptroller, Development, Public Safety
Public Works, Recreation**

Approval of Minutes: of regular meeting of January 23, 2017

Moved by Lewis seconded by Iafallo to adopt minutes as written

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #29, January 19, 2017
2. City Clerk-Monthly Revenue Report for January, 2017
3. City Treasurer-Receipts deposited into the General Fund for month of January 2017
4. City Comptroller-A/P Check Listing #30, January 27, 2017
5. City Comptroller-A/P Check Listing #31, January 31, 2017
6. City Comptroller-Revenue Report & Statement of Appropriations, as of December 31, 2016

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

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Communications from the Council:

Appointment-Bingo Inspector

7. To: City Council

Currently a vacancy exists for the position of Bingo Inspector. Mr. Leonard Marcinkowski, 260 Millhurst Street, Lackawanna, had his four year term expire 04/23/16. It is the responsibility of the City Council to make Bingo appointments.

Mr. Marcinkowski stopped in the City Clerk's office and declared he would like to be reappointed as a Bingo Inspector but realized the final decision is made by the City Council.

Being that there are only two current Bingo Inspectors, it is recommended that the City Council either reappoint Mr. Marcinkowski or look in a different direction and appoint somebody else.

Thank you for your time and consideration.

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis to approve request to reappoint Leonard Marcinkowski to the position of bingo inspector, term to expire February 8, 2021

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Recycling/Sanitation Schedule

8. To: City Council

I requested that the Commissioner of Public Works do a bulk mailing for the recycling/sanitation schedule, and bulk garbage pickups.

Additionally, in the most recent recycling/sanitation schedule, it is duly noted tires will no longer be picked up by the City. I asked the Commissioner to provide a name(s) and number(s) of one or two companies that do this type of pick up so that we may inform any constituents that may require such a service and perhaps include those names and numbers in future applicable notices.

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Iafallo to receive and file

Yeas: Lewis, Nona, Iafallo, Jerge, Surdyke

Carried 5-0

Reschedule Council Meeting of June 5, 2017

9. To: City Council

I will be unable to attend the Council meeting scheduled for June 5, 2017.

I would like to request your permission to change the date for that meeting so that I may attend.

I apologize, and thank you for your consideration.

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

Moved by Lewis seconded by Noman to approve request, meeting of Monday, June 5, 2017 be rescheduled to Tuesday, June 6, 2017

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

NFTA Bus Shelters

10. To: City Council

I sent a letter to Mr. Tom George of the NFTA thanking him for taking the time to meet with residents and local officials concerning the lack of bus service in the City of Lackawanna, as well as the poor conditions of certain shelters. In particular, I am concerned with the condition of certain shelters on the inbound side of Route 5 and the lack of one altogether on the outbound side of Route 5 and Madison. In lieu of being more specific at this time, if you can find the time, please stop and stand at one of these stops for a few minutes to appreciate my concern for the safety of the people that rely on the bus for transportation.

During that meeting he noted that the City of Lackawanna had an agreement with the NFTA to maintain the bus shelters. There are currently no officials in the City of Lackawanna that have any knowledge of an existing agreement between the City and the NFTA. There may be one, but apparently no one here knows about it and we cannot locate it.

Since we have no record of that agreement here at City Hall, I asked that he please forward a copy of that agreement at his earliest convenience.

I also asked, if he knew of any similar agreements with any other municipalities.

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

February 8, 2017

Contract- LaBella Associates

11. To: City Council

We had a few questions for the City Clerk and City Comptroller regarding the relationship status between the City of Lackawanna and LaBella Associates-

1. Do we have a current contract with LaBella Associates?
2. If so, what is the scope of work provided for by LaBella in that contract? In other words, do we pay a retainer/flat fee in addition to any contracted work or is that work paid for on a job to job basis?
3. Is the contract exclusive? Meaning, are we able to bid engineering jobs out in the spirit of ensuring competitive fees for work performed
4. Is LaBella required to obtain permission from the Council for prospective work prior to the City authorizing such work?
5. When does the contract expire?

Thank you so very much for your anticipated cooperation.

ANNETTE IAFALLO-2ND WARD COUNCIL MEMBER

JOSEPH JERGE-3rd WARD COUNCIL MEMBER

Moved by Iafallo seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Council Budget Preparation

12. To: City Council

Each year we must undertake the difficult task of adopting a budget. To the best of our recollection, the present format requires the Mayor to submit a budget to the Council. The Council is given 30 days to pass the Mayor's budget or submit one of their own back to the Mayor. The Mayor is then granted 10 days to veto or OK the budget and the Council finally has 30 days to adopt a budget.

It has been our experience while on the Council that the budget(s) that have been placed on the agenda by a Council Member(s) to be voted on are not always presented unanimously and have not always passed unanimously. Each Council Member justly has the right to vote yes or no on both the Mayor's proposed budget as well as any budget submitted by any Council Person(s). That part is important in any democracy and is certainly OK with both of us. From time to time we have both exercised our right to vote no to certain things.

The purpose of this communication today is to rid the budget process of some of the politics that may come into play when a Council Member places their vote. For example, every Council Person that we have served with has been openly opposed to the garbage tax/fee. Since the inception of the fee, no member of the Council (voting yes or no to the budget) has given any official proposal to eliminate the fee. There are certainly ways that have been discussed. For example, there could be a cut to services to our citizens (police, fire, DPW), we could drain the general fund to eliminate the fee, or raise property taxes as much as law would allow. None of those options are attractive and no one has gone on record as supporting any of those options.

What we would like to accomplish with our suggestion is transparency and unity amongst our elected officials, at least as it pertains to the budget. The Mayor and each member of the Council must do all we can to work together to streamline the budget process, be transparent with our reasoning, and bounce ideas off of one another to obtain a common goal. Simply put, it is very easy for the two Council Members voting last (or any Council Members that realize a budget already has the necessary votes to pass) to vote against a budget they know will pass and later say "I voted against the budget" and say they voted no for whatever reason may be the hot button topic

at the time. The problem is that anyone can just vote no. We want our elected officials to tell us why they are voting no and publicly offer their solutions to budgetary disagreements. We are suggesting that EACH Council Member, at the Council meeting immediately following the reception of the Mayor's proposed budget, be required to submit their own budget, either individually or in unison with another or others, to eliminate the lack of accountability for those voting against a budget. This process would allow a sufficient amount of time for Council Members to discuss solutions to budgetary disagreements and at the very least, in the absence of agreeable solutions, understand each other's positions on the budget.

Thank you so very much for your consideration.

JOSEPH JERGE-3RD WARD COUNCIL MEMBER

ANNETTE IAFALLO-2ND WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Communications from Department/Division Heads:

Commissioner of Deeds-Kevin Surdyke

13. To: City Council

I hereby request a commissioner of deeds status for Fourth Ward Council member Kevin R. Surdyke.

Thank you for your anticipated approval

JEFFREY P DEPASQUALE-CITY CLERK

Moved by Lewis seconded by Jerge to approve Commissioner of Deeds status

Yeas: Lewis, Noman, Iafallo, Jerge , Surdyke

Carried 5-0

Tabled Items-90 Days

14. To: City Council

Per the directive of the City Council on May 20, 1991, all tabled items over ninety days will be deemed null and void. The following are tabled items over the ninety day period:

<u>Meeting of</u>	<u>Regarding</u>	<u>From</u>
9/16/16	Police Officers Education Qualifications	Jerge
10/17/16	Purchase Offer-John Pirowski-207 Center St & Ord	Assessor
10/3/16	Business Registration-Steel City Productions	Bus. Reg

JEFFREY P DEPASQUALE-CITY CLERK

Moved by Lewis seconded by Jerge to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Clerk's Office-Budget Transfer-Legal Advertising

15. To: City Council

I am asking permission for the City Comptroller to transfer \$5,000.00 from the Fund Balance, A..5990, to Legal Advertising, City Clerk's Office, A.1410.0465

This is necessitated by the fact that the Legal Advertising fund has been depleted and there is no other acceptable account within the City Clerk's Office for which to transfer funds from.

In reviewing why this has occurred, it has been determined that to date there have been a larger than normal number of Legal Advertisements posted in the media from different departments within the City.

If you have any additional questions you may contact me at your earliest convenience.

JEFFREY P DEPASQUALE-CITY CLERK

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

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

DPW-Budget Transfer-Truck Repair

16. To: City Council

I am asking permission to transfer \$30,000.00 from A.5132.415 (City Garage) to A.5132.416 (Truck Repair). If you have any additional questions you may contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

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

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Award Bid-Fire Department-Dispatch Center Wiring

17. To: City Council

I have reviewed the bids for the Electrical/Wiring work to be done at our dispatch center. I recommend the bid be awarded to the lowest bidder, Simoncelli Electrical, 3740 California Rd., Orchard Park, NY, 14127 for the amount of \$18,895. This amount is higher than anticipated due to changes in the bid requirements. I will have sufficient money for the additional costs beyond what the Council has graciously funded.

RALPH GALANTI-FIRE CHIEF

Moved by Lewis seconded by Noman to approve request to award bid to Simoncelli Electrical

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Purchase Offer-18 Glenwood Avenue

18. To: City Council

My office has received an offer from L.H.D.C. in the amount of \$500 to purchase the parcel located at 18 Glenwood Ave. for purpose of construction a Single-Family Home. The Erie County Department of Environment & Planning has secured Federal HOME Investment Partnership Funds to be used for the new construction. The current lot size is 60 x 100 and has an assessed value of \$5,200.

Therefore, it is my recommendation that the City Council **APPROVE** the sale of 18 Glenwood Ave. to L.H.D.C. in the amount of \$500 for the construction of a Single-Family home.

For further information, please contact the Assessor's Office.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Noman seconded by Lewis to **TABLE** for study

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Appointment-Building & Property Safety Inspector

19. To: City Council

Please be advised that in order to facilitate a more efficient and effective operation of the Code Enforcement efforts of the Department of Development and Administration has created a new position with the title of Building and Property Safety Inspector.

The main duties of the new position will be to inspect an address the exterior blighting conditions of properties and to assure compliance with the New York State Fire Prevention and Building Code as well as the City of Lackawanna Municipal Code. These efforts are to prevent the negative impact on the health, safety and general welfare of the residents of the City of Lackawanna and establish control of our neighborhoods and streets.

Accordingly, I am pleased to announce that effective Monday, February 6, 2017; Drew Ortega has joined the Department of Development Code Enforcement team as a Building and Property Safety Inspector. Drew, a Lackawanna resident, has a strong background in the construction industry and will be an excellent addition to our operation.

As always, should there be any questions, comment and/or concerns, I encourage you to contact me.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Iafallo to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Lincoln School Building-Demolition Grants

20. To: City Council

On behalf of Mayor Szymanski, I am pleased to announce that the City of Lackawanna has been awarded two (2) grants for the demolition of the Lincoln School Building on Dona Street as follows:

- 1.) RESTORE NY- Friendship Demolition & Urban Revitalization Project \$500,000.00;
and
- 2.) Community Development Block Grant funds through the Erie County Consortium
 - a.) friendship House Demolition- Design & Abatement \$150,000.00
 - b.) Friendship House Demolition \$150,000.00

Once the grant award documentation is in place the Department of Development will undertake all necessary and appropriate steps associated with securing bids for the demolition, and ultimate redevelopment activities for the property. In the event there are any questions, comment and/or concerns, I encourage you to contact me.

FRED K HEINLE-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Former Bethlehem Steel Property-Proposed Funding

21. To: City Council

Attached for your perusal please find pertinent sections of the recently released report on proposed funding activity associated with the Buffalo Billion Phase II.

As presented the proposal calls for the expenditure of \$10M for the activities at the former Bethlehem Steel Property as follows:

- Phase I property acquisition
- Phase II of rail relocation process
- Construction of pedestrian/bike trail
- Design and completion of Dona Street extension

As this undertaking continues I will provide status reports when applicable, however, should there be any questions, comments and/or concerns I encourage you to contact me. (complete communication on file with City Clerk)

FRED K HEINLE-DIRECTOR of DEVELOPMENT

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

Carried 5-0

Resolutions:

(1) Resolution #6, 2017- Change of Council Meeting Date

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 City of Lackawanna Open Meetings Law of the State of New York, and

WHEREAS, the City Council is desirous of changing the meeting date of Monday, June 5, 2017 to be rescheduled to June 6, 2017, and

BE IT FURTHER RESOLVED, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, the Council bulletin board, the City Clerk’s Office and on the official website for the City.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt resolution as written, changing council meeting of Monday, June 5th, 2017th to Tuesday, June 6th, 2017

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Ordinance:

(1) Budget Transfer-Legal Advertising

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 Legal Advertising

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to add \$5,000.00 to budget code A.1410.465 City Clerk, Legal Advertising

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to appropriate \$5,000.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(2) Budget Transfer- DPW-Truck Repair

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 Truck Repairs

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$30,000.00 to budget code A.5132.416 City Garage, Truck Repairs and Tires

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$30,000.00 from budget code A.5132.415 City Garage, Gas, Oil & Lubricants

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(3) Fire Department-Budget Transfer- Fire Fighter Masks

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 Fire Fighter Masks

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to add \$5,000.00 to budget code A.3410.253 Fire Department, Emergency Equipment

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to appropriate \$5,000.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

Executive Session:

Moved by Lewis seconded by Surdyke to move to executive session at 7:22 PM
Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

Meeting reconvened at 9:00 PM

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

Adjournment:

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

Carried 5-0

Keith E. Lewis, Council President

Jeffrey P. DePasquale, City Clerk