

**COUNCIL MEETING**  
**MONDAY, FEBRUARY 27, 2017**  
**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, Surdyke**

**Dept. Heads: Present: Law, Comptroller, Public Works**

**Excused: Recreation, Development, Public Safety**

**Approval of Minutes:** of regular meeting of February 8, and special meeting of February 16, 2017

Moved by Lewis seconded by Jerge to adopt minutes as written

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Departmental Reports:**

1. City Comptroller-A/P Check Listing #32, February 3, 2017
2. City Comptroller-A/P Check Listing #33, February 9, 2017
3. City Comptroller-A/P Check Listing #34, February 10, 2017
4. City Comptroller-A/P Check Listing #35, February 16, 2017

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

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Communications from the Council:**

**Bid Process-Include Businesses in Lackawanna**

5. To: City Council

At our previous Council meeting, a bid was accepted by the City for electrical wiring to be done at the fire department dispatch center.

I had asked the question as to whether or not CIR Electric was included in the bidding process. The reply was they were not.

CIR is an electrical construction company located on Ingham Avenue right here in Lackawanna. They also have a storefront on Route 5. As an advocate for local business, I would like to request that CIR Electric be included in any bids for electrical work within the City of Lackawanna moving forward.

Further, in any instance where bids are required for outside work, I would like to kindly request that we include any company located within our city limits that is capable of doing the type of work required be given the opportunity to bid on the work.

Thanks so very much for your anticipated cooperation

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Jerge seconded by Noman receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

### **Property Code Violations**

6. To: City Council

At the Council meeting Monday, April 15, 2013, I requested that we abolish or amend the municipal code allowing property owners 60 days to meet code requirements.

My question today is has that code been abolished or changed? If so, what are the current requirements?

If not, why?

Thank you so very much for your anticipated cooperation.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file, and communications #7, #9, #11, #12, #15 and #16 inclusive

Yeas: Lewis, Nona, Iafallo, Jerge, Surdyke

Carried 5-0

### **Businesses-Full/Part Time Employees**

7. To: City Council

At the Council meeting January 11, 2016, I requested the feasibility of a survey to Lackawanna taxpaying businesses asking the number of PTE as well as FTE that actually reside in the City of Lackawanna. I went on to say that the intention of that request was to attempt to put a plan together to entice businesses here to hire people that live here. I have attached a copy of that request for your review.

As I recall, in fact I was presented with a draft of a survey to obtain that information. My question today is has that survey ever been undertaken. If so, please share the results?

If not, why?

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

### **Council Goals-for 2017**

8. To: City Council

At the Council meeting January 11, 2016, I made the request that the City Council come together and establish a minimum of five "goals" for the calendar year 2016. We never did that. I have attached a copy of that request for everyone to review.

I ask once again that we have a work session (or discuss in caucus) to determine what our overall goals are for the year 2017 and we work toward achieving those goals in measurable terms.

For example, in addition to the flood insurance extortion that affects all of our wards, as it pertains to my Ward, I would like to look into linear curbs and initiate some type of program to restore business commerce on Abbott Road.

I have copied all Department Heads as well as the Chiefs of the Police and Fire Departments to welcome their input.

Thanks so very much for your consideration.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Jerge seconded by Iafallo receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Building Permits-Issuing of**

9. To: City Council

I have noticed a building permit was issued at 1188 Ridge Road. This is the former Ridge Dental Arts Building. As I understand it, the building is being converted to residential.

If that is true, my question is, in order for this to occur; does this have to go in front of the Zoning or Planning Boards or the City Council for approval?

If this does not require any approval from any board, please explain the process?

In the event that the answer today is that there is no zoning, planning, or council approval needed to convert a commercial or mixed use establishment from commercial to purely residential, I would like to request an ordinance be prepared (to be voted on at the 2/20 meeting please...this one) establishing policy that any conversion from commercial or mixed use properties to purely residential require zoning, planning, and council approval prior to any permits being issued.

Also, I would ask that the Council be apprised, of any formal inquiries to do so. I would hope we could have a paper application so that there is a paper trail.

Lastly, I would like the ordinance to contain a clause pertaining to consequences for beginning work to convert a building as described above without consent from zoning, planning, or the Council.

**JOSEPH JERGE-3<sup>rd</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Vacant City Owned Properties**

10. To: City Council

I requested the City Assessor provide the Council with a list of all vacant City owned non-homestead lots and buildings.

Although the assessor had told me before and I realize I can access this information on my own, I asked that he kindly take the time to place this on a spreadsheet for the entire Council to see.

Please include lot size and assessed value.

It is not necessary to include the Friendship House site or the lot on Wilkesbarre and Ridge.

Thank you so very much for your anticipated cooperation.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Jerge seconded by Lewis to receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Central Business Improvement District**

11. To: City Council

In an undated communication from the Director of Development titled “Central Business Improvement District (“CBID”)” amongst other things, there is a paragraph (the third one) that states specifically “the City intends to undertake all necessary and appropriate steps to provide for the articulation of a master plan associated with the CBD identified as being the area in and around the intersection of Ridge Road and South Park Avenue.”

I asked the Director to inform the Council what steps were taken in 2016 to provide for the articulation of that master plan and what steps we plan to take in 2017?

Thank you so very much for your anticipated cooperation.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Banners-Special Occasion**

12. To: City Council

In certain municipalities, both all the time and for special occasions, banners are connected to street light poles.

I requested the Director of Development obtain quotes for the banners (completed with logos/photos etc.), in bulk and individually, and whatever materials or hardware might be needed to affix the banners to the light poles.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Council Voting Order**

13. To: City Council

At our previous meeting, Councilwoman Iafallo and myself asked that we submit individual budgets going forward. We unanimously voted in favor. There were several purposes of that vote. I have had the pleasure of voting second to last over the course of the past year. Voting second to last or last allows a Council Member the ability to vote no to something controversial, or maybe even something they are in favor of, and second guessing the members who voted in the affirmative later for political gain....or the exact opposite (meaning a yes vote when the majority is no) Another was to ensure transparency in our reasoning for votes against the majority (yes or no) and to eliminate Council Members voting a certain way to gain political traction after the fact.

In the spirit of supporting that transparency, I would like to request the voting order be restored to the traditional order of:

1<sup>st</sup> Ward

2<sup>nd</sup> Ward

3<sup>rd</sup> Ward

4<sup>th</sup> Ward

Council President

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Jerge seconded by Iafallo to approve request

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke

Carried 5-0

**Uncollected Property & School Taxes**

14. To: City Council

I requested the City Comptroller provide the Council with figures for uncollected property and school taxes (separately) for the past 5 years.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Jerge seconded by Lewis receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Code Violation Fine-Process**

15. To: City Council

I asked that the Director of Development explain the process for collection of unpaid fines for code violations.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**264 Ridge Road RFP's**

16. To: City Council

I requested the Director of Development furnish the Council with ALL of the completed RFP's submitted as they pertain to the RFP issued on 8/15/14 for the property at 264 Ridge Road.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Lewis seconded by Surdyke receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Appointment-Ethics Board**

17. To: City Council

Please be advised that there is a vacancy on the Board of Ethics. In the interest in keeping this very important board at full capacity, I would like to immediately appoint Marybeth Moretti, 30 Palm Street, Lackawanna, NY, to the remaining unfilled appointment, set to expire 01/31/22.

Thank you so much for your anticipated cooperation.

**JOSEPH JERGE-3<sup>RD</sup> WARD COUNCIL MEMBER**

Moved by Jerge seconded by Lewis appoint Marybeth Moretti to the Ethics Board, term to expire January 31, 2022

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Communications from Department/Division Heads:**

**Fire Department-Private Donation**

18. To: City Council

I received a check for \$1,000.00 from a private citizen who wishes to remain anonymous. After reading the article in the paper regarding SCBA equipment, he specified he would like it to go to the fire department for emergency equipment. Please deposit this into account 3410.0253.

**RALPH GALANTI-FIRE CHIEF**

Moved by Lewis seconded by Jerge receive and file, act on ordinance  
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Hawk Signal System-Award Bid**

19. To: City Council

Labella Associates has reviewed the bid as submitted and opened on Wednesday, January 25<sup>th</sup>, 2017 at 11:00 AM at the City of Lackawanna Council Chambers, 714 Ridge Road, Lackawanna, NY, for the above-referenced project.

Labella Associates has checked the references of Spoth enterprises Inc., 8542 Erie Road, Angola NY, 14006 on similar type projects, and the work was completed to the satisfaction of the owner. We therefore, recommend that the City of Lackawanna award the above referenced project to Spoth Enterprises Inc. for a total cost of \$106,137.50.

If you have any questions or comments, please contact me at your earliest convenience.

**KENNETH J STRELL, SR-LABELLA ASSOCIATES**

Moved by Iafallo seconded by Noman to award bid to Spoth enterprise Inc, and direct Comptroller to prepare ordinance for next meeting

Yeas: Lewis, Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Memorandum of Understanding-Firefighters**

20. To: City Council

Please put the attached Memorandum of Understanding on the agenda for Council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

**MEMORANDUM OF UNDERSTANDING**

Memorandum of Understanding, entering into this 17<sup>th</sup> day of February, 2017 by and between the City of Lackawanna, hereafter referred to as “City” and the Lackawanna Professional Firefighters Association, hereafter referred to as “Firefighters”.

**WITNESSETH**

WHEREAS, the City and the firefighters entered into a collective bargaining agreement for the period of August 1, 2009 through July 21, 2017; and

WHEREAS, the parties have agreed to this memorandum in order to amend Article V, Section 2 of said agreement.

NOW, therefore, the parties agree to amend this agreement as follows, and furthermore, agree that these modifications shall become part of any future negotiated, mediated, or arbitrated contract agreement.

Article V. Uniform and Equipment Allowance Section 2

The City agrees to furnish and replace, when necessary, all turn-out gear of Fire Department personnel covered by this Agreement, including coat, boots, hood, bunker pants, helmets, SCBA mask, suspenders and water/fireproof gloves, all of which shall be OSHA approved.

IN WITNESS WHEREOF, the parties have executed this agreement on the date and year set forth above.

Moved by Lewis seconded by Surdyke to grant request, City to furnish and replace all turn-out gear when necessary

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Communications from Citizens:**

**St. Patrick's Day Events-2017**

21. To: City Council

The Limestone Hill Friends of St. Patrick are planning the annual St. Patrick's Day Parade and Festivities for St. Patrick's Day, Friday, March 17, 2017.

The festivities will include the following:

12:10 PM Special Mass-Our Lady of Victory Basilica

12:45 PM The Annual Shortest St. Patrick's Day Parade (Parade Route: Our Lady of Victory Basilica to City Hall)

1:00 PM Raising of Irish Flag commemorating St. Patrick's Day  
Guest Speakers: City of Lackawanna Mayor and Parade Representatives

1:30 PM Corned Beef and Cabbage Dinners/Sandwiches and Refreshments available at Father Baker Council Knights of Columbus and Col. Weber Post #898

On behalf of the many Irish American residents and members of the Limestone Hill Friends of St. Patrick, we respectfully request permission for:

PARADE PERMIT

RAISE IRISH FLAG NEXT TO THE CITY'S AMERICAN FLAG FOR THE DAY

A PODIUM FOR SPEAKERS NEAR FLAG RISING

**MICHAEL CUSACK/THOMAS MCGOWAN-PATRIOTS CLUB**

Moved by Lewis seconded by Iafallo to grant parade permit, raising of flag, and use of podium on March 17, 2017

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**John Ingram-Address Council**

22. To: City Council

1. I would to know what action will councilman Noman face concerning the action he did at the last council meeting where he disrespect the city attorney and the city assessor and where he use his position as a councilman to threatening these individual by saying when the budget come around see what happen. Also the disrespect that was shown to the director of the L.H.D.C. director Mr. Phil Lowery when he clearly did not have his fact right.

2. I would like councilman Noman to tell us when did the resident of the 1<sup>st</sup> ward tell him that they did not want low in-come housing and where was that meeting held if there was one.

3. Is the city council going to allowed the city assessor to sell the parcel of located at 18 Glenwood Avenue to the L.H.D.C. as the city assessor recommend

**JOHN INGRAM**

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

Carried 5-0

**Use of Bocce Court/Senior Citizen Center-School Elections & Budget Vote**

23. To: City Council

On behalf of the Lackawanna Board of Education, I am asking to use the Bocce Court and also a room in the Senior Citizen's center for our upcoming May 16, 2017 Budget Vote and Election.

The election will be held between the hours of 12:00 PM and 9:00 PM. Inspectors would need access to said buildings at 11:30 AM on that day.

Due to the election timeline, please confirm as soon as possible.

I thank you in advance for your cooperation.

**KIMBERLY ROZWOOD-JACKSON-BOARD CLERK**

Moved by Lewis seconded by Noman to grant request for use of Bocce Court & Senior Center

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Entertainment Licenses:**

Class 1-Live Music and/or Mechanical Reproduction:

Col. Weber Post-VFW #898-2909 South Park Avenue

Curly's Grille-647 Ridge Road

Ice House Pub-1213 Ridge Road

Class 2- Coin Operated Mechanical Reproduction:

Daggerty's Inc. /Cagney's Too- 1254 Electric Avenue

Moved by Jerge seconded by Surdyke to approve entertainment licenses

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Ordinance:**

**(1) Fire Department-Public Donation**

**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 and revenue for Fire Department Donation

**SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to increase by \$1000.00 budget code A.3410.253 Fire Department, Emergency Equipment

**SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code A..2770 Revenue, Other Unclassified by \$1,000.00

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Executive Session:**

Moved by Lewis seconded by Surdyke to move to executive session at 7:44 PM

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**Meeting reconvened at 9:15 PM**

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

**Tabled Items:**

Moved by Lewis seconded by Surdyke to remove from the table the revised contract regarding the sale of 264 Ridge Road, from special meeting of February 16, 2017

Yeas: Jerge, Surdyke, Lewis

Nays: Noman, Iafallo

Carried 3-2

**PURCHASE AGREEMENT**

**Date: December 20, 2016**

**1. Sale:**

In consideration of the sum of \$50,000.00, THE CITY OF LACKAWANNA, a Municipal Corporation organized and existing under the laws of the State of New York, with offices at Lackawanna City Hall, 714 Ridge Road, Lackawanna, NY 14218 (“Seller”), who covenants that they are the owner thereof, hereby, for themselves and their assigns, offers and agrees to sell and convey to COMMUNITY SERVICES FOR THE DEVELOPMENTALLY DISABLED, INC., a New York not-for-profit corporation, with offices at 180 Oak St., Buffalo, NY 14203 (“Buyer”), and hereby conveys to the Buyer the right to purchase, under the conditions hereinafter provided, the following property, rights and interest (collectively the “Property”).

(The complete agreement on file with City Clerk)

Moved by Lewis seconded by Surdyke hereby amending the sale price from \$50,000 to \$100,000, also including the previously agreed upon restricted covenants and deed, the restricted PILOT and the two (2) previously agreed upon separate payments to the City in the amount of \$20,000 each, with one payment to be made immediately and the other in five (5) years

Yeas: Jerge, Surdyke, Lewis

Nays: Noman, Iafallo

Carried 3-2

Moved by Lewis seconded by Surdyke to remove from the table the associated ordinance regarding the sale of 264 Ridge Road, from the special meeting of February 16, 2017

Yeas: Jerge, Surdyke, Lewis

Nays: Noman, Iafallo

Carried 3-2

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY  
PURSUANT TO MUNICIPAL CODE CHAPTER 12**

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

**SECTION 1.** That the City Council hereby approves of the transfer of part of the property on 264 Ridge Road known as SBL 141.08-2-9.2, a parcel containing 2.51943 acres to Community Services for the Developmentally Disabled, Inc.

**SECTION 2.** That transfer is made for the sum of \$50,000.00, together with an additional \$20,000.00 payable at closing and a further \$20,000.00 payable within five (5) years of closing, in cash, to the City of Lackawanna

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property and the Mayor is hereby authorized to execute any and all documents necessary for the transfer of the property

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Ordinance amended per the City Attorney, subjected to the terms and agreement to the proposed amendments to the contract of sale regarding 264 Ridge Road

Moved by Lewis seconded by Surdyke to adopt ordinance as amended

Yeas: Jerge, Surdyke, Lewis

Nays: Noman, Iafallo

Carried 3-2

**Adjournment:**

Moved by Lewis seconded by Surdyke meeting adjourned

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

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Keith E. Lewis, Council President

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Jeffrey P. DePasquale, City Clerk