

**COUNCIL MEETING
TUESDAY, APRIL 18, 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: Noman, Iafallo, Jerge, Surdyke, Lewis
Dept. Heads: Present: Law, Comptroller, Public Works, Public Safety
Recreation**

Approval of Minutes: of regular meeting of April 3, 2017

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

Carried 5-0

Departmental Reports:

1. City Treasurer-Receipts deposited into the General Fund for March 2017
2. City Clerk-Monthly Revenue Report for March 2017
3. City Comptroller-A/P Check Listing #41, March 31, 2017
4. City Comptroller-A/P Check Listing #42, April 7, 2017

Moved by Jerge seconded by Noman receive and file departmental reports one thru four
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from the Council:

Recommendations/Procedures for Re-Naming Streets

5. To: City Council

We believe that having a large number of our City Streets re-named, diminishes any distinction bestowed to those honorees.

In order to make a determination on the appropriateness of a street being re-named this Committee recommends the following:

****Any request made to the City or this Council to re-name a street would be sent to this Committee to review, and this Committee would then send a recommendation to the Council for Approval or Disapproval**

****Any re-naming is approved by the Council, it would only be Honorary for that person or group identified. The current name of our streets will always remain, unless so deemed by the Council**

- **There needs to be evidence of support by one or more geographically relevant civic groups or associations.
- **Evidence of support by local businesses or other entities (e.g. schools, churches, etc.) on the street that might be affected by the re-naming
- **Statement why the candidate(s) is/are historically or culturally significant
- **A map showing the exact geographic limits of the re-naming requests
- **A petition signed by local residents with the number of signatures proportionate to the length/section of the street proposed to be re-named
- **Any request, needs to be submitted with the above criteria and application included to the City Clerk. Also, with this application a check made payable to the City of Lackawanna for \$200.00.
\$100.00 is a non-refundable processing fee and the other \$100.00 will pay for the “Honorary” street sign and installation that would accompany the already existing sign. If the street name is denied, only the check for the sign costs will be returned to the petitioner. The \$100.00 processing fee is not returned.

COUNCIL PRESIDENT LEWIS & COUNCILMAN NOMAN

Moved by Lewis seconded by Jerge to **TABLE** for study
Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Fines-Unpaid Code Violations Collection Process

6. To: City Council

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

JOE JERGE-THIRD WARD COUNCILMAN

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

Carried 5-0

Commercial/Residential Conversion Process

7. To: City Council

I have noticed a building permit was issued at 118 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 require zoning or planning board approval and did this particular property come before the zoning or planning board for approval?

If this does not require any approval from any board, I would like to request an ordinance be prepared requiring planning and zoning board approval to convert a commercial or mixed-use (non-homestead) property to purely (homestead) residential. I would also like the ordinance to include an application process and a non-refundable fee to file the application. The ordinance should also indicate that no such work should be permitted on any property to make the conversion until it has received proper approval from the planning and/or zoning board. Lastly, I would like the ordinance to contain a clause outlining exact consequences for beginning work without consent from the appropriate board(s).

Additionally, I would request going forward that the Council be notified immediately once any applications have been filed with the Development office for such a conversion.

JOE JERGE-THIRD WARD COUNCILMAN

Moved by Lewis seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Central Business Improvement District Plans

8. To: City Council

In an undated communication from the former 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 of Development if he knows if such a plan exists and if so, what steps were taken to adopt the plan and what steps can we take in 2017 to keep those plans moving.

JOE JERGE-THIRD WARD COUNCILMAN

Moved by Lewis seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Code Violation Timeframe

9. To: City Council

At the council meeting on April 15, 2013 I requested that we abolish or amend the municipal code allowing property owners in violation of code six months to meet code requirements.

I asked the Director of Development if the code, in fact, been abolished or changed? If so, what are the current requirements?

JOE JERGE-THIRD WARD COUNCILMAN

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Survey-FTE/PTE-Lackawanna Businesses

10. To: City Council

At the council meeting on January 14, 2016 and again March 19, 2016 I requested the feasibility of a survey to Lackawanna taxpaying businesses requesting the number of PTE as well as FTE that actually reside in the City of Lackawanna.

Below is an excerpt:

Would it be possible / feasible to draft a survey to all Lackawanna taxpaying businesses requesting the number of PTE and FTE that reside in the City of Lackawanna?

I ask for several reasons, the first being that the economy of our City can benefit from having citizens who work here that live here. The second would be to determine if consideration of some type of local benefits that might entice businesses that open here to hire citizens of Lackawanna. There are plenty of qualified bodies that are unemployed or might be willing to take a second job if it were close to home. We may be able to entice a business to hire our citizens with small, localized incentives. The folks that I employ that reside in Lackawanna (29) own homes, pay taxes, and patronize varieties of different business in Lackawanna. In other words, it is beneficial because it helps keep our local economy moving.

I was provided a copy of a “draft” survey by the DOD prior but there was never any action taken. I asked the Director of Development if he have access to this survey. If not, can we please

discuss a new one to send to our businesses to obtain the data necessary to determine if such a program might help our citizens and local economy. It should be noted that I would like to include any benefit that may come of this to include the businesses that currently exist.

JOE JERGE-THIRD WARD COUNCILMAN

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Special Occasion Banners

11. To: City Council

In certain municipalities, both all the time and for special occasions, banners (advertising or honoring citizens) are affixed to street light poles.

I asked the Director of Development if he could please obtain quotes for the banners (completed with logos/photos etc.) in bulk and individually including any hardware or materials needed to attach the banners to the poles.

JOE JERGE-THIRD WARD COUNCILMAN

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Procedures/Timeframe Suggestions for Re-Naming Streets

12. To: City Council

Over the past couple of years several members of the community have come to the Council to request to have a street co-named for a loved one or someone important in their lives. This is an incredible honor and the Council has stated several times that we would like to have guidelines under which to select individuals deemed worthy of such an honor.

In order to make a determination on the appropriateness of a street co-naming request, I would like to propose the following:

- The street being requested for co-naming and a map showing the exact geographical limits of the co-naming request
- Individuals who are deceased for at least three years
- Lackawanna residents or natives or individuals of particular importance to the City of Lackawanna
- Individuals or groups of enduring or lasting interest to large segments of the city's population or those who have undertaken an act or acts of enduring or lasting interest to their community
- Individuals or groups with historic value to the city
- Individuals or groups whose importance to the city or whose enduring interest is a result of exemplary acts or achievements which reflect positively on the city
- Evidence of support by local businesses or other entities (e.g. schools, churches, etc.) on the street that might be affected by the co-naming
- A statement why the candidate(s) is/are historically or culturally significant
- Petition signed by local residents, with the number of signatories proportionate to the length/section of the street proposed to be co-named
- Evidence of support by local elected officials

Procedure and Timeframe

Street co-naming is made by an act of legislation. I firmly believe that large numbers of street co-naming diminish the distinction given to those we choose to honor. Therefore, I would like to suggest that the Council only reviews applications for co-naming once every 7 years. No more than one street should be co-named each 7 year period. If no candidate is deemed to meet the requirements, the Council may choose not to co-name a street in any given 7 year period.

The period for submitting requests should be March 31st - April 30th in the year commencing the 7 year period. It is the responsibility of the proposer to leave sufficient time for the numerous steps necessary before a request is included in legislation. The clerk will advertise for street co-naming at least one week prior to March 31st and no more than 7 first come-first served applications will be considered. In the event some are disqualified, the next in line after the 7th should be considered in order of submission.

All street co-naming requests would be submitted to the Clerk's office prior to April 30th and a 30 day vetting period will commence to ensure accuracy and honesty on applications. A volunteer committee should be assembled by the Council with each Council Member appointing a member from their ward to undertake the vetting process. The Council President would be required to be on the vetting board. Appointed members of the vetting board cannot be employees of the City of Lackawanna, may not be elected officials, and may not be serving on any other board. This would be a total of five members, 4 residents, each from a different ward, and an elected official (Council President). Any untrue or false statements made on an application will result in disqualification for consideration. The board will present its findings to Council and will submit no more than 3 names to the Council for final consideration. The Council will have 30 days to consider the candidates before voting.

JOE JERGE-THIRD WARD COUNCILMAN

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

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Fines-Collection of Unpaid Parking Tickets

13. To: City Council

I asked the Director of Public Safety to please explain the process for collection of unpaid parking tickets.

JOE JERGE-THIRD WARD COUNCILMAN

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from Department/Division Heads:

Budget Transfer-Emergency Demolition-Former Bethlehem Steel Site

14. To: City Council

I am requesting to transfer \$541,876.88 to budget code A.3620.466 from the City Fund balance. This money will be used for the Emergency Demo at the old Bethlehem Steel site. 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 Noman receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Parking-Love Terrace

15. To: City Council

Please put the attached Ordinance on the agenda for council approval.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Surdyke receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Placement of Grills, Fryers on City Streets

16. To: City Council

Please put the attached Ordinance on the agenda for council approval.

ANTONIO SAVAGLIO-CITY ATTORNEY

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

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Parking on Michelle Drive

17. To: City Council

Please put the attached Ordinance on the agenda for council approval.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Surdyke receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from Citizens:

Right Director Resource Center

18. To: City Council

I am contacting you regarding the upcoming City Council Meeting on Tuesday, April 18, 2017. My name is Daniel Lewis and I am Pastor, of the Potter’s House COGIC, located at 279 Ingham Ave. Our vision is to have a Homeless Shelter in the City of Lackawanna which will greatly impact our local community. I am requesting permission to speak before the council regarding the project plan for the “Right Direction Resource Center” at the next Council Meeting.

Thank you in advance for your consideration.

PASTOR DANIEL J LEWIS

Moved by Lewis seconded by Jerge receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

John Ingram-Requests Updates-Variou Topics

19. To: City Council

Item to be on the agenda-

1. Would like a update on the \$100,000 grant pertain to the zombie properties
2. The properties where the Dollar Store is going is the only hold up that they have to go in front of the planning board and no other legal problem such as a lawsuit and if there are by who
3. Here a update of the meeting they had in Buffalo concerning the NFTA
4. Here the update on the upcoming Lackawanna Community Fun Days event and Gala

JOHN INGRAM

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

Carried 5-0

Ordinances:

(1) Emergency Demolition

**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 Emergency Demolition Services for the Bethlehem Steel Fire

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to add \$541,876.88 to budget code A.3620.466 Development, Demolition of Buildings

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to appropriate \$541,876.88 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(2) Traffic-Parking on Love Terrace

**AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE
CITY OF LACKAWANNA AND MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall be amended to add the following:

122.1 Love Terrace

On the west and east sides:

No parking from the south curb line of Martin Road to a point sixty (60) feet southerly therefrom.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(3) Placement of Grills/Fryers

AN ORDINANCE AMENDING CHAPTER 194, STREETS AND SIDEWALKS, 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 194-4 shall be amended to add the following:

H. No person shall place or cause to be placed in or upon the surface of any street, sidewalk, alley, highway, road or city right-of-way in the City of Lackawanna any grill, fryer or any other object used in the preparation of food.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

(4) Traffic-Michelle Drive Parking

AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE CITY OF LACKAWANNA AND MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall be amended to add the following

137.b Michelle Drive

On the west and east sides:

No parking from the south curb line of Martin Road to a point thirty (30) feet southerly therefrom.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Tabled Items:

Moved by Noman seconded by Iafallo to remove from the table communication #8 from meeting of April 3, 2017-purchase offer & ordinance for the sale of 207 Center Street

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

**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 part of property known as SBL 142.53-6-13 (207 Center St.) a parcel 30 feet by 110 feet, to Ahmed Z. Abdo

SECTION 2. That transfer is made for the sum of \$1,200 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

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Surdyke

Nays: Jerge, Lewis

Carried 3-2

Adjournment:

Moved by Lewis seconded by Jerge meeting adjourned

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Keith E. Lewis, Council President

Jeffrey P. DePasquale, City Clerk