

**COUNCIL MEETING
MONDAY, MAY 15, 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 Safety, Recreation
Public Works, Development**

Approval of Minutes: of regular meeting of May 1, 2017

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

Carried 5-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #45, April 28, 2017
2. City Comptroller-A/P Check Listing #46, May 5, 2017
3. City Treasurer-Total receipts deposited into the General Fund for April 2017
4. City Clerk-Monthly Revenue Report for April 2017

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

Carried 5-0

Communications from the Mayor:

Director of Recreation Vacancy

Due to important family conditions, Recreation Director Marcia Cullens has informed me that she will no longer be able to continue her role as director of recreation. She has informed me that she wishes to return to her role as clerk as recreation clerk, authorized by her leave of absence when she left her permanent role to become recreation director.

Since Assessor Clerk Leslie Palczewski will be out on convalesce leave for what may be over 8 weeks, Mrs. Cullens will fill the role needed in the assessor's office, along with any assistance she can provide with the new director of recreation.

I wish to thank Marcia Cullens for the tremendous work she has dedicated to our city over the past years and wish hope and health to her family.

MAYOR GEOFFREY SZYMANSKI

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

Carried 5-0

Appointment-Director of Recreation

6. To: City Council

With the self-demotion back to her civil service position title of: clerk, there is a vacancy in the position of Department of Recreation.

After many resume reviews, and by Charter 4.6; I hereby appoint Richard Zybert to the position of Director of Recreation. His experience as a Lackawanna police detective and long history working with our children in our school district as the City's DARE officer, fighting to keep our children off drugs, Rick has the knowledge, imagination, and ability to continue to transform our recreation department, work with our school district, and all of our youth; and I am proud to appoint Mr. Zybert to the position of Parks & Recreation Director.

MAYOR GEOFFREY SZYMANSKI

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

Carried 5-0

Budget Message-2017-2018

7. To: City Council

I am submitting to you the proposed budget for the City of Lackawanna. The most notable differences in this year's budget are the increase in police officers. As we are financially preparing for the retirements of officers who fall under old contract rules, we must also prepare for the retirement and loss of service to our police force. We are also preparing a new line item for departments for necessary equipment purchases. As our fleet is aging in numerous departments, we are preparing for future purchases of fire, DPW, and police equipment and we are setting \$255,000 aside for these necessary purchases. I believe this is a good, new, change that will allow departments to continue to pull from this pot and keep our fleets in working order.

It should be noted that the police and fire department's contracts expire at the end of July, 2017.

The police contracts, prior to 1997, has allowed for an unlimited accrual of various benefits which are paid at the time of retirement. Every year we are obligated to ask the department chiefs to canvass their work force and see who is contemplating retirement. Last year we funded almost a half a million dollars in preparation for police retirements, since those retirement haven't happened, we are allocating \$419,000 in special reserve account for these police retirements. Also, \$4,500,000 is now budgeted for health care for both, the operating and the special revenue-refuse budgets.

As the city council has requested to have meetings with departments to address their requests for the budget, I have reviewed their requests and have made additional changes. I have reduced the department head's requested budget by over \$686,411.

The New York State phony 2% tax cap is once again below 2%, it is 1.36%, and as with so many other communities throughout New York State this year, the city's property tax cap will have to be voted on to be overridden. This submitted budget is 0.07% over the allowable 1.36% tax cap, for a total of 1.43% increase. If it was a true 2% tax cap, we would be under the tax cap and not have to waive it. We continue to be under New York State's constitutional tax limit.

New York school districts have received increased state aid every year; New York State AIM (Aid and Incentive for Municipalities) has not increased for local governments since 2008.

The garbage user fee is no longer subsidized by the general operating budget and is now fully self sufficient. In order to remain financially viable in future years it was agreed upon that this fund must remain fully self funded. This year's annual garbage fee is lower than last year's fee.

As you are aware, I am only allowed to submit a 0% tax shift. Since the budget to the city council does not have a unified rate, like most surrounding communities, the formula has left a heavy burden on businesses. At the end of each budget, I submit viable options of rate shifts. Due to the continued severe difference between the homestead and non-homestead tax rates, I would support a vote in order to help offset the costs on businesses.

MAYOR GEOFFREY SZYMANSKI

Moved by Lewis seconded by Jerge receive and file

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from the Council:

Commissioner of Deeds-Noman

8. To: City Council

I am requesting Commissioner of Deeds status within the City of Lackawanna, New York.

I appreciate your anticipated cooperation in this matter.

ABDUL NOMAN-1ST WARD COUNCIL MEMBER

Moved by Iafallo seconded by Jerge approve request

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Communications from Department/Division Heads:

Purchase Offer-36 & 38 Center Street

9. To: City Council

My office has received an offer from L.H.D.C. in the amount of \$1,000 to purchase the parcel located at 36 & 38 Center Street for purpose of constructing a Single-Family Home. The current lot size is 64 x 124 and has an assessed value of \$7,600.

Therefore, it is my recommendation that the City Council **APPROVE** the sale of 36 & 38 Center Street to L.H.D.C. in the amount of \$1,000 for the construction of a Single-Family home.

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

FRANK E KRAKOWSKI-CITY ASSESSOR

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

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

City Council-Travel Allowance

10. To: City Council

I am requesting a funds transfer of \$550.00 from budget code A.1410.442-City Clerk, Contractual Expenses/Codification to budget code A.1010.464-City Council, Travel Allowance.

This fund transfer is necessary to cover the cost of the NYCOM Conference attended by Council Members Jerge and Surdyke on May 7-9, 2017, in Saratoga Springs, NY.
Attached is the corresponding Ordinance authorizing the transfer of stated funds.
Thank you for your anticipated cooperation with this matter.
JEFFREY P DEPASQUALE-CITY CLERK

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

Carried 5-0

Communications from Citizens:

Live Music-306 Center Street

11. To: City Council

On Saturday, August 19, 2017, I would like to have a family and friends private party in my back yard with a live band. There will be NO games, gambling machines or anything of that nature which will draw money. If given permission I will invite to the best of my knowledge ONLY responsible people. However, if someone does bring a friend or two they will be made aware that they are responsible for their actions.

I have talked with my immediate next door neighbors and they assured me they are OK with us having this party seeing they do have young children residing with them. I am anticipating this party to start at approximately 2:00 p.m. and be over no later than 11:00 p.m. The band will start at approximately 6:00 p.m. and play until 10:30 p.m. with breaks in between.

I am asking for your permission to have this party. The last time I did have a party like this was in 2009. There were NO incidents that occurred that involved the police, fire or ambulances.
Thank you for your time and consideration in this matter.

MARK KIELBASA

Moved by Lewis seconded by Noman, request approved, refer to Public Safety Director, City Attorney & Director of Development to monitor. An entertainment license will need to be obtained

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Ordinances:

(1) Budget Transfer-Recreation Director

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 decreasing salary of Recreation Director and increasing salary of Clerk position

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$2,775.00 from budget code A.7020.101 Recreation Administration Personal Services Part-Time Recreation Attendants and \$3,700 from budget code A.7020.102 Recreation Administration Sports Officials to budget code A.7020.101 to Clerk Position.

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to transfer the sum of \$4,290.00 from the salary of Recreation Director to Clerk Position Salary

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

(2) Mayor's Proposed Operating Budget-2017-2018

AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CIT OF LACKAWANNA FOR THE FISCAL YEAR 2017-2018

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

SECTION 1. The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10th day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2017 through July 31, 2018, showing all City expenditures and revenues and including the real property tax rate.

SECTION 2. That the sum of \$10,754,008.00, being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2017-2018 fiscal year, apportioned in the amount of \$5,787,734.00 for properties qualifying as homestead properties and \$4,966,274.00 for non-homestead properties, in accordance with the detailed statement of revenues and expenses as estimated and adopted by the City Council, be and the same is hereby levied upon all real and personal property subject to taxation upon the assessment roll of the City of Lackawanna for the 2017-2018 fiscal year.

SECTION 3. That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to him and to deliver a certified duplicate of the same, with a warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified as assessed against the persons or property therein mentioned or described with such percentage in the manner provided by law for the collection and levying of City taxes by the City Treasurer.

SECTION 4. That the following schedule be and the same is hereby adopted as the Current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2017 through July 31, 2018 along with the revenues and taxation estimated and levied herein, and that same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of several boards, departments and offices for the purpose enumerated therein, to wit:

Homestead Tax Rate: \$16.95 of assessed valuation
Non-Homestead Tax: \$37.60 of assessed valuation

SECTION 5. That the City Clerk be and he hereby is directed to forward a copy of this Ordinance to the City Treasurer, Director of Administration and Finances, City Comptroller and the City Attorney's Office.
THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(3) Sale of 36 & 38 Center Street

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 142.37-5-1 / 142.37-5-42 (36 & 38 Center Street) a parcel 64 feet by 124 feet, to L.H.D.C.

SECTION 2. That transfer is made for the sum of \$1,000 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 document to be executed for the transfer of the property

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(4) City Council Travel Allowance-Budget Transfer

AN ORDINANCE AMENDING THEN 2016-2017 BUDGET ORDINANCE ADOPTED JULY 16, 2016

BE IT ENACTED by the City Council of the 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 Council, Travel Allowance

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$550.00 to Budget code A.1010.464 City Council, Travel Allowance

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$550.00 from budget code A.1410.442

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Adjournment:

Moved by Lewis seconded by Noman meeting adjourned

Yeas: Noman, Iafallo, Jerge, Surdyke, Lewis

Carried 5-0

Keith E. Lewis, Council President

Jeffrey P. DePasquale, City Clerk