

**COUNCIL MEETING
MONDAY, MARCH 19, 2018
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, Leonard, Surdyke, Lewis

Dept. Heads: Present: Comptroller, Development, Public Safety, Public Works,

Excused: Recreation & Law

Approval of Minutes: of regular meeting of March 5, 2018

Moved by Lewis seconded by Surdyke to adopt minutes of regular meeting of March 5, 2018 as written

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Departmental Reports:

1. **City Comptroller-** A/P Check Listing #35, March 1, 2018
2. **City Comptroller-** A/P Check Listing #36, March 3, 2018
3. **City Clerk-** Monthly Report for February 2018
4. **City Treasurer-** Receipts deposited into General Fund, February 2018

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

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from Mayor:

City School District-Back Taxes

5. To: City Council

Please be advised that the Lackawanna City School District has failed to pay the City the fees for collection of school taxes as set forth in the District's budget. The amount currently owed is \$44,250 (\$14,750/year for 3 years).

I am requesting that the Council demand immediate payment from the District. I also request that the City and District enter into an agreement for the collection of said fees.

MAYOR GEOFFREY SZYMANSKI-MAYOR

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from the Council:

Marriage Officer-Noman

6. To: City Council

I am requesting your support to appoint, First Ward Councilmember, Abdulsalam Noman, as a marriage officer for the City of Lackawanna, New York.

KEITH E LEWIS-COUNCIL PRESIDENT

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

Yeas: Iafallo, Leonard, Surdyke, Lewis

Recused: Noman

Carried 4-0

Street Naming Applications

7. To: City Council

At the inaugural meeting of the newly formed Street Naming Committee on Thursday, March 1, 2018, two honorary street naming proposals came before the board for their consideration:

1. **Proposed: Al Yemen Way** (Wilkesbarre Avenue, between Ridge Road & Wilson Avenue).
2. **Proposed: John Albert Braxton Boulevard** (Wilmuth Avenue, between Dona Street & Wilson Avenue).

By majority vote of the board, both proposals were approved to be forwarded to the City Council for final, binding consideration.

As you are aware, as Council President I serve as Chair of the Street Naming Committee Board. As such, I am requesting the City Council act on these considerations at tonight’s regular meeting.

Thank you for your time and consideration.

KEITH E LEWIS-COUNCIL PRESIDENT

Moved by Lewis seconded by Noman, Iafallo, Leonard, Surdyke, Lewis to approve John Albert Braxton Boulevard and Al Yemen Way. Also, direct the DPW Commissioner to make and install the street sign upon receipt of associated fee

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Funding for a Splash Pad

8. To: City Council

I asked the Director of Recreation to reach out to our grant write, Connie Minor, and the lobbyist firm of Masiello, Martucci, Calabrese & Associates for funding for a splash pad in the City of Lackawanna.

A few years ago the City had the backing to have one installed at the old friendship house location, but after due diligence, this was not a good option for our City. I believe that Galanti Park would be an ideal location for a splash pad, and accessible to our youth.

Thank you in advance for your anticipated cooperation.

ABDULSALAM NOMAN-1ST WARD COUNCIL MEMBER

Moved by Noman seconded by Iafallo receive and file, forward request to the Director of Recreation

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from Department/Division Heads:

Budget Transfer-Signal Maintenance Man

9. To: City Council

I am requesting that the Council move funding from A.5132.101/Maintainers to line A.3020.101/Signal Maintenance Man in the amount of \$19,000.00.

ANTHONY DESANTIS-COMMISSIONER OF PUBLIC WORKS

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

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Budget Amendment-Development

10. To: City Council

The fire department put out a compost fire on city owned property near the former Can Fibre facility. In order to do this, heavy construction equipment was called in to move the piles around and wet down the piles that were spread out. This fire was the cause of many complaints from First Ward residents and the neighboring businesses in Buffalo and had to be put out promptly.

I am requesting your Honorable Body to place \$1,750 from general fund into fire department line 3410.0442 Equipment Rental in order to pay this invoice.

If you have any questions feel free to call me.

RALPH GALANTI-FIRE CHIEF

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

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Budget Transfer-Lehigh Soccer Field Capital Project

11. To: City Council

I am requesting to transfer funds of \$100,000.00 from Fund Balance to pay the current invoices. I have requested funds from the State for the Lehigh Soccer Field Capital Project. Funds will not be distributed to the City until the project is completed. The project is expected to be completed this spring.

Attached is the corresponding Ordinance authorizing the transfer of states funds.

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

CAROLYN NICOMETO-CITY COMPROLLER

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

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from Citizens:

Questions for Council-John Ingram

12. To: City Council

I would like the city council president to explain how this council was able legally to appoint councilman Noman to the council seat when the city charter states clearly, No councilman shall serve for more than two consecutive four year terms. Although the city charter states under a vacancy, the city council has the right to appoint, at no time does the charter state that you can appoint a councilman or women who has just come off serving 2 terms. I would also like to know why the council went into executive session to discuss issue concerning weather councilman Noman could run, when he was not a councilman at the time. I also want to know why this council does not have to follow the city charter as it is written and has this council been told by our city attorney or an outside attorney that this council has the authority to do this?

I would like this the council president to explain why it is not a conflict of interest for him to serve 2 positions, 1 as the City of Lackawanna Council President and 2 as the Lackawanna Asst. Superintendent of our Lackawanna Schools when he and the formal council president had a major issue with this when the 2nd ward councilwomen was working at the school as a clerk. I would like law department to please explain why it is not a conflict of interest. I asked this question on November 29, 2017 and did not receive an answer. Could you please answer now?

The Lackawanna City Charter is very clear you must be a legal resident to have a seat on the Lackawanna Council. This council took the mayor to task for violating the city residency requirement with a former

employee in 2013 and yet this council has done nothing to 3rd ward councilman William R. Leonard who does not live in the city of Lackawanna. I have information to show that Mr. Leonard has not been a resident of the city of Lackawanna since 2016. It also shows that while on the planning board he used his position as a way of intimidation. If these things are true, this gentleman must step down from the council immediately.

These questions I am asking the council need to be addressed. I hope you will address it.

JOHN INGRAM

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Resolutions:

Resolution # 6, 2018

Marriage Officer, City of Lackawanna

WHEREAS, New York State on April 15, 1988 amended the Domestic Relations Law A-1077, allowing the Governing body of a municipality the right to appoint Marriage Officers for a period not to exceed four years, effective January 1, 1988; and

WHEREAS, the Marriage Officers shall have the authority to solemnize marriages in the municipality which makes said appointments; and

WHEREAS, the Lackawanna City Council is desirous of appointing a Marriage Officer in conformance with the Domestic Relations Law; and

NOW, THEREFORE, BE IT

RESOLVED, that Abdulsalam Noman, be and is hereby appointed as a Marriage Officer for the City of Lackawanna, said term to expire December 31, 2018, and

BE IT FINALLY RESOLVED, that this resolution shall take effect immediately

Moved by Lewis seconded by Iafallo adopt resolution as written

Yeas: Iafallo, Leonard, Surdyke, Lewis

Recused: Noman

Carried 4-0

Ordinance:

(1) DPW-Budget Transfer-Communication System

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

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

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to create account Communication System-Personal Services A.3020.101

SECTION 2. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for the Communication System-Personal Services A.3020.101 and decrease City Garage-Personal Services A.5132.101

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$19,100.00 budget code A.3020.101 Communication System-Personal Services

SECTION 4. That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$19,100.00 budget code A.5132.101 City Garage-Personal Services

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(2) Fire Department-Budget Transfer-Equipment Rental

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

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

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to create account Fire Department-Equipment Rental and to increase appropriations for the Fire Department-Equipment Rental

SECTION 2. That the 2017-2018 Budget Ordinance is here by amended to create account Fire Department-Equipment Rental A.3410.442

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$1,750.00 budget code A.3410.442 Fire Department-Equipment Rental

SECTION 4. That the 2017-2018 Budget Ordinance is hereby amended to decrease fund balance by \$1,750.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Carried 5-0

(3) Budget Transfer-Lehigh Soccer Field

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

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

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to transfer funds for the Lehigh Soccer Field from Fund Balance

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$100,000.00
Budget code H.2080.403 Capital Project-Lehigh Soccer Field

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to decrease fund balance by
\$100,000.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman adopt ordinance as written
Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

Adjournment:

Moved by Lewis seconded by lafallo meeting adjourned
Yeas: Noman, lafallo, Leonard, Surdyke, Lewis

Carried 5-0

Keith E. Lewis, Council President

Jeffrey P. DePasquale, City Clerk