

REGULAR COUNCIL MEETING
MONDAY, APRIL 15, 2019
COUNCIL CHAMBERS
www.lackawannany.gov

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Ingram, Schultz, Surdyke, Iafallo

Excused: Jaworski

Dept. Heads: Present: Law, Development, Recreation, Public Works, Recreation

Excused: Comptroller

Approval of Minutes: of regular meeting of April 1, 2019

Moved by Iafallo seconded by Surdyke to adopt minutes of regular meeting of April 1, 2019 as written

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Departmental Reports:

1. **City Clerk-** Monthly Revenue Report for March 2019
2. **City Treasurer-** Total receipts deposited into the General Fund Account for March 2019
3. **City Comptroller-** A/P Check Listing #36, dated March 28, 2019
4. **City Comptroller-** A/P Check Listing #37, dated April 4, 2019

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

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Communications from the City Council:

Re-Appointment-Board of Ethics-Gawronski

5. To: City Council

There are currently two vacancies on the Board of Ethics, as two member's terms have expired. I am requesting this Honorable Body approve the re-appointment of Catherine Gawronski, 263 Colton Avenue, Lackawanna to one of these positions. Catherine Gawronski's appointment would be in effect upon City Council approval and pro-rated to expire 01/31/24.

Thank you in advance for your anticipated cooperation in this matter.

ANNETTE IAFALLO-COUNCIL PRESIDENT

Moved by Iafallo seconded by Ingram to approve request

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Marriage Officer-Jaworski

6. To: City Council

As per the attached resolution, I am requesting your support to appoint Third Ward Council Member Chuck Jaworski as a marriage officer for the City of Lackawanna, New York.

I appreciate your cooperation in this matter.

ANNETTE IAFALLO-COUNCIL PRESIDENT

Moved by Iafallo seconded by Surdyke to receive and file, act on resolution

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

6. (A) RESOLUTION # 7, 2019

Whereas, New York State on April 15, 1988 amended the Domestic Relations Law-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 Charles Jaworski, be and is hereby appointed as a Marriage Officer For the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke to adopt resolution as written

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Marriage Officer-Ingram

7. To: City Council

As per the attached resolution, I am requesting your support to appoint First Ward Council Member John Ingram as a marriage officer for the City of Lackawanna, New York.

I appreciate your cooperation in this matter.

ANNETTE IAFALLO-COUNCIL PRESIDENT

Moved by Iafallo seconded by Schultz to receive and file, act on resolution

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

7. (A) RESOLUTION # 8, 2019

Whereas, New York State on April 15, 1988 amended the Domestic Relations Law-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 John Ingram, be and is hereby appointed as a Marriage Officer For the City of Lackawanna, said term not to exceed four years, a limitation as imposed by the law of New York State

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Schultz to adopt resolution as written
Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Appointment-Board of Ethics-Mobley

8. To: City Council

There are currently two vacancies on the Board of Ethics as two member's terms have expired. I am requesting this Honorable Body approve the appointment of Pastor Keith Mobley, 66 Wasson Avenue, Lackawanna to one of these positions. Pastor Mobley's appointment would be in effect upon City Council approval and pro-rated to expire 01/31/23.

Thank you in advance for your anticipated cooperation in this matter.

JOHN INGRAM-1ST WARD COUNCIL MEMBER

Moved by Iafallo seconded by Ingram to approve request
Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Communications from Department/Division Heads:

Budget Transfer-Clerk's Office

9. To: City Council

Please review and approve the attached ordinance amending the 2018-2019 Budget Ordinance adopted June 12, 2018 by transferring \$1,200.00 from budget line A.1440.442 City Clerk-Codification line A.1010.464 City Council-Travel Allowance.

This transfer is necessitated in that there are insufficient funds in the Council's travel allowance to cover their attendance at the upcoming NYCOM Conference May 5, 6 & 7, 2019 in Cooperstown, NY.

Thank you for your time and consideration with this matter.

JEFFREY P. DEPASQUALE-CITY CLERK

Moved by Iafallo seconded by Surdyke to receive and file, act on ordinance
Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

9. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCES ADOPTED JUNE 12, 2018

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

SECTION 1. That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to transfer funds to increase appropriations for City Council-Travel Allowance and decrease City Clerk-Codification.

SECTION 2. That the 2018-2019 Budget Ordinance is hereby amended to increase by \$1,200.00 budget code A.1010.464 City Council-Travel Allowance.

SECTION 3. That the 2018-2019 Budget Ordinance is hereby amended to decrease by \$1,200.00 budget Code A.1410.442 City Clerk-Codification

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke to adopt ordinance as written
Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Fire Department-Retiree

10. To: City Council

Please be advised that Fire Chief Ralph Galanti has retired March 30, 2019.

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

CAROLYN A. NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Schultz to receive and file

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Budget Transfer-Streets

11. To: City Council

Please approve the transfer between Streets-Personal Services and Employee Benefits-Unemployment Insurance.

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

CAROLYN A. NICOMETO-CITY COMPTROLLER

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

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

11. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE ADOPTED JUNE 12, 2018

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

SECTION 1. That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to transfer funds to increase appropriations for Employee Benefits-Unemployment Insurance and decrease Streets-Personal Services

SECTION 2. That the 2018-2019 Budget Ordinance is hereby amended to increase by \$9,500.00 budget code A.9000.9050 Employee Benefits-Unemployment Insurance

SECTION 3. That the 2018-2019 Budget Ordinance is hereby amended to decrease by \$9,500.00 budget Code A.5110.101 Maintenance of Streets-Personal Services

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Ingram to adopt ordinance as written

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Purchase Offer-9 Joseph Court

12. To: City Council

My office has received an offer from Richard J. Sikorski in the amount of \$24,000 to purchase the vacant property located at 9 Joseph Court. This vacant parcel is 150 * 186 ft. lot, which will be used to build a New Single-Family Home.

Therefore, it is my recommendation that the City Council **approve** the sale of 9 Joseph Court to Richard J. Sikorski in the amount of \$24,000.

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

FRANK E. KRAKOWSKI-CITY ASSESSOR

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

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

12. (A) 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 the property known as SBL 142.19-7-46 (9 Joseph Court) parcel of approximately 150 * 186 a vacant parcel, to Richard J. Sikorski

SECTION 2. That transfer is made for the sum of \$24,000 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 documents to be executed for the transfer of the property

SECTION 5. That the deed shall including a reverter clause requiring that construction of a Single-Family Home start within 24 months from transfer of title

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke to adopt ordinance as written

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Purchase Offer-33 Norman Way

13. To: City Council

My office has received an offer from Brandon & Shannon Falbo in the amount of \$22,000 to purchase the vacant property located at 33 Norman Way. This vacant parcel is 160 * 150 ft. lot which will be used to build a New Single-Family Home.

Therefore, it is my recommendation that the City Council **approve** the sale of 33 Norman Way to Brandon & Shannon Falbo in the amount of \$22,000.

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

FRANK E. KRAKOWSKI-CITY ASSESSOR

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

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

13. (A) 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 the property known as SBL 142.19-7-24 (33 Norman Way) parcel of approximately 160 * 150 a vacant parcel, to Brandon & Shannon Falbo

SECTION 2. That transfer is made for the sum of \$22,000 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 documents to be executed for the transfer of the property

SECTION 5. That the deed shall including a reverter clause requiring that construction of a Single-Family Home start within 24 months from transfer of title

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke to adopt ordinance as written
Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Flood Plan District

14. To: City Council

On October 15, 2004 the City adopted Chapter 230 Zoning, Article III. Permit and Site Plan Procedures; Enforcement and Penalties. Specifically, Section 230.68 was adopted establishing a procedure for establishing a Flood Plan District (see attached).

By letter dated January 8, 2019 the DEC advised the City that in order to maintain program eligibility in the National Flood Insurance Program (NFIP) it needed to adopt the new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMS) establishing base flood elevations (BFEs) in the City. This must be done by May 8, 2019.

A copy of the DEC's correspondence is attached for your review together with a copy of the new legislation.

RICHARD S. JUDA, JR-CITY ATTORNEY

Moved by Iafallo seconded by Ingram to receive and file, act on Local Law as amended

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

14. (A) LOCAL LAW #1, 2019

AN ACT TO AMEND CHAPTER 230. ZONING, ARTICLE III. PERMIT

AND SITE PLAN PROCEDURES; ENFORCEMENT AND PENALTIES.

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

Section 230.68. Flood Development Permits is hereby amended to read as follows:

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the City of Lackawanna.

(Complete Local Law on file in City Clerk's office)

Moved by Iafallo seconded by Ingram to adopt Local Law as amended-Compensating Storage to Encroachment Section

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Memorial Services

15. To: City Council

Deborah Funcina, of the VFW Post 898, 2909 South Park Ave., is requesting that one lane of South Park Avenue along the VFW Post 898 be closed during a Memorial Service being held on Saturday, May 18, 2019 from approximately 10:30 AM to 12:30 PM I have attached the correspondence she sent regarding this.

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

RALPH GALANTI-DIRECTOR of PUBLIC SAFETY

Moved by Iafallo seconded by Ingram to approve request and refer to DPW Commissioner for assistance
Yeas: Ingram, Schultz, Surdyke, Iafallo Carried 4-0

Lease Agreement-Healthy Buffalo

16. To: City Council

I am requesting your Honorable Body to authorize the included lease agreement with the tenant Healthy Buffalo allowing Healthy Buffalo to use Lackawanna Veterans Stadium located at 2960 South Park Ave., Lackawanna, NY 14218 for its weekly Friday Night Softball League each Friday from June 1, 2019 to August 10, 2019. The terms of the lease are the same as the lease agreement from 2018.

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

(Lease on file in City Clerk's office)

BRIAN LAKSO-DIRECTOR of PARKS & RECREATION

Moved by Iafallo seconded by Schultz to approve request
Yeas: Ingram, Schultz, Surdyke, Iafallo Carried 4-0

Waive Rules:

Moved by Iafallo seconded by Surdyke to waive rules
Yeas: Ingram, Schultz, Surdyke, Iafallo Carried 4-0

Appointment-Board of Assessment Review

To: City Council

Chapter 193, Section 523 of the Real Property Tax Law was amended effective October 1, 1986. The law states that Board of Assessment Review members serve for a staggered term of (5) five years commence on October 1 and expire on September 30.

Please be advised that a vacancy currently exists on the Board of Assessment Review for the term which expired on **September 30, 2018**.

I am requesting that the City Council appoint Fran Warthling to serve on the Board of Review for the remaining term of October 1, 2018 to September 30, 2023.

In addition, the terms of Carol Czerwiec and Daniel Hawrylczak also expire on September 30, 2019; therefore, I am asking that the City Council reappoint the above members so they may attend the upcoming training session which begins on April 29, 2019.

FRANK E. KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Surdyke to approve requests to appoint Fran Warthling and the re-appointments of Carol Czerwiec & Daniel Hawrylczak to the Board of Assessment Review
Yeas: Ingram, Schultz, Surdyke, Iafallo Carried 4-0

Conferences/Training Attendance-City Code 31-13

To: City Council

It has come to my attention that as per Lackawanna Municipal Code section 31-13, which I have attached, permission must be granted by the City Council for any City employee or Officer to attend any official or unofficial conference, school or training as part of their official duties.

That being said, does your Honorable Body want to waive the rules at the April 15th regular meeting and request permission for those members that are going to the NYCOM Conference on May 5, 6 & 7th?

I'm not sure who else is going, although I believe the Mayor is as well.

Let me know what you want to do, if anything. Thank you

JEFFREY P. DEPASQUALE-CITY CLERK

Moved by Iafallo seconded by Ingram to approve attendance for the Council Members & Mayor to the NYCOM Conference

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Business Registration:

Fahmi Harhara.-dba **Al Sultan**-(Restaurant, Bakery & Grocery Store)-178 Ridge Rd.

Moved by Iafallo seconded by Ingram to approve business registration

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Abdul & Belal Ahmed-dba **Fumo Vapes**-(Vape Shop)-2701 South Park Ave., Suite #1

Moved by Iafallo seconded by Ingram to approve business registration

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Adjournment:

Moved by Iafallo seconded by Schultz meeting adjourned

Yeas: Ingram, Schultz, Surdyke, Iafallo

Carried 4-0

Annette Iafallo-Council President

Jeffrey P. DePasquale- City Clerk