

**COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY NOVEMBER 5, 2012
www.lackawannany.gov**

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

Meeting called to order/Pledge of Allegiance
NB: Meeting being recorded

Roll Call: Council Present: Noman, Darch, Jerge, Lewis, Pirowski
Dept Heads: Present: Law, Recreation, Development
Excused: Public Safety
Absent: Public Works

Approval of Minutes: of regular meeting of October 15, 2012.

Moved by Pirowski, seconded by Noman to adopt minutes as written.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Departmental Reports:

1. City Compt. – A/P Check Listing #9, Oct 11, 2012
2. City Compt. – A/P Check Listing #10, Oct.16, 2012
3. City Compt. - A/P check listing #11, Oct. 18, 2012
4. City Compt.- A/P check listing #12, Oct. 26, 2012

Moved by Pirowski, seconded by Jerge to receive and file departmental reports 1-4.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Communications from Mayor:

CDBG Contract

5. To: City Council

I have submitted a resolution which I urge you to adopt at your meeting of November 5, 2012. The resolution authorizes me to make application for funding from the County's CDBG program to assist with various needed projects within the City. It further authorizes me to enter into a contract if our projects are approved for CDBG funding.

We have been advised by the County that if the resolution is not adopted on November 5, 2012, Lackawanna will be precluded from the process and will not receive any CDBG funds. Therefore, I urge you to adopt the resolution so that we do not risk being deprived of these necessary funds.

If you have any further questions please do not hesitate to contact me.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Noman to receive and file, act on resolution.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Rental Homes - Development

6. To: City Council

This letter shall serve to confirm that the City of Lackawanna has reserved the attached list of 32 properties for utilization by Lackawanna Housing Development Corp (LHDC) and the NRP Group, LLC (NRP) to be included in the development of forty-eight (48) newly constructed single-family rental homes, and a Clubhouse, as part of the Homes of Lackawanna (the "Development"). These parcels will be sold to NRP Properties, LLC on behalf of the Development by the City of Lackawanna for an acquisition price of One Hundred Fifty Thousand and Nine/100 Dollars (\$150,000.00). This represents a significant reduction in the sales price of over \$225,000.00 for these parcels.

You are hereby advised that the transfer of title of these properties from the City of Lackawanna is contingent upon confirmation that an allocation of tax credits under Section 42 of the Internal Revenue Code has been made through the New York State Division of Housing and Community Renewal (NYSHCR) to the Development.

The City of Lackawanna and the Office of Economic Development strongly support this Development as evidenced by its participation in the planning of this development, Further City support of this project is evidenced by its advocacy of the \$100 K Awards to the Development received from the Erie County Home Funds Consortium; and, by the granting of a PILOT for the Development that is in accordance with the Erie County Policy on PILOTS for Housing for Low and Very Low Income Households. The City will also be making street and sidewalk infrastructure improvements through-out the First Ward as part of the City's integrated neighborhood revitalization plan (the Plan). This Development is a critical component of that Plan. Finally, the City Council of the City of Lackawanna will express its support of the Development in the form of a Council Resolution.

The City stands ready to continue our partnership with you in the successful redevelopment of safe, decent, and affordable high-quality rental housing in the City of Lackawanna.

(Full list of said properties on file with City Clerk)

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Noman to grant request.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

LHDC/NRP-Donation of Properties

7. To: City Council

This letter shall serve to confirm that the City of Lackawanna will donate the attached list of 2 properties to be used by Lackawanna Housing Development Corp (LHDC) and the NRP Group, LLC (NRP) in the development of forty-eight (48) newly constructed single-family rental homes, and a Clubhouse, as part of The Homes of Lackawanna (the Development). These parcels will be donated to NRP Properties, LLC on behalf of the Development by the City of Lackawanna which represents a cost-savings of in excess of Fifteen Thousand and Nine/100 Dollars (\$15,000.00).

You are hereby advised that transfer of title of these properties from the City of Lackawanna is contingent upon confirmation that an allocation of tax credits under Section 42 of the Internal Revenue Code has made through the New York State Division of Housing and Community Renewal (NYSHCR) to the Development.

The City of Lackawanna and the Office of Economic Development strongly support this Development as evidenced by this donation of land. This Development is a critical component in our City's overall Community Revitalization Plan,

The City stands ready to continue our partnership with you in the successful redevelopment of safe, decent, and affordable high-quality rental housing for Lackawanna residents.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Noman to grant request.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Commissioner of Public Works-Salary

8. To: City Council

I am writing to you regarding increasing the Commissioner of Public Works (CPW) salary. In the initial budget that I submitted to your honorable body, the CPW was proposed at the rate of \$30,000. In my view, for the amount of

work that comes out of that office, this is a tremendous savings as opposed to hiring a public engineer or a worker that can be elevated but is not retired.

As Hurricane Sandy was threatening to hit is, Mr. Love had his department make all the necessary provisions to minimize potential damage, and He also stayed late, as usual, in preparations for damage control.

Also, winter is coming and we most likely will not be as lucky as last year to avert snow fall and typical winter problems. Mr. Love is preparing the necessary steps in order to allow the Department of Public Works (DPW) to operate in a smooth and orderly fashion.

The City Council reduced the CPW's salary to \$10,000. In my view, this is an unreasonable value for the time, work, experience, and effort that Mr. Love puts in to his daily routine. There is not one person on the City Council, or anywhere else in City Hall that would work this much time for that little money.

In the City Charter it states: Section 4.6 Department heads generally.

Each department head shall be appointed by the Mayor, to serve at the pleasure of the Mayor. A department head shall be, prior to his or her appointment, qualified by such training and experience as may be required by the Charter or by local law or ordinance. Under the supervision of the Mayor, each department head shall:

A. Subject to the provisions of the Civil Service Law, appoint and remove subordinate officers and employees within his or her department;

B. Direct and supervise the work of the department and its employees through the divisions established by or under this Charter;

C. Assign functions, powers and duties to subordinate officers and employees within the department and modify such assignments as need appear;

D. Delegate to division heads such of his or her powers as he or she may deem necessary for efficient administration.

Also; Section 5-63. Department heads responsible to Mayor

Each department head appointed by the Mayor shall be immediately responsible to the Mayor for the effective administration of his or her respective department and all activities assigned thereto.

It is my view as Mayor that the CPW should be compensated for the work and effort that is provided and \$10,000 is highly unreasonable. Mr. Love has states that he is preparing his exit from city service, but his exact date of exit is not yet known

I am requesting that Budget Line Item: Code A5110.101 is amended to \$58,000. Mr. Love cannot make more than \$30,000; the additional funds will be the requested new salary of the next CPW.

AS you see in the previous paragraph, the value I am requesting for Mr. Love is far lower than the next Commissioner, and therefore no one can deny that Mr. Love is providing great service with great savings toward the city with 38 years of experience.

MAYOR GEOFFREY M. SZYMANSKI

Moved by Pirowski, seconded by Darch to receive and file.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Communications from Council:

Reverter Clause-Council Request of Properties

9. To: City Council

I request Council approval to direct the City Assessor to forward the Council an update of all properties sold in the city that include a reverter clause as part of the conditions of sale of property.

HENRY R. PIROWSKI, JR-COUNCIL PRESIDENT

Moved by Pirowski, seconded by Noman to receive and file.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Playground Equipment-Unused

10. To: City Council

Attached please find the memo I have sent to the Commissioner of Public Works requesting a list of unused playground equipment stored in his department.
HENRY R. PIROWSKI, JR-COUNCIL PRESIDENT

Moved by Pirowski, seconded by Noman to receive and file.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Communications from Department/Division Heads:

Commissioner of Deeds- Council Members

11. To: City Council
I hereby request a commission of deeds status for Council Members as follows:
Henry R. Pirowski, Council President
Abdulsalam Noman, Council Member 1st Ward
Joseph Jerge, Council Member 3rd Ward
Keith E. Lewis, Council Member 4th Ward
Thank you for your anticipated approval.
JACQUELINE A. CAFERRO-CITY CLERK

Moved by Pirowski, seconded by Noman to grant request.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Commissioner of Deeds-City Clerk Personnel

12. To: City Council
I request council approval for commissioner of deeds status for the personnel in the City Clerk's Office. The request includes the following personnel:
Jacqueline Caferro, Gail Nicholson, Colleen Mure and Linda Smerka.
Thank you for your anticipated consideration.
JACQUELINE A. CAFERRO-CITY CLERK

Moved by Pirowski, seconded by Noman to grant request.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Communications from Citizens:

Commissioner of Deeds-Brandon Falbo

13. To: City Council
I hereby request an appointment as a Commissioner of Deeds for 2013-2014. This appointment would be used solely for my duties at the Lackawanna Municipal Housing Authority.
BRANDON FALBO, LMHA

Moved by Pirowski, seconded by Jerge to grant request.
Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

School Election-Use of Bocce Court

14. To: City Council
Please allow this correspondence to confirm that the Lackawanna City School District has called for a special School District election to be held on Tuesday, December 4, 2012 between the hours of 12:00 noon and 9:00 PM for the purpose of voting on three separate propositions to be submitted to the voters.
As such, please be advised that the School District will require the use of the Bethlehem Park Bocce Court Building, 175 Madison Avenue, Lackawanna, New York for the conduct of said election and proposition vote.
Thank you, in advance, for your courtesy and cooperation in this matter.

CARL W. MORGAN-ATTORNEY AT LAW

Moved by Noman, seconded by Pirowski to grant request.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Resolutions

Resolution #25, 2012- CDBG Program

WHEREAS: The City of Lackawanna is in need of funds for eligible programs under the Community Development Block Grant program, and

WHEREAS: the City of Lackawanna is desirous of obtaining financial assistance for these proposals, and

WHEREAS: it is in the public interest that the City of Lackawanna apply for such financial assistance from the Community Development Block Grant program through the Erie County Department of Environment and Planning.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and hereby is authorized and directed to file applications on the forms prescribed by the County of Erie for financial assistance in accordance with the provisions of the CDBG program and upon approval of said requests to enter into and execute an agreement with the County of Erie for such financial assistance for the following projects:

1. City of Lackawanna 2013 Pavement Replacement Project
2. City of Lackawanna Bridge Repair Project

NOW, Therefore, Be it Finally Resolved:

That the City of Lackawanna City Clerk sends certificated copies of this resolution to Mayor Geoff Szymanski.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Council Member Pirowski, seconded by Darch to grant request

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Resolution #26, 2012- Opposing ECIDA Standard Pilot Agreements

A RESOLUTION TO BE SUBMITTED BY LACKAWANNA CITY OFFICIALS, et al

WHEREAS, the Erie County Industrial Development Agency is an organization whose mission is stated as: *The mission of the Erie County IDA is to provide the resources that encourage investment, innovation, growth and global competitiveness-creating a successful business climate that improves the quality of life for the residents of the region;* and

WHEREAS, one of the many benefits of businesses dealing with the ECIDA are PILOT (Payment in Lieu Of Taxes) agreements in which new businesses receive tax breaks with the understanding that new businesses need these breaks to ensure early profitability; and

WHEREAS, PILOT agreements can have a negative effect on the host communities in many different facets, which may include heavy abuse of infrastructure, leaving prior to the end of the agreement, leaving unusable buildings, along with police, fire, and other service; and

WHEREAS, the City of Lackawanna has worked diligently with Erie County and Welded Tube to help assist in bringing in this new company and return industry to the City of Lackawanna; and

WHEREAS, the projected PILOT for the new companies has a tax payment of 0% for the first seven years followed by 10%, 20%, and 30% in the last three years of this ten year PILOT.

NOW, THEREFORE, BE IT

RESOLVED, that the City Officials of the City of Lackawanna request that we are brought into the negotiations of any tax alleviation in dealing with businesses projected for our city.

Moved by Council Member Pirowski, seconded by Jerge to approve resolution.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski

Carried 5-0

Tabled Items:

Adjournment

Moved by Pirowski, seconded by Jerge, meeting adjourned.

Yeas: Noman, Darch, Jerge, Lewis, Pirowski Carried 5-0

Henry R. Pirowski, Council President

Gail A. Nicholson, Deputy City Clerk