

**Regular Council Meeting
Monday, March 14, 2022
REMOTE ZOOM FORMAT
6:30 p.m. – Caucus/ Meeting to follow
Live via Facebook@<http://Facebook.com/lackawannany>**

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Remote Zoom format is authorized by Executive Order of the Governor through March 15, 2022.

**Roll Call: Council: Muflahi, Anderson, Moretti, Surdyke, Marrano
 Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development,
 Public Works, Public Information**

Hearings from Citizens:

Approval of Minutes: of the regular meeting of February 28, 2022.

Moved by Marrano seconded Moretti to adopt minutes of the February 28, 2022 meeting as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** - A/P Check Listing #28, dated February 25, 2022.
2. **City Comptroller** – A/P Check Listing #29, dated March 7, 2022.
3. **City Comptroller** – Capital Fund Check Register, December 1, 2021 – February 28, 2022.
4. **City Treasurer** – Total Cash Receipts for February, 2022.

Moved by Marrano seconded by Moretti to receive and file Departmental Reports one through four.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Requests Approval of Resolution Showing Support of the New York Bill S7602, the Donor Conceived Person Protection Bill.

5. To: Honorable Council President
 Honorable Council Members

Dear Council-

I am requesting that your Honorable Body pass the attached resolution showing the City of Lackawanna supports New York Bill S7602, the Donor Conceived Person Protection Bill. This Bill was brought to my attention through the Association of Erie County Governments.

A couple was unable to conceive children and reached out to a fertility specialist. The specialist recommended Fairfax Cryobank, where a candidate was selected, and the couple had a son. Their son's life was filled with unimaginable suffering, illness, hospitalization, rehab and incarcerations. He was diagnosed with schizophrenia at age 19. Tragically the son died at the age of 27. Soon after the couple found out that the donor had the same problems and died of an overdose at age 46.

Here is a brief summary of the Bill-

A more detailed medical history for any sperm donors, such as whether the donor has any psychiatric disorders and/or had been hospitalized for anything other than a surgery.

Feel free to contact me if you have any questions.

Respectfully,

ANNETTE IAFALLO, MAYOR

Moved by Marrano seconded by Anderson to receive and file, act on resolution.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 10, 2022

WHEREAS, The City of Lackawanna acknowledges the importance of parents and donor-conceived persons knowing the medical, educational and criminal felony conviction history of individuals who have donated reproductive tissue to a reproductive tissue bank for the purposes of an artificial insemination or assisted reproductive technology procedure and disseminating history information to a recipient and donor-conceived person upon request, if any; and

WHEREAS, the City of Lackawanna further acknowledges knowing the medical, educational and criminal felony conviction history of a donor will provide recipients with the necessary information to make informed decisions regarding the process of artificial insemination or assisted reproductive technology procedure and for donor conceived persons to obtain essential medical information, which may reveal any genetic or mental health disorders;

WHEREAS, the City of Lackawanna finds that reproductive tissue banks, including semen banks, oocyte donation programs and embryo banks have a duty to collect and verify medical, education and criminal felony conviction histories and information provided by donors on donors self-reported medical, educational and criminal felony conviction histories and during the donor screening process and to keep detailed records of such for use by recipients and donor-conceived persons, if any, prior to a procedure and in the future,

THEREFORE, BE IT RESOLVED, the City of Lackawanna fully supports the passage of NYS Senate Bill S7602, sponsored by Senator Patrick M. Gallivan and supports further efforts to insure both parents and donor conceived persons have access to verified medical, educational and criminal felony conviction histories for all donors.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 14, 2022

Lackawanna, New York

Moved by Marrano seconded by Anderson to adopt resolution as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests the 2022 Grass Cutting and Landscaping Bid be Awarded to

6. To: Lackawanna City Council
City Hall
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members,

I am requesting that your honorable body award the 2022 Grass Cutting and Landscaping bid to Snow Plow Doctor, with a submitted bid price of \$52,200 (estimate based on 30 Cuts). If you have any questions as to my recommendation, please stop-in or call me.

Respectfully,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Rejected bids are available for review in the City Clerk's Office.

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Update of Code Enforcement Fees.

7. To: Honorable Council

I request that the Council approve the proposed Code Enforcement fee updates. Scott Hayes will be available to address questions about the proposed changes.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Anderson, Moretti, Surdyke, Marrano

No: Muflahi

Carried 4-1

Requests Approval for the City of Lackawanna to Partner with the City of Buffalo to Pave Dorrance Avenue.

8. To: Honorable Council

I request the Council to approve that the City of Lackawanna partner with the City of Buffalo to pave Dorrance Ave. between South Park Ave and McKinley Pkwy. Buffalo will be the lead agent. The City of Lackawanna's portion will be \$85,000.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the Use of Reserve Fire Pumper Truck for the St. Patrick's Day Parade in the 1st Ward of Buffalo.

9. To: Lackawanna City Council

Attn: Council President Frederic Marrano

Subject: Use of Fire Department Truck for St. Patrick's Day Parade

Honorable Council Members:

I respectfully request authorization for the Fire Department to use the reserve pumper truck to participate in the Old First Ward St. Patrick's Day Parade in the City of Buffalo on March 19th, 2022, from approximately 10:00 am to 2:00 pm.

Respectfully,

JOHN WOLF, DIRECTOR OF PUBLIC SAFETY

Fire Chief James Fino

Lackawanna Fire Department

1630 Abbott Road

Lackawanna, NY 14218

Chief Fino,

James Judd is requesting use of the reserve pumper on Saturday March 19, 2022 for the Old First Ward St. Patrick's Day Parade. The pumper will be picked up at 1000 hours and will be needed for approximately 4 hours.

Sincerely,

JUSTIN ZYBERT, SECRETARY, LACKAWANNA FIRE DEPARTMENT

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval for the First Law Enforcement Torch Run/Walk to Benefit the Special Olympics.

10. To: Lackawanna City Council

Att: Council President Frederic J. Marrano

Subject: Law Enforcement Torch Run/Walk

Honorable Council Members:

I respectfully request authorization for the 2022 Lackawanna Leg of the Law Enforcement Torch Run/Walk. All details are attached.

Respectfully,

JOHN WOLF, DIRECTOR OF PUBLIC SAFETY

Honorable Council President

Honorable Council Members

714 Ridge Road

Lackawanna, NY 14218

Dear City Council,

I am requesting City Council approval for our first ever Law Enforcement Torch Run/Walk to benefit the Special Olympics of New York, which sponsors young athletes that change the future for people with intellectual disabilities, and lights the way for acceptance and inclusion. Many Police Departments in Western New York participate in this annual event, and I feel by adding the "2022 Lackawanna Leg" it would promote our community and Police Department in a positive light to our citizens and fellow Law Enforcement Departments.

The Proposed Torch Run/Walk would be Sunday, May 22, 2022. Registration would begin at 10:15 a.m. at the Senior Center, 230 Martin Road. The event would commence at 11:00 a.m., starting and finishing at the Senior Center. The route for the 3-mile run portion would be Martin Road to South Park Avenue, to Ridge Road, Orchard, Shamokin and back to Martin, finishing at the Senior Center. The route for the 1.5 mile walk portion will be Martin Road to South Park Avenue, to Holy Cross Cemetery, and then back to the Senior Center.

I attached the proposed flyer for your review. In addition, I am requesting assistance from the Police Department, and possibly the DPW, to assist with route and traffic control.

Respectfully,

CAITLIN JAWORSKI, LACKAWANNA POLICE DEPARTMENT

Moved by Muflahi seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the Execution of the Memorandum of Understanding Regarding K-9 Patrol Officer.

11. To: Lackawanna City Council

714 Ridge Road
Lackawanna, New York 14218

Re: K-9 Patrol Officer Memorandum of Understanding

Hon. City Council:

I respectfully request that the Council approve and authorize the execution of the attached Memorandum of Understanding.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

Complete text of MOU filed in the City Clerk's Office.

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Budget Ordinance Approving an Inter-Fund Advance to Pay for the Dorrance Street Paving.

12. To: Honorable Frederic J. Marrano, President

Honorable Members of the City Council

714 Ridge Road

Lackawanna, NY 14218

RE: Capital Project : Dorrance Avenue Paving 2022

Dear Council Members:

Please approve an inter-fund advance between the General Fund and the Capital Fund to pay for the Dorrance Avenue Paving Capital Project.

As outlined in the letter of Anthony DeSantis, Commissioner of Public Works, dated March 8, 2022, the City of Lackawanna intends to partner with the City of Buffalo (the lead agent) relative to this project.

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

Very truly yours,

LINDA M. HYBICKI, CITY COMPROLLER

Moved by Marrano seconded by Moretti to receive and file, act on ordinance.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCES ADOPTED MAY 18TH 2021.

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

SECTION 1. That the 2021-2022 Budget Ordinance adopted May 18th, 2021, is hereby amended to increase appropriations for the Capital Project entitled: **Dorrance Avenue Paving 2022**".

SECTION 2. That the 2021-2022 Budget Ordinance is hereby amended to add \$85,000.00 to Budget Code A9000.9550 (Transfer to Other Fund – Capital).

SECTION 3. that the 2021-2022 Budget Ordinance is hereby amended to appropriate \$85,000.00 of the City's Fund Balance.

SECTION 4. that the 2021-2022 Budget Ordinance is hereby amended to add \$85,000.00 to Budget Code H2080.0436 (“Dorrance Avenue Paving”).

SECTION 5. That the 2020-2021 Budget Ordinance is hereby amended to increase Budget Code H.0000.2545 (“Capital Fund Inter Fund Transfer”) by \$85,000.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 14, 2022
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt ordinance as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Budget Ordinance to Close Out the “Milnor and Keever Paving” Capital Project.

13. To: Honorable Frederic J. Marrano, President
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

RE: Capital Project: *Milnor and Keever Paving*

Dear Council Members:

Please approve the attached Ordinance to close-out the “Milnor and Keever Paving” Capital Project and return funds back to the General Fund.

The project is now complete and the City has been reimbursed by CDBG Block Grants totaling \$200,000.00.

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

Very truly yours,

LINDA M. HYBICKI, CITY COMPROLLER

Moved by Marrano seconded by Anderson to receive and file, act on ordinance.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCES ADOPTED MAY 18TH 2021.

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

SECTION 1. That the 2021-2022 Budget Ordinance adopted May 18th, 2021, is hereby amended to refund the General Fund and close out the Capital Project entitled “**Milnor and Keever Paving**”.

SECTION 2. that the 2021-2022 Budget Ordinance is hereby amended to increase \$200,000.00 to Budget Code A.0000.599 (Transfer From Other Fund-Capital”).

SECTION 3. that the 2021-2022 Budget Ordinance is hereby amended to increase the City’s Fund Balance by \$200,000.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 14, 2022
Lackawanna, New York

Moved by Marrano seconded by Anderson to adopt ordinance as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Citizens:

Submits a Communication Expressing Concerns Regarding the New Policy at the Erie County Fair.

14. My dear elected officials,

I am sending you a copy of a letter that I sent to the Buffalo News today. I ask you to share it with anyone else who may be interested in my thoughts.

Further, I encourage you to discuss my letter at your next board meeting and consider writing a letter to the Erie County Agricultural Society officials letting them know your thoughts. They have long used the label "America's Fair" but are acting in a very un-American way by not honoring those who sacrifice every day for their neighbors.

No Fair for Me

As both a Purple Heart Veteran and a Volunteer Firefighter, I have always enjoyed attending the Erie County Fair on those days when they honored both those groups. I looked forward to seeing friends from both near and far as we gathered together in spirit of brotherhood.

For many years the fair has allowed these groups to have dugouts on the infield where they could socialize with other units and honored them with a special parade.

After a history of 180 years, Jessica Underberg, CEO of the E.C. Fair, has determined that these gatherings are a liability and safety issue and will not allow this tradition to continue. I consider this to be a slap in the face for these two groups and all they have sacrificed and continue to do for our communities and our country every day.

It reminds me of all the nurses who risked their lives and were celebrated as heroes for getting us through the pandemic and then were fired for not getting the vaccine as mandated by Erie County. I feel that is extremely disrespectful to our veterans and fireman to not allow them to have a parade to thank them and celebrate their sacrifice to our nation.

Liability and safety concerns? Will they cancel the two days of the demolition derby next? In all my years of watching parades, I have never seen two fire trucks crashing into each other! Whoever is making these decisions should be replaced.

I would encourage all veterans and firefighters to boycott the Erie County Fair this year. Instead wear your uniforms and go to the Cattaraugus, Chautauqua, Niagara, or Wyoming county fairs. You will have a fun day, spend less and be greatly respected for all you do. I'll see you there!

JOHN FARRELL, VOLUNTEER FIREFIGHTER, VIETNAM PURPLE HEART VETERAN

Moved by Marrano seconded by Muflahi to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

[Joseph O'Dierno, dba Asset Recovery Bureau LLC \(Collection Agency\), 1212 Abbott Road, Suite C.](#)

[Hatcho Nersesian, dba Premium Lines Automotive Warehouse \(Sale of Auto Parts\), 1212 Abbott Road.](#)

[Robert Cefalu, Jr., dba Partners Packaging Inc. \(Wood Shop & Crate Manufacturing\), 2600 Hamburg Turnpike.](#)

[Ivelisse Trujillo, dba Just Plan on I.T. LLC \(Event Planning\), 1212 Abbott Road.](#)
[Maher Nasser, dba Red Sea Market Inc. \(Grocery Store\), 1441 Electric Avenue.](#)
[Michelle Wight-Sands, dba Lackawanna Self-Storage \(Storage Facility\), 3380 South Park Avenue.](#)

Moved by Muflahi seconded by Marrano to approve aforementioned Business Registration.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by Moretti to adjourn meeting.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk

[Persons wishing to speak before the City Council shall provide their name, address and limit their comments to three \(3\) minutes on agenda items only. Please direct any comments to the Council President. To place an item on the agenda, persons shall submit their correspondence to the City Clerk's Office in a signed letter or via email \(\[cityclerk@lackny.com\]\(mailto:cityclerk@lackny.com\)\) with full address and phone number contained therein, and must be received PRIOR to 12:00 noon on the Wednesday preceding the meeting. The City Council has the final approval of all agenda items. If attending the meeting in person, please silence your cell phones and gentlemen remove your hats. Commentary and actions shall always be respectful of the City Council, Department Heads and fellow citizens or you will be escorted from Chambers.](#)

www.lackawannany.gov