

**Regular Council Meeting**  
**Tuesday, June 21, 2022**  
**Council Chambers**  
**6:30 p.m. – Caucus/ 7:00 p.m. Meeting**  
**Live via Facebook@http://Facebook.com/lackawannany**

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Muflahi, Anderson, Moretti, Surdyke, Marrano  
Dept. Heads: Law, Comptroller, Recreation (E, attended caucus), Public Safety, Development, Public Works, Public Information

**Hearings from Citizens:**

**Approval of Minutes:** of the regular meeting of June 6, 2022 and special meeting of June 9, 2022.

Moved by Marrano seconded Anderson to adopt the minutes of both meetings as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Departmental Reports:**

1. **City Treasurer** – Cash Receipts Totals for May, 2022.
2. **City Clerk** – Monthly Revenue Report for May 2022.
3. **City Comptroller** – A/P Check Listing #38, dated May 31, 2022.
4. **City Comptroller** – A/P Check Listing #39, dated June 3, 2022.
5. **City Comptroller** – A/P Check Listing #40, dated June 10, 2022.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from the Council:**

**Requests Consideration and Implementation of Section 5-34 of the City Charter, “Enforcement of decorum, designation, duties of Sergeant – at - Arms.**

6. To: Jeffrey DePasquale, City Clerk

I’d like the following matters added to the June 21, 2022 Council meeting.

1. For the Council’s Consideration and possible implementation, the invocation of Section 5-34 of the City Charter, “Enforcement of decorum, designation, duties of Sergeant-at-Arms...The Council shall designate a Sergeant-at-Arms.
2. Under “Old Business”, request update from City Attorney;
  - a. proposed legislation addressing video conferencing option for Council members, and
  - b. mandatory Council response to State audit addressing “Garbage User Fees”.

Thank you,

**FREDERIC J. MARRANO, COUNCIL PRESIDENT**

Moved by Marrano seconded by Anderson to appoint Director of Public Safety to position of Sergeant-at-Arms.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from Division/Department Heads:**

**Requests Approval to Advertise for Bids for the Refurbishments of Three Basketball Courts.**

7. To: Honorable Council President  
Honorable City Council  
714 Ridge Road  
Lackawanna, NY 14218

Re: Basketball Court Refurbishment bids

Honorable Council Members:

I respectfully request permission for the Recreation Department to advertise for bids for the refurbishment of three (3) basketball courts located at Ludel, Victory and Bethlehem Park Playgrounds. The funding for this project is provided by SLFRF State and Local Fiscal Recovery Funds which is part of the American Rescue Plan Act.

Sincerely,

**BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION**

Moved by Marrano seconded by Surdyke to approve request, direct City Clerk to advertise for bids.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval for use of Veterans Stadium by the Lackawanna Fire Department Benevolent Association.**

8. To: Honorable Council President  
Honorable City Council  
714 Ridge Road  
Lackawanna, NY 14218

Honorable Members of City Council:

I am requesting your Honorable Body to allow the Lackawanna Fire Department Benevolent Association to utilize Veteran's Stadium at 2990 South Park Ave. to host their 100<sup>th</sup> annual Firefighter's Ball. The event will take place on August 6, 2022, from 1700-2300. The event will be catered by Dolce Amore, refreshments provided by Pretty Girls on the Rocks, Live music from DJ Milk, on-site portable trailer restroom, and a tent (to include tables/chairs) erected at the entrance to the stadium. LFD Benevolent Association has secured liability insurance for the event.

Thank you for your consideration.

Sincerely,

**BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION**

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval for LA Sports Club to Host a Chicken BBQ Fundraiser at Veterans Stadium.**

9. To: Honorable Council President  
Honorable City Council  
714 Ridge Road  
Lackawanna, NY 14218

Honorable Members of City Council:

The LA Sports Club is requesting permission to host a Chicken BBQ Fundraiser during their schedule Flag Football game at Veterans' Stadium on Sunday, July 17, 2022. The event will be catered by Wendel's BBQ, and is contingent on Wendel's BBQ providing proof of insurance. LA Sports Club already has valid insurance for Veterans' Stadium on file in my Department.

*Dear Honorable Council Members:*

*First we would like to thank you for the opportunity to review our request. We at LA Sports Club would like to request that we have access to Veterans Memorial Stadium for our LA Sports Club Flag Football Showcase BBQ Fundraiser we will be having at 7/17/2022.*

*We would like to request the approval to have Wendel's BBQ to cater the event for us at Veterans Stadium on this day. They will be cooking the BBQ chicken on site and then leaving as we prepare to serve dinner. We will be in the stadium from 9 am – 6 pm for flag football games and the fundraiser. We will provide the sports equipment as well as insurance for the field. Wendel's provides their insurance to cook the chicken on site for such event. We look forward to working together for this event in our community.*

*Sincerely,*

**DARRELL GLOVER, JR. PRESIDENT, LA SPORTS CLUB, INC.**

Sincerely,

**BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION**

**No Action Required, Director of Recreation Pulling Item.**

**Requests a Ninety (90) Day Moratorium be Placed on any New Business Registrations Involving Hall Rentals for Gatherings, Parties, Receptions Etc.**

10. To: Lackawanna City Council

Attn: Council President Frederic Marrano

Subject: Business Registrations

Honorable Council Members:

I respectfully request the City Council to place a ninety (90) day moratorium on any NEW business registration involving the use of properties in our city for the purpose of renting halls for gatherings, parties, receptions, etc.

Thank you for your anticipated cooperation in the above regard.

Respectfully,

**JOHN WOLF, DIRECTOR OF PUBLIC SAFETY**

Moved by Marrano seconded by Anderson to approve request, refer to City Attorney for further guidance.

Yeas: Anderson, Moretti, Surdyke, Marrano

No: Muflahi

Carried 4-1

**Requests Approval of Ordinance Transferring Funds for Fire Department Protective Equipment.**

11. To: Honorable Frederic J. Marrano, Council President

Honorable Members of the City Council  
714 Ridge Road  
Lackawanna, NY 14218

Dear Honorable Council Members:

In furtherance of the efforts of Mayor Annette Iafallo and Assemblyman Patrick Burke, attached please find DASNY "Grant Disbursement Agreement", which formalize the City of Lackawanna's receipt of \$160,000.00 to procure fire protective equipment in the form of turnout coats, turnout pants, boots, gloves, etc. Please note that we received said "Grant Disbursement Agreement" in May, 2022, approximately, and this Honorable Council has already authorized the release of a bid request in relation thereto.

Attached please find an *Ordinance* which transfers the grant award amount of \$160,000 from the General Fund's appropriated fund balance to the Capital Fund in relation to this project.

Upon completion of the project, the necessary paperwork will be completed and submitted to DASNY, which will allow the City of Lackawanna to be reimbursed in the amount of the grant award (\$160,000) and replenish its fund balance accordingly.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

**A copy of this information may be obtained by contacting the City Clerk's Office.**

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 18<sup>TH</sup>, 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 18<sup>th</sup>, 2021, is hereby amended to increase appropriations for their Capital Project entitled "**Fire Protective Equipment 2022 (DASNY)**".
- SECTION 2.** That the 2021-2022 Budget Ordinance is hereby amended to add \$160,000.00 to Budget Code A9000.9550 ("Transfer to Other Fund – Capital").
- SECTION 3.** That the 2021-2022 Budget Ordinance is hereby amended to appropriate \$160,000.00 of the City's Fund Balance.
- SECTION 4.** That the 2021-2022 Budget Ordinance is hereby amended to add \$160,000.00 to Budget Code H2080.0603 [ "**Fire Protective Equipment 2022 (DASNY)**"]".
- SECTION 5.** That the 2021-2022 Budget Ordinance is hereby amended to increase Budget Code H.0000.5031 ("Capital Fund Inter Fund Transfers") by \$160,000.00.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: June 22, 2022**

**Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Ordinance Transferring Funds for the Fire Training Facility.**

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

Dear Honorable Council Members:

In furtherance of the efforts of Mayor Annette Iafallo and Senator Timothy Kennedy, attached please find DASNY "Grant Disbursement Agreement", which formalize the City of Lackawanna's receipt of \$235,000.00 to construct a Fire Training Facility. Please note that we received said "Grant Disbursement Agreement" on or about June 02<sup>nd</sup>, 2022.

Attached please find an *Ordinance* which transfers the grant award amount of \$235,000 from the General Fund's appropriated fund balance to the Capital Fund in relation to this project.

Upon completion of the project, the necessary paperwork will be completed and submitted to DASNY, which will allow the City of Lackawanna to be reimbursed in the amount of the grant award (\$235,000) and replenish its fund balance accordingly.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

**A copy of this information may be obtained by contacting the City Clerk's Office.**

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 18<sup>TH</sup>, 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 18<sup>th</sup>, 2021, is hereby amended to increase appropriations for their Capital Project entitled "**Fire Training Facility 2022 (DASNY)**".

**SECTION 2.** That the 2021-2022 Budget Ordinance is hereby amended to add \$235,000.00 to Budget Code A9000.9550 ("Transfer to Other Fund – Capital").

**SECTION 3.** That the 2021-2022 Budget Ordinance is hereby amended to appropriate \$235,000 of the City's Fund Balance.

**SECTION 4.** That the 2021-2022 Budget Ordinance is hereby amended to add \$235,000.00 to Budget Code H2080.0603 [**"Fire Protective Equipment 2022 (DASNY)"]**".

**SECTION 5.** That the 2021-2022 Budget Ordinance is hereby amended to increase Budget Code H.0000.5031 ("Capital Fund Inter Fund Transfers") by \$235,000.00.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: June 22, 2022**  
**Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of Ordinance Amending the 2021-2022 Budget Ordinance Regarding Fire Station Alterations.**

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

Dear Honorable Council Members:

This Honorable Body adopted the Annual Budget for 2022-2023 on May 23<sup>rd</sup>, 2022.

Itemized in said 2022-2023 Budget (on page 29) is the following:

A new Budget Code:                   A.3410.0267  
Entitled:                                "Fire Station Alterations"  
Amount Budgeted                   \$180,000.00

To refresh this Honorable Body's recollection, said Budget Code was added to the 2022-2023 Budget to record the costs associated with alterations needed at Firehouse #2 (Abbott Road) to accommodate a new Fire Truck, delivery of which is expected in the 2022-2023 Budget Year.

The alterations were scheduled to commence on or after August 01<sup>st</sup>, 2022: in the 2022-2023 Fiscal Year. However, the Contractor approached the City of Lackawanna to inform us of anticipated, measurable cost increase – predicted to occur in July, 2022- involving certain materials that need to be purchased to complete the Firehouse alteration project.

In an effort to "lock-in" the price quoted in its proposal, the Contractor, WNY Galbo, Inc. has requested a \$15,000.00 deposit in relation to the masonry work that must be performed in relation to this project. WNY Galbo, Inc. is a respected contractor in good standing with the City of Lackawanna.

In a diligent effort to control the cost of this project, it is respectfully requested that the 2021-2022 Budget Ordinance adopted May 18<sup>th</sup>, 2021, be amended by the Honorable Body as follows:

- To add the new Budget Code of A.3410.0267 ["Fire Station Alterations"];
- To increase the amount budgeted to the new Budget Code of A.3410.0267 by \$15,000.00; and
- To reduce the amount budgeted to Budget Code A.1620.0443 [entitled "Buildings: Repairs and Replacements] by \$15,000.00.

Attached please find an Ordinance which sets forth the above-outlined actions.

Also, in support of the within request, attached please find the email received from WNY Galbo, Inc. dated 6/13/2022, together with their invoice [Number 369] dated June 13<sup>th</sup>, 2022, in the amount of \$15,000.00.

Please note that, once the total costs associated with the alteration project at Firehouse#2 are confirmed and/or paid, a further Ordinance will be prepared for this Honorable Body's review and consideration to move the unused, 2022-2023 budgeted funds remaining in Budget Code A.3410.0267 ["Fire House Alterations"] to Budget Code A.3410.0443 ["Repairs to Buildings and Equipment"].

Thank you for your kind attention in this respect.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

**A copy of this information may be obtained by contacting the City Clerk's Office.**

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 18<sup>th</sup>, 2021, is hereby amended to add Budget Code A.3410.0267, entitled "Fire Station Alterations", to the 2021-2022 Budget.

**SECTION 2.** That said 2021-2022 Budget Ordinance is hereby amended to add \$15,000.00 to Budget Code A.3410.0267 ["Fire Station Alterations"].

**SECTION 3.** That said 2021-2022 Budget Ordinance is hereby amended to reduce Budget Code A.1620.0443, entitled "Buildings: Repairs and Replacements", by \$15,000.00.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: June 22, 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 Ordinance Regarding Parking on Josie Street.**

14. To: Jeffrey DePasquale, City Clerk  
714 Ridge Road  
Lackawanna, New York 14218

Re: Josie Street No Parking Ordinance

Dear Mr. DePasquale:

Please put the attached ordinance on the agenda for council approval.

Very truly yours,

**RICHARD S. JUDA, JR., CITY ATTORNEY**

Moved by Surdyke seconded by Marrano to receive and file, act on ordinance.  
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

## **ORDINANCE**

### **AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall add the following:

102. Josie Drive

**On the east and west side:**

No parking at any time on the east and west side of Josie Drive between Martin Road and Shannon Drive Monday through Friday between 7:00 a.m. and 3:30 p.m.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: June 22, 2022**

**Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Submits Communication Regarding Concerns of Property Located on Cooke Street.**

15. To: City Council

Hello, At this time I still have not received any followup pertaining to my concern outside of our initial conversation. I have made an additional 4 telephone calls between the code enforcement office, specifically the voice-mail for Wanda Turner and an outreach to the mayor's office on June 9th, 2022. At this time, I am continuing to fill in holes caused by rodents burrowing under my fence and have started to incur expenses out of my own pocket filling in and attempting to prevent this. While I understand that this is allegedly a county issue, removal of these rodents is not addressing the root cause. I am also in jeopardy of losing a deposit made with a local landscaping company that will be coming in to remove my current lawn and replace with turf that has not been completed as I am waiting for this issue to be resolved.

I am again attaching updated photos of the garbage on the property and the latest repair to my yard that has taken place.

I am also requesting that this be attached to the city council agenda to be addressed. It is my understanding is per yesterday's emergency meeting, that resident's concerns will no longer be communicated at these meetings and only items on the agenda will be addressed. If there is something in writing that needs to be submitted, please provide these steps and I will have an attorney draft the appropriate letter.

Thank you very much in advance for any response that is provided.

Good Morning,

I am reaching out in regards to concerns at the property located directly next door to my home at 22 Cooke Street. While I understand that construction has been taking place on the property, there has been no progress in the past month. At this time, there are substantial amounts of building materials and garbage that have left since the last work was completed.

At this time, there are currently rodents that have made a home in these junk piles. And are entering my property by burrowing under my fence.

Since my wife have moved into our home this property has been an issue since the onset. We have done our part to improve our home and add value to the community around us. But we are seriously



questioning if this area is right for us as it feels like we live next to a garbage dump. I am sure that you can speak to that considering you were at my home to drop off a campaign flier.

I have attached photos for you reference.

Thank you,

**IAN SCHROEDER, RESIDENT**

Moved by Marrano seconded by Muflahi to receive and file, refer to the Director of Development for action.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Submission of Questions to the City Council.**

16. To: Jeffrey DePasquale

1. I would like an update on the question I ask at the last council meeting which were

(A) What is the council going to do about the signal light for Steelawanna I heard what was discuss I want to know what the council attend to do.

2. Why can't the city council cannot render a decision on any stores that are doing something that effect the citizens of Lackawanna such as what the city of Buffalo are doing to protect it citizens to just say we will take it under advisement is not a answer.

3. Regarding putting speed bumps on Gates Ave I need to know that council will not allowed Municipal Housing to put speed bump there

4. I would like to address the City Council Concerning the subject they brought up at the special meeting concerning public speaking and some of the things you were thinking of doing concerning citizens speaking.

Thank you

**JOHN INGRAM, RESIDENT**

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Consideration of Law Similar to that of NY CLSRPAPL 711#6.**

17. To: City Clerk

Hi Jeffrey,

I understand that to have an idea be brought before the Lackawanna City Council, you are the person to contact.

I would like a law of similar requirements, possibly with less burdensome provisions be enacted, like that of NY CLS RPAPL 711 #6. On the basis that as a city with a population under 100,000 it is not applicable to Lackawanna and it would not pose an undue burden on Lackawanna.

1. Possibly replace "Housing and Urban Renewal" with "Police Officer, Fire Marshal, Building Code Enforcement, or inspection report from National Fuel"?

2. Possibly also review if tenant is a known smoker with heightened risk, that the provision of an additional notice to cure be unnecessary? 3. Tenants can get \$100,000 in added liability insurance with their renters insurance for between \$5-\$20 a month. If it is necessary to soften my proposed wording changes, that could be used to soften the 2nd provision in some way. My goal is for this idea to be reviewed by the Common Council and City Attorney, and if benefit is found further action pursued. It is not a requirement that I speak, but I will be in attendance at the next City Council Meeting.

Sincerely,

**ERIKA SCHOENE, RESIDENT**

Moved by Marrano seconded by Anderson to receive and file, refer to City Attorney for follow-up.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval to Close Church Street for Kick Off of Summer Fest.**

18. To: Jeffrey DePasquale

Men in Action along with community volunteers are sponsoring the 1<sup>st</sup> Ward Kick Off The Summer Fest on Saturday July 2, 2022 on the grounds of Second Baptist Church from 1 to 4 pm.

The intergenerational event will include activities that will create increased foot traffic and we would like the one block on Church Street Closed from gates to Wasson Avenues for Safety reasons between 12 noon and 5 pm.

Thank you.

**KIM SMITH, RESIDENT**

Moved by Muflahi seconded by Marrano to approve request, refer to Director of Public Safety and DPW Commissioner.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Tabled Items:**

**Old Business:**

1. Update on proposed legislation addressing video conferencing for Council Members.
2. Mandatory Council Response to State audit addressing "Garbage User Fees."

**Adjournment:**

Moved by Marrano seconded by Muflahi to adjourn meeting.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 5-0