

Regular Council Meeting
Monday, August 15, 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, Public Safety, Development, Public Works, Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of July 11, 2022.

Moved by Marrano seconded Anderson to adopt the minutes of the regular meeting of July 11, 2022 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Treasurer** – Cash Receipts Totals for July, 2022.
2. **City Comptroller** – A/P Check Listing #44, dated July 13, 2022.
3. **City Comptroller** – A/P Check Listing #45, dated July 22, 2022.
4. **City Comptroller** – A/P Check Listing #46, dated July 29, 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 Division/Department Heads:

Requests Approval for Use of Franklin Playground by Global Concepts Charter School.

5. To: Honorable City Council President
Honorable City Council Members
714 Ridge Rd.
Lackawanna, NY 14218

Honorable Members of City Council:

I am requesting your Honorable Body to approve a request for use of Franklin Playground for use by the Global Concepts Charter High School Soccer Team. The Global Concepts Charter High School have used this field in years past with no issues of any sort. Proof of insurance will be provided.

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 Use of Memorial Field by the Gay Varsity Kickball League.

6. To: Honorable City Council President
Honorable City Council Members
714 Ridge Rd.
Lackawanna, NY 14218

Honorable Members of City Council:

I am requesting your Honorable Body to authorize lease agreement between the City of Lackawanna and Varsity Gay League for the use of Memorial Field on Ridge Rd. for use on each Monday between September 22, 2022 and November 10, 2022 for use by the Varsity Gay Kickball League.

Varsity Gay League has operated in the City of Lackawanna last with no issues of any sort. Varsity Gay League has provided proof of insurance through October 16, 2022 and will provided an updated certificate when it becomes available. Attached is a copy of the lease agreement between the City of Lackawanna and Varsity Gay League which is identical to last year's agreement except for updated dates. Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Memorandum of Understanding Between the City and CSEA Local 1000, Local 815-6775-02.

7. To: Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Hon. City Council:

The City Attorney requests that the City Council review the attached Memorandum of Understanding between the City and the CSEA Administrative Union. As you know Shannon Katra has been providing excellent service managing the city's website and the attached agreement provides her with added compensation for the additional work she has been providing. This amount has been already budgeted in the 2022-2023 fiscal year.

Additionally we are requesting the Council review the Memorandum of Understanding for Scott Hayes, who has assumed additional duties overseeing Code Enforcement at the City's request. The Mayor has been advised and is in agreement and requests the Council's authorization and approval to sign these Memorandums of Understanding.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Moved by Marrano seconded by Surdyke to approve stipend for the City Website Manager.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Moved by Marrano seconded by Surdyke to approve stipend for additional duties assigned to the Code Enforcement Officer.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of the Contract Between The City and Erie County for the Center Street Water Main and Road Maintenance.

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

Re: Contract between Erie County and City of Lackawanna
Center Street Water Main and Road Reconstruction

Dear Mr. DePasquale:

Please put the attached contract on the agenda for council approval. This contract supersedes the previous one. If you have any questions please contact Commissioner Tony DeSantis.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

9. Withdrawn

Requests Approval of Ordinance Amending Lackawanna Municipal Code Chapter 12, City Owned Real Estate.

10. To: Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Re: Sale and Disposition of City Owned Real Estate

Hon. City Council:

Attached is a proposed revision to the City ordinance dealing with the transfer of real estate owned by the City. I will discuss the changes with the council. The revised ordinance will allow the City to not only to sell real estate but also lease real estate if the circumstances are relevant.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 12, CITY-OWNED REAL ESTATE, DISPOSITION OF, OF THE CITY OF LACKAWANNA MUNICIPAL CODE.

BE IT ENACTED by the City Council of the City of Lackawanna, New York that the following Section 12-3, Paragraph A of the City Code Chapter shall be rescinded and replaced as follows:

Section 12-3 Powers of the City; ordinance providing sale of property.

A. The City has the power to sell, lease or dispose of its real property or any interest therein when no longer required for its purposes by enactment of an ordinance. Notwithstanding the

provisions of Paragraph (b) of Section 2 of Section 23 of the General City Law, or any special act, local law, or ordinance, the City Council may by ordinance approved by a vote of ¾ of all members of the City Council, sell or lease real property belonging to the City, which is not needed for a public purpose, to a particular purchaser for a negotiated sum determined by the City Council to be a fair price for said property, without the necessity of competitive bidding and upon such other terms and conditions as the City Council may deem appropriate. All other City owned real property may be sold by an ordinance approved by a majority vote of the Council and approve by the Mayor.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: August 16, 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 for the Sale of 7-19 Johnson Street.

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

Re: Proposed Sale of 7-19 Johnson

Hon. City Council:

The owner of 23 Johnson Street, Conrad Manke, has submitted an offer of \$2500.00 to purchase the city owned property located at 7-19 Johnson Street.

The following is information on this property and my recommendation:

The above property is 71 x 58 and landlocked

It is adjacent to 23 Johnson Street.

This property is City owned and has a private swimming pool on it for over 25 years owned by Mr. Manka. He was misled when he purchased the residence. The current assessment is \$4600.00

My professional recommendation is to sell the property for no the offer of \$2500

Very truly yours,

DEBORAH J SKULSKI-WAKELAM, CITY ASSESSOR

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Quote for the Proposed Conversion to the City-Wide Software Integrations Solution.

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

RE: ***Tyler Technologies – Enterprise ERP Cloud-based System***

Dear Council Members:

In furtherance of information shared previously relative to the implementation of a City-wide software integrations solution, attached please find an associated Quote.

Due to the urgency associated with this situation. I would ask that the Council please authorize revision (if necessary), execution and implementation of the proposed conversion.

An update relative to any contract revisions and funding information will be provided at the next scheduled Council meeting, or sooner, if desired.

Very truly yours,

LINDA M. HYBICKI, CITY COMPTROLLER

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval For List of City Officials to Attend the NYCOM Conference Annual Meeting.

13. To: Honorable Council President

Honorable City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Honorable Body:

The purpose of this correspondence is to seek approval from the City Council for the following individuals to attend the New York Conference of Mayors and Municipal Officials (NYCOM) Fall Training School:

Kevin Surdyke (Councilmember), Karl Anderson (Councilmember), Annette Iafallo (Mayor), Jeffrey DePasquale (City Clerk), Richard Juda (City Attorney), Lauren Jednak (Director of Development), Peggy Bigaj-Sobol (Assistant Comptroller), Linda Hybicki (Comptroller).

The school is scheduled from September 12th, 2022, through September 16th, 2022, and will be hosted at the Saratoga Hilton located in Saratoga Springs, New York.

The NYCOM tuition cost for each attendee is \$370.00; the hotel cost for each of the first five (6) attendees listed approximates \$1,308; the hotel cost for the Comptroller and Assistant Comptroller approximates \$981.00 each. In addition, mileage and toll costs will be incurred by each attendee.

Ample funds have been budgeted and are available in the respective Travel Allowance/Training accounts [i.e., A-1010-0464 (Council); A-1210-0464/0468 (Mayor); A.1315.0464 (Comptroller); A-1410-0464 (Clerk); A-1420-0464 (Law); and A-3620-0464/0468 (Development)].

Thank you for your consideration in this respect.

Very truly yours,

LINDA M. HYBICKI, CITY COMPTROLLER

Moved by Marrano seconded by Muflahi to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval for Inter-fund Transfer Between the General Fund and the Capital Fund for the "Dog Park – East Milnor" Project.

14. To: Honorable Frederic J. Marrano, President

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

RE: Capital Project: Dog park (East Milnor)

Dear Council Members:

Please approve an inter-fund transfer between the General Fund and the Capital Fund to segregate funds that have already been received for the Dog Park Project on East Milnor.

Attached please find the Resolution dated December 16th, 2019, that supports the within request. Please note that the outlays for the components outlined in said Resolution were satisfied in early 2020. An appropriate Ordinance effectuating this action is also attached for your review and consideration. Should you have any questions, please feel free to contact me at your convenience.

Very truly yours,

LINDA M. HYBICKI, CITY COMPTROLLER

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

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

BE IT ENACTED but 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 “Dog Park (East Milnor)”.

SECTION 2. That the 2021-2022 Budget Ordinance is hereby amended to transfer \$50,000.00 from Budget Code A0000.0710 (“Deferred Revenues”) to Budget Code A9000.9550 (“Transfer to Other Fund – Capital”).

SECTION 3. That the 2021-2022 Budget Ordinance is hereby Amended to increase Budget Code H.0000.5031 (“Capital Fund Inter Fund Transfers”) by \$50,000.00.

SECTION 4. That the 2021-2022 Budget Ordinance is hereby amended to add \$50,000.00 to Budget Code H2080.0203 [“Dog Park (East Milnor)”].

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: August 16, 2022

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval Allowing the Mayor to Sign and Execute the Proposal and Engagement Letter from EFPR Audit Group.

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

Dear Honorable Body:

The purpose of this correspondence is to seek approval from the City Council allowing Mayor Annette lafallo to execute the Proposal and Engagement Letter from EFPR Group, CPAs , which extends their audit engagement.

As set forth in the Proposal dated April 6th, 2022, the fee associated with EFPR Group's services in this respect total \$16,500 for the fiscal year ending July 31st, 2021.

Thank you for your kind consideration in this request.

Very truly yours,

LINDA M. HYBICKI, CITY COMPROLLER

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Use Dorrance Avenue for Annual Labor Day Parade.

16. To: Jeffrey DePasquale, City Clerk

City of Lackawanna
714 Ridge Road, Room 215
Lackawanna, NY 14218

Dear Mr. DePasquale,

The Buffalo Central Labor Council, AFL-CIO is an organization that represents over \$80,000 workers from many different unions and affiliates throughout Erie County. Each year we hold a Labor Day parade that includes marchers with banners, floats, marching bands, and includes the Erie County Sheriff's Mounted Patrol, along with many local politicians and local organizations. We enjoyed starting the parade in the City of Lackawanna last year and would love to again this year, with the City's permission.

Similar to last year, we would like to start our line up on Dorrance Avenue at 11 am, at or around Holy Cross Cemetery, and head onto McKinley Parkway to Red Jacket Parkway into Cazenovia Park, with the parade starting at 12 noon. We have worked with the City of Buffalo in organizing this event with great success year after year. We will file all petitions and permits that are required, including insurance and neighborhood notice. We will have staff along the parade route to insure safety and flow. I have included a brief drawing of the start location.

If any other information is needed, please let me know. We appreciate your consideration and look forward to adding the City of Lackawanna to our route again next year,

Thank you,

DENISE ABBOTT, PRESIDENT, BUFFALO CENTRAL LABOR COUNCIL

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Use Veteran's Stadium for Little Loop Football.

17. To: Honorable City Council Members

714 Ridge Road
Lackawanna, NY 14218

RE: Lackawanna Little Loop use of Veteran's Stadium for football and cheerleading practice

Dear Honorable Members of the City Council;

As president of the Lackawanna Little Loop football and cheerleading organization, I am writing to you requesting use of Veteran's Stadium for the purpose of practicing there.

Due to the size of our teams, we are requesting the use of Veteran's Stadium to conduct our practices from the period of September 5th, 2022, to November 11th, 2022.

I have provided all insurance information for you.

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

Sincerely,

KEVIN PAGLIEI, PRESIDENT

Moved by Muflahi seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits Communication Regarding Community Meetings.

18. To: Jeffrey DePasquale

Hello Mr. DePasquale,

My understanding is that there is a city hall meeting on the 15th and notice is needed the Wednesday prior to add to the agenda. I would like to request that there is unity between wards and representation of their constituents. My understanding is the 1st and 2nd ward have monthly community meetings, however other wards do not. I would like to encourage that the 4th ward also have monthly meetings to discuss concerns as well as discuss community unity topics. If this topic could be further discussed I would appreciate it. As this is my first time putting in a request, is there anything I need to do? What are the next steps?

Thank you for your guidance,

MARY D. KRSTEVSKI, RESIDENT

Moved by Marrano seconded by Surdyke to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits Communication Regarding Center Street Paving and Franklin Playground Water Park.

19. To: City Council

Hi, I would like to discuss Center Street paving as it has been sided for – 3 years. Also, discuss the possible water park on Franklin playground. I understand I was required to enter my concerns before next meeting, August 15, by Wednesday at noon.

Thank you,

TERESA WUTZ, RESIDENT

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits Communication Regarding Various Issues.

20. To; Lackawanna City Council

Please include these items on your agenda for August 15th, 2022

1. Besides the efforts being put forth by John Ingram former council person for the 1st Ward who else in city hall is actively working on the NFTA bus and shelter issue and what are the results
2. 3204 South Park is now abandoned...cars in the driveway, overgrown grass everywhere...boarded up. Right next to the Italian club...how hideous...Italian club I'm sure is disgusted.
3. What progress has been made on the New city hall bldg?
4. In January 2019 the city got a \$465 thousand dollar grant to fix Veteran's Stadium. It is now August 2022. Have any changes been made...any improvements?
5. The old McDonald's on Ridge near South Shore looks like there's been some activity there I'm hoping that it's not going to be another cell phone store can you advise on the status of that building?

6. What was the point in spending all that money to pave Electric Avenue only to have the water authority come in and dig up sections to replace valves? Did anyone think it would make sense to coordinate with the county for them to do that work before paving was done?

7. We have an officer that is dedicated to traffic and safety. Besides being on Route 5 and Ridge Road I would like to see the officer targeting some of the Residential areas for speeding and stop sign violations. This would generate revenue for the city. I've seen a vehicle or 2 or more use the center turning lane on South Park is a passing lane From Warsaw to Cleveland, blowing past every car that was in the right hand lane.

West Seneca is very effective in their speed enforcement on Ridge Road at the city line. I'm pretty certain that the city of Lackawanna could benefit from the same tactics.

Thank you for addressing these items on your agenda.

Respectfully,

FAITH K. GORDON, RESIDENT

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval for Use of Veteran's Stadium to Host Additional Vendors and Serving of Alcohol During Flag Football.

21. To: Community Board Members:

Hello, my name is Desmond L. Glover and I am the founder and I am also the organizer of Kodex sports training. Part of our mission is to build a local community to network with players and fans also to tap into the growing energy of one of the fastest growing sports in the area.

The sports fitness industry association (sfia) most recent participation report noted that flag football has grown to 6.8 million participants, up 23% in the previous 5 years, vs, rugby and other major team based sports. Our area needs to be part of this trend and we are bringing you this opportunity to help our local community.

Kodex elite training would like to host flag football tournaments at veterans stadium during the late summer and fall 2022. We would like to house this national attention and these national events to bring both 8 man flag football, as well as teams of 5 (coed) flag football to WNY.

The dates we are looking to acquire for the field are:

August 15, 22, 29, September 5, 12, 19, 26 and October 3, 10, 17, 24

Each event will run for 7 hours with a start time of 4:00 pm. Where we will be hosting are flag football event and would also like to host some local vendors and businesses to help the community network and come together from local clothing shop, to local food vendor and much more, along with we would like to inquire about the possibility of a beer/alcohol tent, that will be in a designated area with security. If we happen to entertain prime time hours we would be okay with having to use the field lights, we are a fully insured organization and all liability will be placed on us. We will maintain a clean crew to make sure we leave the field better than it was upon our arrival to maintain Lackawanna appearance.

Thank you in advance for your generosity and support.

If you have any questions fee free to contact me.

DESMOND L. GLOVER, PRESIDENT

Moved by Marrano seconded by Moretti to **TABLE** pending additional information.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits Communication Regarding Various Items.

22. To: Jeffrey DePasquale

These are the item

1. I would like for this Council to take a more active role concerning the NFTA bus shelter program for the citizens of Lackawanna. There is something this council and the mayor should be doing such as

A. Sending a letter to the NFTA director asking that the city of Lackawanna have a voice on the NFTA board which we have no one right now

B. Making sure the city of Lackawanna is informed in a timely manner if any changes in services which will affect our citizens we should not find out after the decision is already made which is always what happens. The Council must remind the NFTA that Lackawanna is a city not a town and should received the same respect as Buffalo.

2. I would like this City Council to not only give an update on the gas station on Ridge Road in the first ward which was started almost 4 years ago. I would like this council to make sure this does not continue to happen in our city where business come in say what they will be doing, and nothing is done but they continue to buy property like this property owner did.

3. The citizens would like to know when will the traffic light be put up on Steelawanna this should not take this long since you have already received the money.

JOHN INGRAM, RESIDENT

Moved by Marrano seconded Anderson to receive and file, refer to Director of Development and request Mayor Iafallo to reach out to NFTA officials regarding NFTA bus shelters.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits Communication Regarding Playground Located at the Senior Center.

23. To: City Clerk

Condition of playground property at Lackawanna Senior Center also condition of the play equipment and maintenance of said equipment.

DAVID WOZNIAK, RESIDENT

Moved by Marrano seconded by Anderson to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Dak V. Skulski, dba Skulski Motors (NYS inspection, repair, collision and sales), 3228 South Park Avenue.

Moved by Marrano seconded by Surdyke to **TABLE** request pending additional information.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Joshua Timm, dba 88 South Barbershop, (personal Care services), 1474 Abbott Road.

Moved by Marrano seconded by Anderson to approve Business License.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Carlos Naffziger-Brown, dba Buffalo Keyholders, LLC (Indoor Skate park), 2600 Hamburg Tpke.

Moved by Marrano seconded by Muflahi to approve request.

Yeas: Muflahi, Anderson, Surdyke, Marrano

No: Moretti

Carried 4-1

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by Moretti to adjourn meeting.
Yeas: Muflahi, Anderson, 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) 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