

Regular Council Meeting
Monday, November 7, 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 (E)

Hearings from Citizens:

Approval of Minutes: of the regular meeting of October 24, 2022.

Moved by Marrano seconded by Muflahi to adopt the minutes of the regular meeting of October 24, 2022 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **Treasurer** – Cash Receipt Totals for October, 2022.
2. **Comptroller** – A/P Check Listing #7, dated October 24, 2022.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Requests Approval of Resolution Regarding the Projects Proposed Through the Use of the CDBG Funds for 2023-2024.

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

Dear Honorable Body:

I am seeking City Council approval for the attached resolution regarding projects I have proposed through the use of Community Development Block Grant (CDBG) funds for 2023-2024.

A Public Hearing was held on October 31, 2022 seeking input from the community, our elected leaders and my thoughts regarding use of these funds. The minutes of that Public Hearing have been recorded by the City Clerk and made part of the record.

Your anticipated cooperation regarding this important matter is greatly appreciated.

Respectfully,
ANNETTE IAFALLO, MAYOR

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

Carried 5-0

**Public Hearing – CDBG Funding
October 31, 2022**

A public hearing was held on Monday, October 31, 2022 at 5:00 p.m. in the Council Chambers, 2nd floor, Lackawanna City Hall. The purpose of the public hearing was to provide citizens a chance to make known their views and/or written proposals on the City of Lackawanna’s selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program. Mayor Iafallo commenced the public hearing at 5:00 p.m.

Attendance:

Annette Iafallo, Mayor
Jeffrey DePasquale, City Clerk
Karl Anderson, 2nd Ward Council Member
Amira Muflahi, 1st Ward Council Member
Gail Nicholson, Mayor’s Secretary

Citizens present at hearing:

Faith Gordon	716-984-5323
Dean Otoka	716-825-0579
Wardell Spates	716-370-3789

Mayor Iafallo welcomed the attendees and gave a brief statement. Mayor Iafallo stated that as per the Municipal Home Rule Law, a Notice of Public Hearing was published in the Buffalo Business First newspaper, the official newspaper of the City of Lackawanna, on October 21, 2022, as well as the Official City Website and City Hall bulletin boards.

Comments from attendees:

Dean Otoka, resident – Would like to see some CDBG funds dedicated for the new sidewalks on Center Street, and other areas of the City, making the street more attractive for new homes. Mr. Otoka also would like to see some CDBG investment for the Lackawanna Public Library, specifically to the parking lot, and possibly the chimney, if inspection deems necessary.

Amira Muflahi, 1st Ward Councilmember – Suggested Wilmuth Avenue and/or Steelawanna Avenue as candidates for road reconstruction with CDBG funding. Ms. Muflahi also inquired as to whether curb replacement can be covered with CDBG funds.

There were no additional comments.

Mayor Iafallo adjourned the public hearing at 5:14 p.m.

JEFFREY P. DEPASQUALE, CITY CLERK, CITY OF LACKAWANNA

RESOLUTION for November 7, 2022, NO. 25, 2022

ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS

At the Regular Meeting of the Lackawanna City Council Erie County, New York, held at the Lackawanna City Hall, 714 Ridge Road, New York on the 7th day of November 2022 at 7:00 p.m. Eastern Prevailing Time, there were:

Present: Muflahi, Anderson, Moretti, Surdyke, Marrano

Marrano made the following Resolution and moved its adoption:

WHEREAS, following the Public Hearing of October 31, 2022, which was held at the Lackawanna City Hall for suggestions by the public for projects to be submitted for funding,

NOW THEREFORE BE IT RESOLVED, that the Lackawanna City Council submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2023-2024 grant cycle:

1st Priority - Wilmuth Avenue Milling and Paving requesting \$150,000 in CDBG funds with a cash match from the City of Lackawanna for \$23,266;

2nd Priority - Wilmuth Avenue ADA Curb Cuts & Manhole Realignment, requesting \$150,000 in CDBG funds with a cash match from the City of Lackawanna for \$125,610;

NOW THEREFORE BE IT RESOLEVED, that the Lackawanna City Council authorizes Mayor Annette Iafallo, to sign, submit, and execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG.

AND BE IT FURTHER RESOLVED THAT, the City of Lackawanna will provide the matching funds for Projects #1 and #2 using line item H.2080.0606.

Seconded by Muflahi and put to a vote this resulted as follows:

AYES: 5

NOES: 0

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval for the Sale of 2019 Abbott Road.

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

Re: Proposed Sale of 2019 Abbott Road

Hon. City Council:

The above proposed offer has been discussed with Mayor Iafallo. The owner of 4.5 Fisher Rd., 45 & 49 North Dr. has submitted an offer of \$33,000.00 to purchase the city owned property located at 2019 Abbott Rd.

The following is information on this property and my recommendation:

The above property is approx. 3.30 acres.

This property is City owned since 1998 and acquired through a county Rem foreclosure. The current assessment is \$33,000.00.

Very truly yours,

DEBORAH J. SKULSKI-WAKELAM, SOLE ASSESSOR

Moved by Marrano seconded by Surdyke to receive and file, **TABLE**, pending further information from the Law Department.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Award the Center Street Reconstruction Project to the lowest bidder, 716 Contracting, Inc.

5. Honorable Council,

After a conversation with Mayor Iafallo, and with the recommendation from CPL, I request the council to approve 716 Contracting Inc. for the Center Street reconstruction project because they were the lowest bidder.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

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

Requests Approval of Ordinance Creating Account Code "Wilmuth Ave. CDBG Project" and all Necessary Transfers.

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

Dear Honorable Body:

The attached Ordinance is being submitted at the request of Mayor Annette Iafallo for your review and consideration in relation to the new **"Wilmuth Ave. CDBG Project"**.

Said project involves two components: milling and paving; and curb cuts and the installation of ADA ramps on Wilmuth Avenue.

The attached Ordinance adds the Capital Account code to the 2022-2023 Budget and funds said code for the anticipated total cost associated with this project.

Although the City pays for the project upfront, the City will receive reimbursement through the CDBG Grant Program. It is estimated that the City's contribution towards this project will approximate \$150,000.00.

Thank you for your kind attention in this respect.

Very truly yours,

LINDA M. HYBICKI, COMPTROLLER

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCES ADOPTED MAY 23RD, 2022.

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

- SECTION 1.** That the 2022-2023 Budget Ordinance adopted May 23rd, 2022, is hereby amended to create an account code and allocate funds for the Capital Project entitled **“Wilmuth Ave, CDBG Project”**.
- SECTION 2.** That the 2022-2023 Budget Ordinance is hereby amended to add **\$449,476.00** to Budget Code **A9000.9550** (“Transfer to Other Fund – Capital”).
- SECTION 3.** That the 2022-2023 Budget Ordinance is hereby amended to appropriate \$449,476.00 of the City’s Fund Balance.
- SECTION 4.** That the 2022-2023 Budget Ordinance is hereby amended to add \$449,476.00 to Budget Code H2080.0606 (**“Wilmuth Ave, CDBG Project”**).
- SECTION 5.** That the 2022-2023 Budget Ordinance is hereby amended to increase Budget Code H.0000.2545 (“Capital Fund Inter Fund Transfers”) by \$449,476.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: November 9, 2022
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance that Increases the Number of Police Lieutenants from “4” to “6”.

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

Dear Honorable Body:

In furtherance of Mayor Annette Iafallo’s request, attached for your review and consideration please find an Ordinance, which: supports the Mayor’s request to adjust the hourly compensation rate for our Crossing Guards; and also supports the attached correspondence from the Director of Public Safety, John Wolf, dated October 27th, 2022.

The number of Lieutenants budget for in 2021-2022 were “5”; when the 2022-2023 budget was compiled, there were “4” active Lieutenants; thus, “4” Lieutenants were inadvertently budgeted for in the current budget year of 2022-2023. However, the Police Department did not intend to reduce the number of Lieutenants from “5” to “4” in the 2022-2023 Budget. In fact, at this point in time and in the light of the fact that the Lieutenants List is now available, the Police Department wishes to increase the number of active Lieutenants contained in the 2022-2023 Budget from “4” to “6”.

In addition, and also as outlined in the attached request of Public Safety Director, John Wolf, the Police Department wishes to decrease the number of Captains in the 2022-2023 Budget from “3” to “2”.

Also involving the Police Department Personal Service Budget for 2022-2023, Mayor Annette Iafallo wishes to increase the hourly salary for the Crossing Guards from \$9.00 per hour to \$15.00, effective as of August 1, 2022. In as much as the Crossing Guards are non-union employees, the adjustment of their

salary was overlooked during the 2022-2023 Budget process. The attached Ordinance addresses said oversight.

Please note that, upon information and belief, due to retirements within the Police Department in the 2022-2023 budget year, there are ample funds available in the Police Personal Services Budget Codes (A.3120.0101 and A.3120.0106) to accommodate Mr. Wolf's requested changes and adjust the hourly salary for our Crossing Guards.

Please note that the earnings of the Crossing Guards will be adjusted retroactively, back to August 1, 2022.

To: Lackawanna City Council

Attn: Council President Frederic Marrano

Re: Lieutenant/Captain Positions

Honorable Council Members:

I respectfully request City Council approve the following changes to the Police Department's rank and file. Increase the number of Lieutenants from 4 to 6 for account A.3120.0101 Personal Services – Lieutenants and decrease the number of Captains from 3 to 2 for account A.3120.101 Personal Services-Captains.

Thank you for your anticipated cooperation in the above regard.

Respectfully,

JOHN WOLF, DIRECTOR OF PUBLIC SAFETY

Thank you for your kind attention in this respect.

Very truly yours,

LINDA M. HYBICKI, COMPTROLLER

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 THE 2022-2023 BUDGET ORDINANCES ADOPTED MAY 23RD, 2022.

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

FOR THE GENERAL FUND

SECTION 1. That the 2022-2023 Budget Ordinance adopted May 23rd, 2022 is hereby amended relative to Budget Code "A.3120.0101" (Police Department Personal Services) as follows:

- to increase the number of Lieutenants from "4" to "6"; and
- decrease the number of Captains from "3" to "2"

SECTION 2. That the 2022-2023 Budget Ordinance adopted May 23rd, 2022, is hereby amended to increase the hourly rate of compensation for Crossing Guards included in Budget Code "A.3120.0106" (Police Department: Personal Services) from \$9.00 per hour to \$15.00 per hour, effective August 1, 2022.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: November 9, 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 Creating Budget Code for Adult Recreation – Vehicles.

8. To: Honorable Council President

Honorable City Council

714 Ridge Road

Lackawanna, NY 14218

Re: Adult Recreation: Vehicles (A.7620.0250)

Purchase of Senior Van

Dear Council Members:

At the request of Mayor Annette Iafallo, attached please find two (2) Ordinances for review and consideration by your Honorable Body.

The purpose of said Ordinance is to add Budget Code A.7620.0250 (“Adult Recreation: Vehicles”) to the 2021-2022 and 2022-2023 Operating Budgets.

As part of the 2021-2022 Budget Year close, funds were available for the transfer into the A.7620.0250 Budget Code to accommodate the purchase of a needed senior van. [Please note that the transfer requests in this respect are included in the 2021-2022 Year-End Budget Transfer Packet provided under separate cover].

The senior van was ordered in 2021-2022, but delivery is not expected until 2022-2023. The funds necessary to purchase said senior van involve a carryover of encumbered 2021-2022 Budgeted Funds.

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

Very truly yours,

LINDA M. HYBICKI, COMPTROLLER

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:

FOR THE GENERAL FUND

SECTION 1. That the 2021-2022 Budget Ordinance adopted May 18th, 2021 is hereby amended to add Budget Code A.7620.0250 (“Adult Recreation: Vehicles”) to accommodate the purchase of a senior van utilizing year-end transfer of budgeted funds (itemized separately).

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: November 9, 2022

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCES ADOPTED MAY 23rd, 2022.

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

FOR THE GENERAL FUND

SECTION 1. That the 2022-2023 Budget Ordinance adopted May 23rd, 2022, is hereby amended to add Budget Code A.7620.0250 ("Adult Recreation: Vehicles") to accommodate a carryover of encumbered 2021-2022 Budgeted Funds.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: November 9, 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 Regarding South Park and Ridge Road Allocation of Funds and Budget Code.

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

Dear Honorable Body:

The attached Ordinance is being submitted at the request of Mayor Annette Iafallo for your review and consideration.

At the September 6, 2022, City Council Meeting, Tony DeSantis, the Director of Public Safety, discussed the emergent need of repair and replace light poles in the vicinity of the South Park and Ridge Road Intersection.

During the September 6th, 2022, City Council Meeting, Mr. DeSantis explained that eleven (11) light poles needed to be replaced and three (3) poles needed to be repaired. This Honorable Body granted Mr. DeSantis' request and allowed for the emergent ordering of said poles (due to an estimated six-to-twelve week delivery receipt time).

The attached ordinance adds the Capital Account code to the 2022-2023 Budget and funds said code for the anticipated cost associated with this project (i.e., \$90,000.00).

Thank you for your kind attention in this respect.

Very truly yours,

LINDA M. HYBICKI, COMPTROLLER

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 2022-2023 BUDGET ORDINANCES ADOPTED MAY 23RD, 2022.

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

- SECTION 1.** That the 2022-2023 Budget Ordinance adopted May 23rd, 2022, is hereby amended to create an account code and allocate funds for the Capital Project entitled **“South Park and Ridge Road Lighting Project”**.
- SECTION 2.** That the 2022-2023 Budget Ordinance is hereby amended to add \$90,000.00 to Budget Code A9000.9550 (“Transfer to Other Fund – Capital”).
- SECTION 3.** That the 2022-2023 Budget Ordinance is hereby amended to appropriate \$90,000.00 of the City’s Fund Balance.
- SECTION 4.** That the 2022-2023 Budget Ordinance is hereby amended to add \$90,000.00 to Budget Code H2080.0607 (**“South Park and Ridge Road Lighting Project”**).
- SECTION 5.** That the 2022-2023 Budget Ordinance is hereby amended to increase Budget Code H.0000.2545 (“Capital Fund Inter Fund Transfers”) by \$90,000.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: November 9, 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 the Sale of 126 Steelawanna.

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

Re: Sale of 126 Steelawanna Ave. to Ali Saleh

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

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 property known as 126 Steelawanna Avenue, SBL 141.51-6-44 to Ali Saleh.
- SECTION 2. That the transfer is made for the sum of \$4,000.00 in cash to The City of Lackawanna.
- SECTION 3. That the purchaser/transferee shall be responsible for all expenses related to the transfer as set forth in Chapter 12, Section 11 of the City Code.
- SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: November 9, 2022
Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Designating the Planning Board as Lead Agency for the SEQR Full Environmental Assessment for Lehigh Soccer Field – Playground Enhancement Project.

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

Re: Lehigh Avenue Soccer Field

Dear Mr. DePasquale:

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

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 26, 2022

WHEREAS, the City of Lackawanna City Council has reviewed the SEQR Full Environmental Assessment For (EAF) Part 1, prepared by the City of Lackawanna Recreation Department for the Lehigh Avenue Soccer Field – Playground Enhancements Project; and

WHEREAS, the City Council hereby determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review Regulations; and

WHEREAS, the City Council determines that said Action is subject to review and approval by other involved agencies under SEQR Regulations.

WHEREAS, The City Council determines that the most appropriate agency to insure the coordination of this Action should be the City of Lackawanna Planning Board and will provide written notifications to involved agencies, for the purpose of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Lackawanna City Council hereby declares its intent and hereby designates the Planning Board as Lead Agency for this Action.

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Director of Development is directed to provide notice hereof to all involved and any interested agencies seeking their agreement in writing.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

**Dated: November 7, 2022
Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Jeanette Gallardo, dba Loopsee Unique Corporation, 1288 Electric Avenue.

Moved by Muflahi seconded by Anderson to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Melissa L. Irizaery, dba MLI Artistry Brows, 179 Ridge Road.

Moved by Muflahi seconded by Anderson to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Old Business:

Adjournment:

Moved by Marrano seconded by Muflahi 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.

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