

Regular Council Meeting
Tuesday, January 3, 2023
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 (E), Comptroller, Recreation, Public Safety, Development, Public
Works, Public Information (E)

Hearings from Citizens:

Approval of Minutes: of the regular meeting of December 19, 2022.

Moved by Marrano seconded by Anderson to adopt minutes of the regular meeting of December 19, 2022 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Departmental Reports:

1. **Comptroller** – A/P Check Listing #15, dated December 16, 2022.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Communications from the Council:

Requests Approval of the Council Voting Order for 2023.

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

Dear Colleagues:

I request the following voter order of the Lackawanna Ciy Council for 2023 be as follows:

First Ward, Second Ward, Third Ward, Fourth Ward, Council President.

Your anticipated approval is appreciated.

FREDERIC J. MARRANO, COUNCIL PRESIDENT

Moved by Muflahi seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Communications from Division/Department Heads:

3. To: Honorable Council President
 Honorable City Council Members
 714 Ridge Road

Lackawanna, NY 14218

Dear Honorable Body,

The following resolutions require City Council action at the Regular/reorganization Council meeting on January 3, 2023.

Council President Pro-Tempore 2023

City Council Meeting Dates 2023

Official Newspaper of the City of Lackawanna 2023

Thank you for your anticipated cooperation.

Respectfully,

JEFFREY P. DEPASQUALE, CITY CLERK

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION No. 1, 2023

Whereas, Chapter 3, Section 3.5 of the Charter of the City of Lackawanna provides that the City Council may elect from its members, a Council President Pro-Tempore who shall serve in the event of the Council President's absence or disability; and

Whereas, the Council President Pro-Tempore, selected by the City Council, shall serve as Council President Pro-Tempore for the term of one year, expiring on December 31, 2023,

Now, Therefore, Be it Resolved, that Council Member Kevin R. Surdyke, Council Member of the 4th Ward, be and hereby is selected and appointed to be Council President Pro-Tempore for the year 2023.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2023

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION No. 2, 2023

Whereas, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council; and

Whereas, the City Council is desirous of complying with the Charter of the City of Lackawanna and the Open Meetings Law of the State of New York;

Be it resolved, the following meeting dates for the City Council meetings for the year 2023 shall be as follows:

Tuesday, January 3 – Reorg. Meeting

Tuesday, January 17 (MLK Day)

Monday, July 10

Monday, August 14

Monday, February 6
Monday, February 27
Monday, March 13
Monday, March 27
Tuesday, April 11
Monday, April 24
Monday, May 8
Monday, May 22
Monday, June 5
Tuesday, June 20

Tuesday, September 5 (Labor Day)
Monday, September 25
Tuesday, October 10
Monday, October 23
Monday, November 6
Monday, November 20
Monday, December 4
Monday, December 18

Be it further resolved, that all Council meetings shall be held in Lackawanna City Hall unless otherwise deemed by the City Council; and

Be it further resolved, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, on the Council bulletin and in the City Clerk's Office.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2023
Lackawanna, New York

Moved by Marrano seconded by Anderson to adopt resolution as written.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION No. 3, 2023

Whereas, Chapter 2, Section 2.9 of the City Charter of the City of Lackawanna by resolution, designates a newspaper having general circulation and published within the City to serve as the "Official Newspaper" of the City.

Now therefore be it resolved, that the Buffalo Business First, 465 Main Street, Suite #100, Buffalo, NY 14203, is hereby designated as the official newspaper for the City of Lackawanna for the year 2023.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2023
Lackawanna, New York

Moved by Marrano seconded by Surdyke to adopt resolution as written.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Budget Ordinance Increasing the Budget Revenues and Appropriations Regarding Proceeds from the Sale of Old Fire Equipment.

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

Dear Honorable Body:

In furtherance of Mayor Annette Iafallo's directive, please accept this correspondence in support of the Fire Department's request concerning proceeds realized from the sale of old fire equipment.

To refresh Council's recollection, at the City Council Meeting held on October 24th, 2022, the rules were waived relative to this matter. Attached please find a copy of the following documents, which were presented and/or generated in conjunction with said Council Meeting:

- The letter of request from Chief Fino dated September 28th, 2022;
- My letter dated October 19th, 2022, advising that an Ordinance would be prepared subsequent to the sale of said equipment; and
- The "*Certification of Action Taken at Council Meeting*", which documents this Honorable Body's approval of Chief Fino's request.

In follow-up, attached please find the following for Council's review and consideration:

- The letter of Chief Fino dated December 20th, 2022, confirming the amount received from the sale of said equipment, i.e. \$1,704.00;
- A supporting Ordinance outlining the increase of budgeted funds, as follows:
 - Revenue: Budget Code A.2770 ["Unclassified Revenue"]; and
 - Expenditure: Budget Code A.3410.0253 ["Fire Department: Emergency Equipment"].

Thank you for your kind consideration in this respect.

Very truly yours,

LINDA M. HYBICKI, CITY 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 increase the budgeted revenues and appropriations in recognition of proceeds received from the sale of old fire equipment.
- SECTION 2.** That the 2022-2023 Budget Ordinance is hereby amended to increase the amount budgeted to revenue code A.2770, entitled "Unclassified Revenue", by \$1,704.00.
- SECTION 3.** That the 2022-2023 Budget Ordinance adopted May 23rd, 2022, is hereby amended to increase the amount budgeted to expenditure code A.3410.0253, entitled "Fire Department: Emergency Equipment" by \$1,704.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2023
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Waseem el Waseem, dba The Villa Banquet (Banquet Center), 1830 Abbott Road.

Moved by Muflahi seconded by Marrano to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval for Waive the Rules Regarding: Overtime December Snow Storm.

Moved by Marrano seconded by Anderson to receive and file communications from Mayor Iafallo and City Attorney Rick Juda.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Moved by Marrano seconded by Surdyke to waive the rules.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Approving Overtime Pay for Certain City Employees During the December, 2022 Snow Storm.

To: **HONORABLE MEMBERS OF THE CITY COUNCIL**

Re: December, 2022 Snow Storm

Onset: 12/23/2022

Due to the State of Emergency situation arising out of the December, 2022 Snow Storm, budgeted funds must be allocated to record overtime worked during the above-referenced time frame for certain personnel.

The establishment of new accounts to track expenses for reimbursement purposes [FEMA is offering state-of-emergency reimbursement related to the storm] has already been accomplished in association with the November, 2022 Snow Storm.

Due to the required actions that I directed and authorized throughout the state-of-emergency pursuant to the powers vested in me by New York State Executive Law, please be advised that the individuals listed below worked the hours indicated above and beyond their normal work day hours.

Although the individuals listed below do not typically receive overtime compensation, pursuant to the authority vested in me by the Executive Law of the State of New York, I hereby request authorization to compensate the following individuals for their exemplary service to the City of Lackawanna in our efforts to restore safety and order throughout the duration of the storm

Administrative Department	Employee	OT Hrs Worked	Regular Rate	Regular Comp.	Overtime Rate	Overtime Comp.	Comp. Requested by Mayor
Public Safety	John Wolf	55	\$33.65	\$1,850.75	\$50.48	\$2,776.40	\$2,776.40
Purchasing	T. Nicometo	35	\$38.36	\$1,342.60	\$57.54	\$2,013.90	\$2,013.90
DPW	Greg Kowalik	78	\$33.41	\$2,605.98	\$50.12	\$3,909.36	\$3,909.36
DPW	Mark Friend	45	\$30.29	\$1,363.05	\$45.43	\$2,044.35	\$2,044.35
DPW	Chris Druz bik	79	\$36.30	\$2,867.70	\$54.45	\$4,301.55	\$4,301.55

DPW	Anthony DeSantis	78	\$41.83	\$3,262.74	\$62.74	\$4,893.72	\$4,893.72
Subtotals		370		\$13,292.82		\$19,939.28	\$19,939.28

Under the FEMA guidelines, a fringe component is allowed to be added to the overtime compensation claimed in relation to this state-of-emergency. The specific guidelines from FEMA in this respect are pending, but, upon information and belief, the maximum fringe benefit that will require funding and allocation between the respective newly created budget codes is \$11,672.45, bringing the total compensation amount requested for the above-itemized employees to \$31,611.73.

In association with the November, 2022 Snow Storm, the City Attorney submitted information for review and consideration by the Honorable Body relative to the legalities associated with the within request. Also, the City Comptroller is submitting a supporting Ordinance for review, consideration and approval by this Honorable Body.

Thank you in advance for your anticipated cooperation.

ANNETTE IAFALLO, MAYOR

Memo to City Council

From: City Attorney

Re: Overtime – December Snow Storm

On behalf of the Mayor the undersigned requests that the City Council entertain the attached ordinance and resolution to cover the most recent December snow storm.

RICHARD S. JUDA, JR., CITY ATTORNEY

RESOLUTION NO. 4, 2023

WHEREAS, Section 90 of the New York State General Municipal Law authorizes the City Council of the City of Lackawanna, New York to approve overtime pay to certain employees including non-bargaining unit employees; and

WHEREAS, the Mayor has provided the Council with a list of non-bargaining unit employees who worked evenings, weekends and other wise during time off as a result of the recent December snow storm; and

WHEREAS, the Mayor has requested that the Council approve certain overtime pay to those non-bargaining unit employees;

NOW, THEREFORE, BE IT

RESOLVED, that the City Council hereby approves overtime pay to the individuals filling the positions identified in the attached Schedule A in accordance with the number of hours worked and the rate of pay set forth on said Schedule opposite their respective job title.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2023

Lackawanna, New York

Moved by Marrano seconded by Anderson to adopt resolution as written.
 Yeas: Anderson, Moretti, Surdyke, Marrano
 No: Muflahi

Carried 4-1

SCHEDULE A TO RESOLUTION NO. 4, 2023

Administrative Department	Employee	OT Hrs Worked	Regular Rate	Regular Comp.	Overtime Rate	Overtime Comp.	Comp. Requested by Mayor
Public Safety	John Wolf	55	\$33.65	\$1,850.75	\$50.48	\$2,776.40	\$2,776.40
	Thomas						
Purchasing	Nicometo	35	\$38.36	\$1,342.60	\$57.54	\$2,013.90	\$2,013.90
DPW	Greg Kowalik	78	\$33.41	\$2,605.98	\$50.12	\$3,909.36	\$3,909.36
DPW	Mark Friend	45	\$30.29	\$1,363.05	\$45.43	\$2,044.35	\$2,044.35
DPW	Chris Druz bik	79	\$36.30	\$2,867.70	\$54.45	\$4,301.55	\$4,301.55
	Anthony						
DPW	DeSantis	78	\$41.83	\$3,262.74	\$62.74	\$4,893.72	\$4,893.72
Subtotals		370		\$13,292.82		\$19,939.28	\$19,939.28

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 transfer funds in the amounts reflected below concerning administrative employee overtime in relation to the December, 2022 Snow Storm State of Emergency, as follows:

SECTION 2. That the 2022-2023 Budget Ordinance is hereby amended to increase the amount budgeted for said Codes, as follows:

New Budget Code Department/Title	New Budget Account Code (**)	Allocated Budget Amount
Purchasing: Overtime (FEMA)	A.1345.0108	\$3,192.84
Public Safety: Overtime (FEMA)	A.3010.0108	\$4,401.70
Maintenance of Streets: Overtime (FEMA)	A.5110.0108	\$24,017.19
Total		\$31,611.73

**If necessary, the budget codes will be adjusted to conform with any mandates set forth in any FEMA guidelines received.

SECTION 3. That the 2022-2023 Budget Ordinance is hereby amended to transfer unappropriated fund balance in the total amount to \$31,611.73 to the above itemized Budget Codes.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2023
Lackawanna, New York

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

Yeas: Anderson, Moretti, Surdyke, Marrano

No: Muflahi

Carried 4-1

Requests Approval of Resolution Requesting National Fuel Gas to Make Immediate Repairs to Defective Gas Supply Lines on Cloverleaf Avenue, Fairmont Drive and Part of Elmview Avenue.

To: City Council President
City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Colleagues,

Since the rules have been suspended for another matter, I respectfully ask for your support for the attached resolution calling on National Fuel Gas to immediately make all necessary repairs to their gas supply equipment, specifically on Cloverleaf Avenue, Fairmont Drive and part of Elmview Avenue.

During the recent December Blizzard, several residents on those streets were without heat due to a gas supply issue. It was determined that the gas supply lines in that area are defective, resulting in water getting into the lines and causing them to freeze.

To address this issue, some residential gas meters were replaced by National Fuel Gas, but that did not completely resolve the issue. I would like to see National Fuel make all necessary repairs immediately so as to avoid the loss of gas supply to these homes this winter.

I appreciate your cooperation with this matter.

Respectfully,

DEAN J. MORETTI, 3RD WARD COUNCIL MEMBER

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 5, 2023

Whereas, the recent December Blizzard wrecked havoc in Western New York, including the City of Lackawanna; and

Whereas, some residents that reside in the Third Ward, specifically Cloverleaf Avenue, Fairmont Drive and parts of Elmview Avenue had no heat in freezing weather conditions for an extended period of time; and

Whereas, this condition was caused by defective gas lines owned by National Fuel Gas; and

Whereas, water entered the defective gas line, causing it to freeze and become non-effective, which resulted in the loss of gas service to the residents of Cloverleaf Avenue, Fairmont Drive and a portion of Elmview Avenue in sub-freezing weather conditions; and

Whereas, National Fuel Gas, to their credit, attempted to remedy the problem by replacing residential gas meters at the affected residences, only to realize this did not fully resolve the problem with issues

pertaining to the gas supply service, with residents still having issues with gas supply to their homes due to defective gas supply lines;

Now, therefore be it

Resolved that the City Council of the City of Lackawanna is calling on National Fuel Gas to make all necessary repairs to their supply lines and meters so that gas will continue to be supplied, without interruption, to these affected residents; and

Be it Further Resolved that the City Council of the City of Lackawanna is calling on National Fuel Gas to make these needed repairs IMMEDIATELY so that the residents do not go without gas service for any period of time this winter.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2023
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt resolution as written, City Clerk to forward a copy of resolution to National Fuel Gas and local elected representatives.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded et el to adjourn meeting in memory of Beverly Mazur, a pillar in our community.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0