

**Regular Council Meeting**  
**Monday, March 27, 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 (E), Surdyke, Marrano**  
**Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development, Public Works (E), Public Information**

**Hearings from Citizens:**

**Approval of Minutes:** of the regular meeting of March 13, 2023.

Moved by Marrano seconded by Surdyke to adopt minutes of the regular meeting of March 13, 2023 as written.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Departmental Reports:**

1. **Comptroller**– A/P Check Listing #28, dated March 10, 2023.
2. **Comptroller** – A/P Check Listing #29, dated March 16, 2023.

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

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Communications from Division/Department Heads:**

**Requests Approval of Agreement Between the City and University Medical Services.**

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

Re: Agreement between the City and University Medical Services

Dear Mr. DePasquale:

Please put the attached contract on the agenda for Council approval.

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 Muflahi to approve request.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Requests Approval of Ordinance Authorizing the Sale/Transfer of a 2.13 Acre Parcel at 2019 Abbott Road.**

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

Re: Sale of 2.13 Acre Parcel at 2019 Abbott Road

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, Surdyke, Marrano

Carried 4-0

**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 part of vacant lot, SBL 151.08-10-1 to North Fisher Properties LLC. Being a parcel of land approximately 2.13 acres.

SECTION 2. That the transfer is made for the sum of \$33,000.00 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 including an appropriate reversion clause.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: March 28, 2023  
Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Communication Regarding TABLED Agenda Items (Not Acted Upon) Over 90 Days Which are Null and Void**

5. To: Honorable Council President  
Members of the City Council

714 Ridge Road  
Lackawanna, NY 14218

Dear Council Members:

The policy established by the City Council on May 20, 1991, directs that all tabled items not acted upon within 90 days be deemed null and void and to be resubmitted to the City Council to be received and filed. I respectfully submit the following tabled agenda item(s) over 90 days for Council review:

<u>Meeting Date</u>	<u>From</u>	<u>Regarding</u>
11/7/2022 - #4	Assessor	Sale of 2019 Abbott Road to Jason Szpara

Respectfully submitted,  
**JEFFREY P. DEPASQUALE, CITY CLERK**

Moved by Marrano seconded by Surdyke to receive and file.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Requests Approval for the Hiring of Holly Ann Leohr for the Position of Bingo Inspector.**

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

Dear City Council Members,

I respectfully request your honorable body's authorization to appoint Holly Ann Leohr, 53 Teresa Drive, Lackawanna, NY 14218, to the position of bingo inspector, effective immediately.

Your honorable body recently approved the hiring of two bingo inspectors, resulting in one additional opening to fill. This appointment will satisfy the number of bingo inspectors necessary to satisfy the requirements entrusted upon the Clerk's Office by the New York State Gaming Commission.

Ms. Leohr's annual salary will be on a per diem basis, \$100.00 per bingo inspection, not to exceed 16 inspections per year. Her appointment shall expire December 31, 2026.

Thank you for your time and consideration with this matter.

Respectfully,

**JEFFREY P. DEPASQUALE, CITY CLERK**

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Requests Approval of the Bid and to Award the 2023 Lawn Mowing/Landscaping Contract to Snowplow Doctor.**

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

Honorable Members of the City Council:

I am requesting your Honorable Body to award the 2023 grass cutting bids for all four wards in the City of Lackawanna to the Snowplow Doctor, 180 Lehigh St., Lackawanna, NY 14218. Snowplow Doctor has provided the highest quality service to the City of Lackawanna for the past four years. Snowplow Doctor has provided adequate proof of insurance coverage.

The cost for the services provided by Snowplow Doctor is as follows:

First Ward \$441.00 per cut  
Second Ward \$447.00 per cut  
Third Ward \$394.00 per cut  
Fourth Ward \$546.00 per cut

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, Surdyke, Marrano

Carried 4-0

**Requests Approval of the Ordinance Funding the “Splash Pad” Capital Project.**

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

Dear Honorable Body:

In furtherance of Mayor Annette Iafallo’s directive, a letter of request is forthcoming from the Director of Development to fund the “Splash Pad” Capital Project.

An Ordinance outlining the budget transfers necessary to address the costs associated with said project is attached for Council’s review, consideration and approval.

*Honorable Council President*

*Honorable City Council*

*714 Ridge Road*

*Lackawanna, NY 14218*

*RE: Franklin Playground Splash Pad Project*

*Dear Honorable Body,*

*As directed by the Mayor, the Director of Development requests Council Approval to fund the Franklin Park Spray Park budget in the amount of \$1,428,117.55. This project is funded with \$1,319,111.00 in grant awards.*

*The City’s share of this project amounts to \$109,006.55.*

*Should you require any additional information please contact me at (716) 827-6421.*

*Respectfully,*

**LAUREN M. JEDNAK, DIRECTOR OF DEVELOPMENT**

Thank you for your kind consideration in this respect.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

Moved by Anderson seconded by Muflahi to **TABLE** pending further information.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Requests Approval of Ordinance Transferring Funds to the Fire Department Consulting Fees Budget.**

9. 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 request from Fire Chief James Fino concerning a budget transfer to fund the Fire Department's Consulting Fees budget code in the amount of \$7,000.00 to accommodate expenses related to medical director and grant writer expenses.

A copy of Fire Chief's directive in this respect is attached for Council's review and consideration.

*Hello Linda,*

*I am requesting a transfer of funds in the amount of \$7,000.00 to cover the cost of the medical director and the cost for the grant writer filing for the SAFER grant. These funds will come from account 3410.0467 Training Schools and transferred to account 3410.0469 Consulting. If you could put an ordinance in for the March 27 council meeting. The agreement for the medical director will also be put on the March 27<sup>th</sup> council agenda by Rick. Any questions please feel free to reach out.*

*Thanks,*

**JAMES FINO, FIRE CHIEF**

Thank you for your kind consideration in this respect.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

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

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

## **ORDINANCE**

### **AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCES ADOPTED MAY 23, 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 23<sup>rd</sup>, 2022, is hereby amended to accommodate a General Fund transfer of funds in the amount of \$7,000.00 related to medical director and grant writer expenses incurred by the Fire Department, as follows:
- SECTION 2. That the 2022-2023 Budget Ordinance is hereby amended to transfer \$7,000.00 from Budget Code A.3410.0467 ("Training Schools – Fire Department").
- SECTION 3. That the 2022-2023 Budget Ordinance is hereby amended to transfer \$7,000.00 into Budget Code A.3410.0469 ("Fire Department Consulting Fees").

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: March 28, 2023**

**Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Requests Approval of Ordinance Transferring Funds for the Repair of Traffic Signals at South Park and Sharon Parkway; and Abbott Road and Elmview Avenue.**

10. 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 Commissioner of Public Work's request concerning the emergent repair of traffic signals at: (a) South Park and Sharon Parkway; and (b) Abbott Road and Elmview Avenue.

To refresh Council's recollection, at the City Council Meeting held on October 24<sup>th</sup>, 2022, the Commissioner of Public Works requested approval to perform said emergent repairs.

In follow-up, attached please find an ordinance outlining the budget transfer necessary to address the cost associated with said emergent repairs.

Thank you for your kind consideration in this respect.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

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

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**ORDINANCE**

**AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCES ADOPTED MAY 23, 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 23<sup>rd</sup>, 2022, is hereby amended to account for emergency traffic signal repairs at: (a) South Park and Sharon Parkway; and (b) Abbott Road and Elmview Avenue.
- SECTION 2. That the 2022-2023 Budget Ordinance adopted May 23<sup>rd</sup>, 2022, is hereby amended to increase the amount budgeted to expenditure code A.5132.0443, and entitled "City Garage: Repairs and Replacements" by \$181,228.11.
- SECTION 3. That the 2022-2023 Budget Ordinance is hereby amended to transfer unappropriated fund balance in the total amount of \$181,228.11 to the above itemized Budget Code.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**Dated: March 28, 2023  
Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Communications from Citizens:**

**Requests Approval for use of the Senior Center and Bocce Court Building for the School Board Election on May 16, 2023.**

11. To: Jeffrey DePasquale

Dear Mr. DePasquale:

On behalf of the Lackawanna Board of Education, I am asking if space could be made available for our upcoming May 16, 2023 School Board Election in your hall/building (Senior Center and Bocce Court).

The election will be held on Tuesday, May 16, 2023 between the hours of 12 noon and 9:00 p.m. Inspectors working would need access to said building/hall at 11:00 a.m.

I will confirm a date and time of delivery and pickup of voting machines as the date approaches and the School District will pay \$100.00 for the space being used.

I thank you in advance for your cooperation.

Sincerely,

**AMBER ILLG, BOARD CLERK**

Moved by Marrano seconded by Muflahi to approve request.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Business Registration:**

Francesca Goodwin, dba Buffalo Clinical Lab, 2731 South Park Avenue.

Moved by Marrano seconded by Anderson to approve Business Registration.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Tabled Items:**

Moved by Marrano seconded by Surdyke to remove the (2) items **TABLED** at the regular meeting March 13, 2023 – Class I Entertainment Licenses.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Entertainment Licenses:**

**The Pour House Sports Bar, 2847 South Park Avenue, Class 1 Entertainment License.**

Dear City Council Members,

This letter is to address the hold on our Class I Entertainment license for mechanical reproduction/live music and the concern of recent issues at our establishment.

First, we should like to start off with the acknowledgement of the rise in police calls in the last year. Our mission is to provide a safe and entertaining venue for which people can come to relax and enjoy a beverage amongst friends and neighbors. In order to provide this to our patrons we have instituted new regulations including, but not limited to, door checks, hired security guards and a strict no tolerance

policy. Since implementing these new procedures 5 weeks ago, we have not had any complaints made to the City of Lackawanna Police Department.

Secondly, parking for our customers has always been a bit of an issue, not just for our business, but the business that came before us in this location. With the increase in business, we have had to overcome the obstacle of increased vehicles. We have reached out to the Mayor of Lackawanna who is graciously allowing us to use the parking lot across the street, currently designed for the Knights of Columbus. To prevent congestion down Maple Grove, we posted signs inside the bar, as well as advertised on social media platforms, encouraging customers to park in this designated area to free up on street parking for our neighbors.

The final concern documented in your letter discusses the noise complaints. We have taken these complaints as constructive criticism and have made sure to keep our music indoors to a more reasonable level. We want to bring live music to the community for the benefits as much as the profits. Music exposes new cultures, allows people to express themselves while bringing people together and gives out local artists a chance to be heard. That being said, we have a plan in place to ensure that when we have live music outdoors, that it is during reasonable hours and always finished by 11 p.m. so that we are compliant with the noise ordinance. We have even replaced our doors and windows to ensure that we have a more sound proofed building.

Finally, we want to assure everyone that we are taking issues seriously and will adjust and enforce new rules and regulations as needed. We are simply looking to run a successful and respectable business. Thank you for your time and consideration.

**DAVID HASTREITER, OWNER AND OPERATOR**

Moved by Marrano seconded by Anderson to approve Class I Entertainment License for The Pour House Sports Bar, 2847 South Park Avenue, as long as they abide by the terms and conditions they have proposed in their letter to the Council.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

**Ice House Pub, 715 Ridge Road, Class I Entertainment License.**

To: Jeffrey P. DePasquale

RE: Entertainment License

To minimize the complaints about the loud music that we had complaints about, I contacted the vendor and he set the outside speakers to 5% and they will not go above that.

With the volume from the jukebox being lowered, that should eliminate the complaints about the noise.

Any questions, please feel free to contact me.

Sincerely,

**LANETTE M. WELCH, OWNER**

Moved by Marrano seconded by Anderson to approve Entertainment License for Ice House Pub, 715 Ridge Road, as long as they abide by the terms and conditions they have proposed in their letter to the Council.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

[Old Business:](#)



**Adjournment:**

Moved by Marrano seconded et al to adjourn meeting in memory of Stanly "Chipper" Amrozowicz, Jr.  
Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0