

Regular Council Meeting
Monday, May 8, 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, Comptroller, Recreation, Public Safety, Development, Public Works, Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of April 24, 2023.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of April 24, 2023 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check listing #33, dated 4/4/2023 – 4/6/2023.
2. **City Comptroller** – A/P Check listing #34, dated 4/10/2023 – 4/13/2023.
3. **City Comptroller** – A/P Check listing #35, dated 4/14/2023 – 4/21/2023.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Requests Approval for the City Comptroller, Assistant City Comptroller and the Mayor to Attend the NYCOM Conference May 17-19, 2023.

4. To: Honorable Council President
Honorable Council Members

Dear Honorable Body:

I am requesting your approval for Linda Hybicki (City Comptroller), Peggy Bigaj-Sobol (Assistant Comptroller), and myself to attend the NYCOM Conference that is scheduled for May 17-19, 2023.

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

Cordially,

ANNETTE IAFALLO, MAYOR

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests to have the City Clerk Advertise for Bids for the Franklin Park Bath/Mechanical Building and Site Clearing for the Splash Pad.

5. To: Honorable Council President
Honorable Council Members

Dear Honorable Council:

I am requesting your Honorable Body to direct the City Clerk to advertise for bids for the Franklin Park Bath/Mechanical Building and site clearing needed for the Splash Pad.

Thank you for your anticipated cooperation.

Cordially,

ANNETTE IAFALLO, MAYOR

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Requests Approval for the Appointment of Brian Gannon to the Traffic Safety Advisory Board.

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

Dear esteemed colleagues,

I am asking for your support in appointing Brian Gannon, 1075 Ridge Road, Lackawanna, New York, to the Lackawanna Traffic Safety Advisory Board, effective immediately. This will comprise the Board with seven (7) members. This term is to expire December 31, 2023.

Thank you for your time and consideration with this matter.

Respectfully,

FREDERIC J. MARRANO, COUNCIL PRESIDENT

Moved by Muflahi seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communication Submitted Regarding 33-34 Wilkesbarre Street with Regard to the Employees of Sucro Sourcing and their Living Quarters.

7. To: Honorable City Council Members

On September 12, 2022, I informed the Hon. Mayor Annette Iafallo of the unusual activity occurring at 33-43 Wilkesbarre St. It has since been discovered and confirmed that eleven migrant workers have been quartered at the aforementioned address and are employees at Sucro Sourcing. I have also drafted a letter dated November 2, 2022 to the Mayor expressing my displeasure and concern regarding this situation.

There has not been proper certification of occupancy nor has the building owner, Potter's Church, been granted the appropriate variance which would allow people to utilize the space as living quarters.

I have expressed my concern for the residents occupying the building and on many occasions have requested that this establishment be forced to vacate. The lives of these individuals are at risk and we are complicit and potentially liable if anything were to happen to the safety or wellbeing of these eleven migrant workers.

As the representative of the First Ward I deem myself responsible to inform you and continue to express my concern regarding this issue. I am demanding a cease and desist order, on the record, against the property and for these vulnerable residents to be housed in appropriate housing and not office space. I appreciate your consideration regarding this matter. I look forward to the appropriate action taken by the city and your honorable body.

Sincerely,

AMIRA MUFLAHI, FIRST WARD COUNCIL MEMBER

Moved by Marrano seconded by Anderson to receive and file, refer to Development, Public Safety and the Law Department.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communication Submitted Regarding the Conditions Surrounding the Lackawanna Halal Market.

8. To: Honorable City Council Members

I have been informed by several neighbors of the Lackawanna Halal Market located at 174 Ridge Rd., that the business has not been a good neighbor and have piles of refuse around the building which has resulted in horrible odors and an unbelievable amount of flies.

Neighbors have expressed their grief to me and have stated that there have been times when chickens have gotten out of their coops and wandered onto neighboring property. They've spoken how the stench emanating from the building and the surrounding piles of garbage has made owning neighboring properties frustrating.

I am requesting, on the record, to receive and file this agenda item and refer it to Code Enforcement and the Law Department. The city must look further into what ordinances can be established for businesses housing livestock and implement an ordinance for proper refuse disposal and appropriate fencing around the building.

I appreciate your time and consideration regarding this matter.

Sincerely,

AMIRA MUFLAHI, FIRST WARD COUNCIL MEMBER

Moved by Marrano seconded by Anderson to receive and file, refer to Code Enforcement, Public Safety and the Law Department to ensure Municipal Code Compliance.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests Authorization to Sell Old Fire Equipment no Longer Usable by the Department and Permission to Destroy any Unsold Equipment.

9. To: Lackawanna City Council
Honorable Fred Marrano, President
City Hall – Room 217
714 Ridge Road
Lackawanna, NY 14218

Dear Council Members,

I am requesting permission to sell old fire department equipment that is no longer usable by the department.

The equipment to be sold is:

SCBA units and SCBA Bottles

This equipment no longer has any use to the fire department due to the Fire Department receiving Assistance to Firefighters (AFG) grant to purchase new SCBA units and bottles. If the items listed do not sell, I am asking permission to destroy any unsold items.

I am also asking for the funds received from the sale of listed items are placed into the fire department Budget under line 3410.0253 Emergency Equipment to allow for the purchase of new equipment.

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

Sincerely,

JAMES FINO, FIRE CHIEF

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Close Ridge Road Between South Park Avenue and Electric Avenue on June 25, 2023, for the City of Lackawanna On-Street, Restaurant- Based Event.

10. 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 approve my request to close Ridge Rd. between South Park Ave. and Electric Ave. on June 25, 2023, between the hours of 9:00 a.m. and 11:30 p.m. to allow for the City of Lackawanna on-street restaurant-based event. This event will run from 4:00 p.m. until 8:00 p.m. and will feature Lackawanna restaurants selling their dishes on the street in an effort to showcase our city's fine eating establishments. We request that you waive the city's permit fees for all participating establishments.

We would also offer craft vendors and beer and wine sales, and for that reason we also ask that you suspend the city's Open Containers Ordinance (Chapter 60) for the duration of the event, limited to the actual boundaries of the event as described above. There will also be a Kids Fun Zone consisting of bounce houses located adjacent to City Hall at Founders Park.

The event will also include live bands performing between 4:00 p.m. and 8:00 p.m., with a performance by a prominent WNY band promptly at 8:00 p.m., followed by a fireworks display at nearby Memorial Field to culminate this event.

Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Request to Waive the Rules Regarding Communication from the DPW Commissioner.

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance Approving the Funding for the Center Street Project.

To: Honorable Council,

I am requesting that the Council approve the funding for the Center Street project. We are requesting a total of \$1,878,978.50. This amount covers the City's portion of the project (\$1,612,548.50) as well as the Erie County Sewer Authority's portion of the project (\$266,430.00). We are responsible to pay Erie County Sewer Authority's portion and we will get reimbursed.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

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 AUTHORIZING AN INTER-FUND ADVANCE BETWEEN THE GENERAL FUND AND THE CAPITAL FUND.

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

SECTION 1. That the General Fund will advance \$1,878,978.50 to the Capital Fund for the Center Street Project (H.5110.0201.0000).

SECTION 2. That the Capital Fund will repay the advance with the reimbursements from the Erie County Sewer Authority \$266,430.00, CDBG funding \$150,000.00 and the balance from CHIPS.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 10, 2023

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Citizens:

Requests Police Assistance with a Designated Route in the City of Lackawanna for the Annual Ride for Missing Children.

11. To: The City of Lackawanna
714 Ridge Road
Lackawanna, New York 14218

Dear Mr. DePasquale:

The 17th Annual The Ride for Missing Children sponsored by the National Center for Missing & Exploited will be held on Friday, May 19, 2023. More than 50 cyclists will ride 100 miles through Erie County in honor of National Missing Children's Day. Along the route we will ride by several area schools in Lackawanna, Orchard Park, Cheektowaga, Tonawanda, and Clarence to bring prevention education messages to children.

This letter is to request permission to ride through your community. We are working closely with community leaders and law enforcement officials to ensure success of The Ride as well as the safety of our riders, staff, and volunteers. Our bicyclists will be riding two by two, escorted by New York State police. Enclosed is our preliminary ride route with a schedule of our stops.

In 2022 2,365 children were reported missing in the state of New York. NCMEC assist in the recovery of these children and works to prevent child victimization through prevention education of child abduction, molestation, and sexual exploitation. The mission of The Ride for Missing Children is to:

- Spread awareness about the plight of missing children
- Share abduction and exploitation prevention education materials with children
- Raise funds for agency services

If you have any questions regarding this event, please contact me. Thank you, in advance, for helping us make our children safer, one child at a time.

Sincerely,

AMANDA CONNER, SPECIAL EVENTS MANAGER

Moved by Marrano seconded by Moretti to receive and file, refer to Director of Public Safety.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests a Meeting Between Empower Youth and the City Council to Discuss how Empower Youth may get Involved with the City's Youth.

12. To: Lackawanna City Council

Hello,

My name is Brandon Burns and I am the Youth Coordinator for the Empower Youth Program Peaceprints of WNY. Our program offers intensive case management for people under the age of 18 who are involved with any criminal justice systems in Erie County. Given that Lackawanna is one of the larger towns in Erie County, I wanted to reach out to you to tell you about our services and possibly set up a meeting with you and/or your fellow colleagues. Our agency has a long track record of success with its Project Blue Program which helps adult inmates transitioning out of incarceration, and we've decided to expand our services to younger people, hence the creation of our Empower Youth Program. Our intention with this program is to help youth involved with the criminal justice system to address the underlying causes of their actions so that they can avoid further legal trouble and go on to live fulfilling and productive lives. Our services are fully funded by a federal grant and would be able at no cost to the client or to your municipality. I have attached some of our agency flyers with some information about us and what we do. I have also contacted Lackawanna court and the school district if you're interested in learning more about us and would like to set up a meeting, please let me know at your earliest convenience. Thank you for your time.

Sincerely,

BRANDON BURNS, YOUTH COORDINATOR, EMPOWER YOUTH

Moved by Marrano seconded by Anderson to receive and file, refer to Law Department for an opinion.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communication Submitted Regarding the Unsafe and Dangerous Driving on Melroy Avenue and Baker Alley.

13. To whom it may concern:

My name is Ronald Garra and my wife, Suzanne, resides at Mercy Nursing Facility at OLV. She has been there for over a year and a half. I visit every day, so I have many occasions to observe unsafe and dangerous driving habits by vehicles on Melroy Avenue and Baker Alley. I believe this puts the residents

of the independent living apartments, the nursing facility and staff and visitors at risk. Some of these individuals are using scooters and walkers or are physically challenged in their walking ability. I would love to see speed bumps installed, but am aware of the controversy and issues they present. I am imploring the Lackawanna City Council to pursue any means at their disposal to help slow vehicles and create a safer environment in the area around the nursing facility. Consideration in this matter would be greatly appreciated. Thank you.

Sincerely,

RONALD GARRA, ORCHARD PARK RESIDENT

Moved by Marrano seconded by Moretti to receive and file, refer to Traffic Safety Advisory Board for an opinion.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submission of Questions by Resident.

14. To: City Clerk

RE: Items to be placed on the agenda

- What is the status of the gas station which is on Ridge Road? It has been almost 5 years and it has not been completed nor is any work currently being done. Were they not on a timeline?
- Since it was reported that it would cost almost a half million dollars to reinstall the street light on Steelawanna; is there any reason why we could not have a crosswalk there?

JOHN INGRAM, RESIDENT

Moved by Marrano seconded by Anderson to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Justin M. Kroh, dba Express Yourself Tattoos Inc., 1101 Ridge Road

Moved by Marrano seconded by Moretti to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Entertainment Licenses:

Steel City Pub, 1449 Abbott Road – Class I, Live Music and/or Mechanical Reproduction.

Moved by Marrano seconded by Moretti to approve Class I Entertainment License.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by Moretti to adjourn meeting.

Yeas: Muflahi, Anderson, Surdyke, Marrano

Carried 4-0

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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