

Regular Council Meeting
Monday, May 22, 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 (E), 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 May 8, 2023.

Moved by Marrano seconded by Anderson to adopt minutes of the regular meeting of May 8, 2023 as written.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Departmental Reports:

1. **City Comptroller** – Capital Check Listing #3, for April 2023.
2. **City Comptroller** – A/P Check listing #36, dated 4/25/2023 – 4/27/2023.
3. **City Comptroller** – A/P Check listing #37, dated 4/28/2023 – 5/4/2023.
4. **City Clerk** – Monthly Revenue Report for April, 2023.
5. **City Treasurer** – Total Receipts Deposited for April, 2023.

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

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Communications from the Mayor:

Requests Approval of the Budget Ordinance for the City of Lackawanna for the Fiscal Year August 1, 2023 to July 31, 2024.

6. To: Honorable Council President
 Honorable Council Members

Dear Honorable Council President and Honorable Council Members:

Accompanying this letter is the PROPOSED budget for the City of Lackawanna for the fiscal year: August 1, 2023 to July 31, 2024.

Also attached is a sheet which highlights the key factors of said PROPOSED budget.

This budget continues to extend the promise of tax relief to our property owners; no tax increase or garbage fee increase will be implemented for the fourth year in a row. It also reflects in the prior fiscal year, two of the three long-outstanding labor negotiations inherited upon my taking office in 2020 were successfully resolved, with contract agreements reached with the unions representing our public works and fire department. Settlement of the police officer's contract agreement was reached in 2020-2021.

In like fashion, the 2023-2024 budget anticipates the timely resolution of current CSEA/DPW labor negotiations, as efforts continue towards implementing a more competitive and equitable compensation structure.

As highlighted in the attached, PROPOSED budget and highlights sheet, efforts continue to fulfill my Administration's promise to rebuild Lackawanna's economy and provide tax relief to property owners. Currently, over \$100 million in new development projects are in-progress or near completion, all of which will add to the City tax base over time. In addition, we anticipate adding more projects in the near future on both city-owned parcels within the emerging Erie County-led Renaissance Commerce Park.

I thank this Honorable Body for their cooperation and support of these and other efforts benefiting all those who live and work in the City of Lackawanna.

Respectfully,

ANNETTE IAFALLO, MAYOR

Moved by Marrano seconded by Surdyke to **TABLE**.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Communications from Division/Department Heads:

Requests the Council to Authorize the Mayor to Sign the Fiber Optic Easement Between the City and Crown Castle Fiber, LLC.

7. To: Lackawanna City Council

714 Ridge Road

Lackawanna, New York 14218

Re: Fiber Optic Easement – Eagan Drive

Hon. City Council:

Enclosed please find the Easement for a Fiber Optic System to be installed along Eagan Drive. I have reviewed and discussed this with the Department of Public Works Commissioner and he has given his approval.

We are requesting authorization for the Mayor to sign said easement.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

Moved by Marrano seconded by Moretti to approve request.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Requests Approval of Ordinance to Pay the Remainder of the Contract Between the City and SAIA Communication for the City-Wide Radio System.

8. To: Honorable Council President

Honorable City Council

714 Ridge Road

Lackawanna, NY 14218

RE: City-Wide Radio System (SAIA)

Dear Honorable Body:

This correspondence is offered in furtherance of Mayor Annette Iafallo's directive and in furtherance of this Council's approval of the Contract with SAIA Communication at the City Council Meeting of September 6th, 2022, relative to the above-referenced project.

On September 6th, 2022, this Honorable Body partially funded this project. Copies of the certification from September, 2022, the Ordinance and approved contract are attached for Council's ease –of–reference.

Attached please find an Ordinance that funds the remainder of this contract in the amount of \$123,306.46.

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: Anderson, Moretti, 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, 2022, is hereby amended to fund the Capital Fund budget code: H.2080.0213 – City-Wide Radio System (SAIA).

GENERAL FUND

SECTION 2. That the 2022-2023 Budget Ordinance is hereby amended to transfer \$123,204.66 of unappropriated fund balance to the “Transfer to Other Fund-Capital” Budget Code [A.9000.9550].

CAPITAL FUND

SECTION 3. That the 2022-2023 Budget Ordinance is hereby amended to reserve budgeted funds in the amount of \$101.80, as contained in the “Fire Protective Equipment 2022 (DASNY Equipment” Budget Code [H.2080.0603], for the purchase of the radio system.

SECTION 4. That the 2022-2023 Budget Ordinance is hereby amended to increase the “Capital Fund Inter Fund Transfers” Budget Code [H.0000.5031] by \$123,204.66.

SECTION 5. That the 2022-2023 Budget Ordinance is hereby amended to allocate the budgeted funds in the amount of \$123,306.46 to the “City-Wide Radio System (SAIA)” budget code [H.2080.0213].

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

DATED: May 23, 2023

Lackawanna, New York

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

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Requests Approval of Ordinance that Funds the Center Street Reconstruction Project for the Balance of the Payment.

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

RE: Center Street Reconstruction Project

Dear Honorable Body:

This correspondence is offered in furtherance of Mayor Annette Iafallo's directive and the Council's directive involving the above-referenced project (per waiver of the rules at the City Council meeting held on May 8, 2023).

Attached please find an Ordinance that funds the Center Street Reconstruction project in an additional amount of \$1,308,784.50.

In association with a waiver of the rules at the City Council meeting on May 8, 2023, this project was partially funded in the amount of \$1,878,978.50. The attached Ordinance allows for funding the full amount of the Contract, i.e., \$3,187,763.00

Thank you for your kind consideration in this respect.

Very truly yours,

LINDA HYBICKI, CITY COMPTROLLER

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

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

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 \$1,308,784.50 to the Capital Fund for the Center Street Project (H.5110.0201.000).

SECTION 2. That the Capital Fund will repay the advance with the reimbursements from the Erie County Water Authority, the Erie County Sewer Authority, CDBG funding and CHIPS.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**DATED: May 23, 2023
Lackawanna, New York**

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

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Requests Approval of the Proposal by Galbo Construction for the Center Street Playground Basketball Court.

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

Dear Honorable Council,

I am requesting your honorable body to approve Galbo Construction off the contract Erie County bidders list, Vendor #172955 for the Center Street Playground Basketball Court. The funds to cover this project are coming out of ARPA. The price of \$103,500.00 is for the installation of a new basketball court, which also includes the drainage surrounding it due to it being located in a flood zone. This will prevent water from entering the playing area. Any questions please feel free to contact me.

Respectfully,

THOMAS J. NICOMETO, DIRECTOR OF PURCHASING

Moved by Marrano seconded by Moretti to approve request.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Communications from Citizens:

Requests Permission to have Live Music on their Outdoor Patio on Saturdays from June Through August.

11. To: Lackawanna City Council

The Icehouse Pub would like to request permission to have bands out on the patio starting June 3rd through August 26th (every Saturday). The start time would be 3 p.m. and would end at 7 p.m.

Thank you,

LANETTE WELCH, ICE HOUSE PUB, MANAGER

Moved by Marrano seconded by Moretti to approve request, modify original Entertainment License to reflect above changes.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Entertainment Licenses:

Jokers, 1783 Electric Avenue – Class I, Live Music and/or Mechanical Reproduction.

Moved by Marrano seconded by Anderson to approve Entertainment License.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

KJJ Group, 1404 Abbott Road– Class I, Live Music and/or Mechanical Reproduction.

Moved by Marrano seconded by Anderson to approve Entertainment License.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Tabled Items:

Moved by Marrano seconded by Moretti to remove item #8, Splash Pad ordinance, TABLED at the regular meeting of March 27, 2023, and act on same.

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Requests Approval of Ordinance Amending the 2022-2023 Budget Ordinance adopted May 23, 2022 Regarding the Splash Pad.

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, 2022, is hereby amended to create the following account codes and allocate funds accordingly for the “Splash Pad” Capital Project.

SECTION 2. That the 2022-2023 Budget Ordinance is hereby amended to add \$1,428,117.55 to Budget Code A.9000.9550 (“Transfer to Other Fund – Capital”).

SECTION 3. That the 2022-2023 Budget Ordinance is hereby amended to appropriate \$1,428,117.55 of the City’s Fund Balance.

SECTION 4. That the 2022-2023 Budget Ordinance is hereby amended to add a total of \$1,428,117.55 to the Budget Codes established for the “Splash Pad” project, in the amounts reflected below:

• H.2080.0350.0001	“Splash Pad (City Portion)”	\$109,006.55
• H.2080.0350.0002	“Splash Pad (ESD)”	\$374,111.00
• H.2080.0350.0003	“Splash Pad (DASNY)”	\$360,000.00
• H.2080.0350.0004	“Splash Pad (DASNY)”	\$260,000.00
• H.2080.0350.0005	“Splash Pad (CDBG)”	\$325,000.00

SECTION 5. That the 2022-2023 Budget Ordinance is hereby amended to increase Budget Code H.0000.2545 (“Capital Fund Inter Fund Transfers”) by \$1,428,117.55.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

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

Yeas: Anderson, Moretti, Surdyke, Marrano

Carried 4-0

Adjournment:

Moved by Marrano seconded et al to adjourn meeting wishing Council Member Moretti a Happy Birthday.

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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