

**Regular Council Meeting**  
**Tuesday, September 5, 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, Development, Public Works, Comptroller (E), Recreation, Public Safety (E), PIO**

**Hearings from Citizens:**

**Approval of Minutes:** of the regular meeting of August 14, 2023.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting on August 14, 2023 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Departmental Reports:**

1. **City Comptroller** - A/P Check Listing #51, dated 7/28/2023 – 7/31/2023.
2. **City Comptroller** - A/P Check Listing #1, dated 8/24/2023.
3. **City Clerk** - Monthly Report for July, 2023.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from Division/ Department Heads:**

**Documentation Submitted to the City Council Regarding the Agreement Entered with Diagnostic Services for Health Screenings for Lackawanna Firefighters. Council Approved the Funds in the 2023-2024 Annual City Budget. Copy of the Agreement is Attached.**

4. To: Lackawanna City Council  
Honorable Council President  
City Hall- Room 217  
714 Ridge Road  
Lackawanna, NY 14218

Dear Council Members,

Pursuant to the City Attorney, I am writing to inform you that I have entered into an agreement with United Diagnostic Services for health screenings for the Lackawanna Firefighters. The City Attorney has reviewed this agreement for its content and sufficiency. The funds for these services were approved by the Council in the 2023-2024 annual City budget.

I have included a copy of the agreement for your records.

If there are any questions regarding this agreement or the services we will be receiving please feel free to contact me.

Sincerley,

**JAMES FINO, FIRE CHIEF**

Moved by Marrano seconded by Moretti to receive and file, execute agreement.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Sale of the City Owned Properties Located at 133 Stoney, 235 Ingham Ave., 184 Ingham Ave., 33 Center St., and 31 Holland Ave; for the Construction of Single-Family Homes. The Lackawanna Housing Development Corporation through Erie County and the Federal Home Investment Partnership Grant (HOME) are the Purchasing Entity.**

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

Re: 133 Stoney, 235 Ingham, 184 Ingham, 33 Center & 31 Holland

Hon. City Council:

The above proposed sale has been discussed with Mayor Iafallo. The LHDC through Erie County and its Federal Home Investment Partnership Grant (HOME) are the purchasing entity. Through this grant the construction of five single family homes will be built in the City of Lackawanna. They will be managed by the LHDC and rented to low-income families.

The following is information on these properties and my recommendation:

133 Stoney	Lot Size 39x107.50	Acquired 1975	Assessed \$4,700
235 Ingham	Lot Size 33x100	Acquired 2003	Assessed \$4,000
184 Ingham	Lot Size 34x120	Acquired 1997	Assessed \$4,000
33 Center	Lot Size 31.63x105	Acquired 2012	Assessed \$5,900
31 Holland	Lot Size 30x100	Acquired 2000	Assessed \$3,800

Purchasing price \$23,700

I am in full support of the sale and returning these parcels to the tax roll.

Very truly yours,

**DEBORAH J SKULSKI-WAKELAM, CITY ASSESSOR**

Moved by Marrano seconded by Muflahi to **TABLE** for further information.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Temporary Return of Retired City Clerk, Jeffrey P. DePasquale to Work with the Current City Clerk to Complete Some Outstanding Items.**

6. To: Honorable Council President  
Honorable Council Members

714 Ridge Road  
Lackawanna, NY 14218

Dear Honorable Body,

As you are aware, Jeffrey P. DePasquale retired from his position of City Clerk, effective July 31, 2023. As per previous conversations, we thought it necessary to bring Mr. DePasquale back on a per diem basis to finish up some outstanding items.

Mr. DePasquale would be returning in September and working September 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 4 hours each day. His hourly rate (\$44.87) based on his salary as part-time City Clerk, which was his status before he retired.

I thank you for your time and consideration in this matter.

Respectfully,

**GRACE MARRANO, CITY CLERK**

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Request to Waive the Rules.**

Moved by Marrano seconded by Anderson to waive the rules.

Carried 5-0

**City Comptroller Requests the City Council Amend the 2023-2024 Budget Ordinance Adopted June 5, 2023 by Transferring Funds in the Amount of \$1,000.00 in Relation to Consulting Services in the City Clerk's Office Per the Request in Item #6 Above.**

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

Dear Honorable Body:

Attached please find an Ordinance outlining the funding source associated with the attached request of the City Clerk dated August 29<sup>th</sup>, 2023, for your review and consideration.

To: *City Comptroller*  
*Lackawanna City Hall*  
*714 Ridge Road*  
*Lackawanna, NY 14218*

*Dear Linda,*

*As you are aware, Jeffrey P. DePasquale retired from his position of City Clerk, effective July 31, 2023. Mr. DePasquale will be returning for a short period of time to City Clerk's office. Approval of his return will be brought before the City Council at the September 5, 2023 Council meeting.*

*The amount of time for Mr. DePasquale to complete some outstanding items should take approximately 22 hours. His rate of pay will be based on his part-time salary as City Clerk prior to his retirement. This rate of \$44.87 per hour has been provided to me by the Comptroller's office.*

*Please increase the City Clerk's budget line by \$1,000.00 to cover this expense.*

*Thank you for your anticipated cooperation.*

*Regards,*

**GRACE MARRANO, CITY CLERK**

Thank you for your kind attention 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, Moretti, Surdyke, Marrano

Carried 5-0

**ORDINANCE**

**AN ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCES ADOPTED JUNE 05<sup>TH</sup>, 2023**

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

**FOR THE GENERAL FUND**

**SECTION 1.** That the 2023-2024 Budget Ordinance adopted June 05<sup>th</sup>, 2023 is hereby amended to transfer funds in the amount \$1,000.00 in relation to Consulting Services in the City Clerk's Office, as follows:

**SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to rename Budget Code **A.1410.0469** from "Web Site Hosting" to "**Consulting/Maintenance Fees**".

**SECTION 3.** That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$1,000.00** of unappropriated fund balance to Budget Code **A.1410.0469** (City Clerk: "**Consulting/Maintenance Fees**").

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

**DATED: September 7, 2023**

**Lackawanna, New York**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve Commissioner of Deeds Status for the Deputy City Clerk, Kelsey Anderson. Term to Expire 12/31/2024.**

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

Dear Council Members,

I am requesting Commissioner of Deeds status in the City of Lackawanna for Kelsey M. Anderson, Deputy City Clerk. Term to expire 12/31/2024.

I appreciate your anticipated cooperation in this matter.

Respectfully,

**GRACE MARRANO, CITY CLERK**

Moved by Marrano seconded by Moretti to approve request.  
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from Citizens:**

**Requests the City Council Approve the Closing of One Lane of Boardman Road on September 9, 2023 for a Block Party.**

8. To: Lackawanna City Clerk  
714 Ridge Road  
Lackawanna, NY 14218

Good Afternoon,

My name is Kelli Delgado, I live at 34 Boardman Road Lackawanna, NY 14218, and my neighbors and I would like to have a block party on Boardman Road, September 9<sup>th</sup> from the hours of 3 p.m. until 10 p.m. I would like to close the 1 lane of the street from 28 Boardman to 4 Boardman Road.

Also, we have already filed for a permit for the West Seneca part of the street which is 34 Boardman to 64 Boardman.

Thank you for your consideration,

If there is any issues feel free to email my personal email [kellilynn31@icloud.com](mailto:kellilynn31@icloud.com) or call 716-328-8787.

Proof from West Seneca attached.

Moved by Marrano seconded by Muflahi to **DENY** request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve Live Music Outdoors on the Patio September 9, 2023 from 3:00 p.m. to 7:00 p.m.**

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

The Ice House Pub, 715 Ridge Road, is requesting to have an outside band on September 9, 2023 from 3-7.

Thank you,

**LANETTE M. WELCH, ICE HOUSE PUB**

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Submits a Letter Regarding the Condition of the Property Located at 1381 Electric Avenue. Copies of Violations Attached.**

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

RE: 1381 Electric Ave

I am writing this letter in regards to 1381 Electric Avenue Lackawanna, NY. I reside at 12 Fig Street Lackawanna, NY in which his backyard is the side of my house. His yard was overgrown with woods, metal debris, tires, bathtubs, and other miscellaneous debris. I believe he was just fined because he cleaned up like he always does. It lasts about 2-3 weeks and its back to a disaster area. He has skunks, rats, and probably other rodents in his yard and garage which is a fire hazard. He has feral cats in his garage and has been seen entering and exiting his house thru the open windows on his house. His house and yard smell so bad you cannot enter his hallway and you avoid the sidewalks around his house. When the wind is blowing towards the lake you cannot sit on my front porch because of the smell. I have send photos of his property to Mr. Hayes from Code Enforcement.

**ROBERT CORNELL, RESIDENT**

Moved by Marrano seconded by Anderson to receive and file, refer to Director of Public Safety, Law Department and Code Enforcement. Ask for work sessions with the Council, Mayor, Law Department and Code Enforcement.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Respond to His Concerns Regarding Damage to the Street and Grass Next to His Driveway. Photo Attached.**

11. To: Honorable Council President  
Honorable Members of the City Council  
714 Ridge Road  
Lackawanna, NY 14218

RE: Agenda Items

Honorable Council Members;

I am requesting an answer to the following citizen concern:

1. Winter Storm Damage: After the Christmas Blizzard, a city pay-loader came down my street and scraped a significant portion of surface blacktop away. The second layer has been exposed since the snow melted. The deterioration is so significant that I even witnessed DPW members, on multiple occasions, drive around the scraped surface with the street sweeper. I am looking forward to hearing when a proper surface will patch it up. It is too large for a simple cold patch repair.

I've enclosed a photo which also shows scraped damage to the City/Property grass next to my driveway approach.

Thank you in advance,

**GEOFFREY M. SZYMANSKI, RESIDENT**

Moved by Marrano seconded by Anderson to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Submits 3 concerns to the City Council for discussion.**

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

To the Honorable City Council:

1. Per the last council meeting, is the discussed \$625,000 missing or miss allocated?

2. A question was posed to the City Attorney, Rick Juda, by Council President, Fred Marrano. The question that was asked was if the Mayor had the authority to hire sapphire business systems, without the City Council's approval. Mr. Juda stated he would have that answer in a day or two.

3. A level 2 registered sex offender has recently moved onto Martin Road. He resides 427 feet from the OLV playground, 800 feet from the Lackawanna Middle School. What are the city and states guidelines for residency of such an offender in proximity to the playground and school?

Thank you,

**ROBERT REESE, RESIDENT**

Moved by Marrano seconded by Anderson to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Business Registration:**

**Mohamed Abdulla, M & M Holdings, LLC (Smoke Shop) 2540 Hamburg Turnpike**

Moved by Marrano seconded by Muflahi to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Table Items:**

**Requests to Remove Communication #13 from the TABLE and Act on New Proposed Requests. (TABLED at the August 14, 2023 Council Meeting).**

Moved by Marrano seconded by Surdyke to remove from TABLE.

**City Assessor- Sale of Vacant Property at 175 Ridge Road. Recommends to not Sell the Property, but Market these Two Commercially Zoned Properties.**

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

RE: Proposed Sale of vacant land 175 Ridge Road August 14, 2023

The owner of 179 Ridge Road Melissa Irizarry has submitted an offer of \$10,000.00 to purchase the property located at 175 Ridge Road.

The following is information on this property and my recommendation is:

The above property 175 is 32'x125'

It is adjacent to 171 Ridge which is another vacant City of Lackawanna owned parcel 31'x125'.

Combined they would be a desirable commercial zoned parcel 63'x125'

Attached is a screen shot of the two parcels

After discussion with our Legal Department; my professional recommendation is to not sell the property but market these two commercial zoned properties.

Thank you,

**DEBORAH J SKULSKI-WAKELAM, CITY ASSESSOR**

Moved by Surdyke seconded by Muflahi to approve request to not sell the property.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Old Business:**

**Adjournment:**

Moved by Marrano seconded et al to adjourn meeting in memory of Frederick F. Pordum.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0