

Reorganizational/Regular Council Meeting
Wednesday, January 3, 2024
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 is being recorded.

Roll Call: Council: Muflahi, Anderson, Moretti, Surdyke, Marrano
Dept. Heads: Law, Development, Public Works (A), Comptroller, Recreation, Public Safety, PIO

Hearings from Citizens:

Approval of Minutes: of the regular meeting of December 18, 2023.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of December 18, 2023 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #16, dated 12/14/2023 – 12/15/2023.
2. **City Comptroller** – A/P check Listing #17, dated 12/20/2023.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Mayor Iafallo Executive Orders – Appointment of Department Heads:

4. **Executive Order #1** – Appointment of John P. Gaughan as City Attorney.
5. **Executive Order #2** – Appointment of Dino V. Marrocco as Director of Public Safety.
6. **Executive Order #3** – Appointment of Brian Lakso as Director of Parks and Recreation.
7. **Executive Order #4** – Appointment of Chuck Clark as Director of Development/Marketing and Public Information Officer.
8. **Executive Order #5** – Appointment of Gail Nicholson as Confidential Secretary.
9. **Executive Order #6** – Appointment of Anthony DeSantis as Deputy Commissioner of Capital Projects.

Moved by Marrano seconded by Muflahi to receive and file Executive Orders one through six as amended.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Requests the Voting Order for 2024 Remain the Same as Previous Years: 1st Ward, 2nd Ward, 3rd Ward, 4th Ward, Council President.

10: Honorable Members of the City Council
Lackawanna City Hall
714 Ridge Road
Lackawanna, NY 14218

Dear esteemed colleagues,

I am asking this Honorable Body to approve continuing the current order of Council voting as follows:

1st Ward, 2nd Ward, 3rd Ward, 4th Ward and Council President.

This order is how it has traditionally been done; I see no reason to change it. Thank you for your anticipated cooperation in this matter.

Respectfully,

FREDERIC J. MARRANO, COUNCIL PRESIDENT

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests the Council Act on the Following Resolutions:

Resolution #1: Council President Pro-Tempore 2024.

Resolution #2: Council Meeting Dates 2024.

Resolution #3: Official Newspaper of the City of Lackawanna 2024.

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

Dear Honorable Body,

Please approve the attached resolutions that are typical for the Annual Reorganization Meeting. The resolutions are as follows.

Resolution #1: Council President Pro-Tempore 2024

Resolution #2: City Council Meeting Dates 2024

Resolution #3: Official Newspaper of the City of Lackawanna 2024

Thank you for your anticipated cooperation.

Respectfully,

GRACE MARRANO, CITY CLERK

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION No. 1, 2024

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 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, 2024,

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 2024.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2024
Lackawanna, New York

Moved by Marrano second by Anderson to adopt resolution as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION No. 2, 2024

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 2024 shall be as follows:

- | | |
|------------------------------------------------------------|---------------------------------------------------|
| Wednesday, January 3 – Reorg. Meeting | Monday, July 15 |
| Monday, January 22 | Monday, August 12 |
| Monday, February 5 | Tuesday, September 3 (Labor Day) |
| Tuesday, February 20 (President’s Day) | Monday, September 23 (NYCOM 16-20 th) |
| Monday, March 4 | Monday, October 7 |
| Monday, March 18 | Monday, October 21 |
| Monday, April 8 (April 1 st , day after Easter) | Monday, November 4 |
| Monday, April 22 | Monday, November 18 |
| Monday, May 6 | Monday, December 2 |
| Monday, May 20 | Monday, December 16 |
| Monday, June 3 | |
| Monday, June 17 | |

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, 2024
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION #3, 2024

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 of the City of Lackawanna for the year 2024.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 3, 2024
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits 3 Different Notifications of Adult-Use Retail Dispensary License Applications, as Per the Request of the City Attorney.

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

Dear Honorable Body,

Attached are notifications of adult-use retail dispensary license applications as per the request of the City Attorney.

Respectfully,

GRACE MARRANO, CITY CLERK

Moved by Marrano seconded by Surdyke to receive and file, refer to Department of Development and Law Department for review and direction.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Request to Waive the Rules:

Moved by Marrano seconded by Anderson to waive the rules.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of an Ordinance to Increase the Funds Budgeted to “Consulting Fees” in the Engineering Department to Continue the Work on Current Projects.

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

Dear Honorable Body:

Please accept this correspondence in support of the attached request from Anthony DeSantis, Commissioner of Capital Projects to increase funds budgeted to “Consulting Fees” in the Engineering Department.

An Ordinance accomplishing said budget transfer is attached for your review and consideration.

Thank you for your kind attention in this respect.

To: *Comptroller’s Office*
From: *Anthony DeSantis, Commissioner of Public Works*
Re: *Transfer of Funds – Consulting*

With the number of projects that are being worked on within the City, we have exceeded the budgeted amount for Engineering Consulting fees. Please fund the consulting line in the amount of \$50,000.00 from the unappropriated fund balance, so that work may continue.

Respectfully,

Anthony DeSantis, Commissioner of Public Works

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

No: Muflahi

Carried 4–1

ORDINANCE

AN ORDINANCE AMENDING THE 2023-2024 ORDINANCES ADOPTED JUNE 05TH, 2023.

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

SECTION 1. That the 2023-2024 Budget Ordinances adopted June 05th, 2023, is hereby amended to accommodate a General Fund transfer of funds in the amount of \$50,000.00.

FOR THE GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer \$50,000.00 of unappropriated funds balance to Budget Code A.1440.0469 “**Consulting Fees**”.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2024
Lackawanna, New York

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

Yeas: Anderson, Moretti, Surdyke, Marrano

No: Muflahi

Carried 4-1

Requests Approval of an Ordinance Increasing the Funds Budgeted to the “Overtime (FEMA)” Budget Line in the Amount of \$2,400. Funds Were Set Aside in the Contingent Expenditure Account to Accommodate Residual or Unforeseen Expenditures.

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

Dear Honorable Body:

Please accept this correspondence in support of the attached request from Anthony DeSantis, Commissioner of Capital Projects.

Commissioner DeSantis requests an increase in the funds budgeted to the “Overtime (FEMA)” Budget Line (A.5110.0108) in the amount of \$2,400.00. The Purpose of Commissioner DeSantis’s request involves segregating overtime expenditures that relate to FEMA submissions.

In the 2023-2024 budget, funds were set-aside in the Contingent Expenditure Account (A.1900.1990) to accommodate such residual or unforeseen expenditures. As such, the Contingent Account will serve as the source for increasing the “Overtime (FEMA)” budget line in the instance.

An Ordinance accomplishing said budget transfer is attached for your review and consideration.

Thank you for your kind attention in this respect.

To: *Comptroller’s Office*
From: *Anthony DeSantis, Commissioner of Public Works*
Re: *Overtime pay adjustment*

As per my conversation with Tom Nicometo, he was advised by the City Comptroller to move the budget line that Shannon Katra’s FEMA Overtime was attributed too. Since the beginning of the 2023-2024 budget year, Shannon completed 41.75 hours of overtime relating to FEMA projects for the December blizzard, November storm, and COVID pandemic. It is estimated that an additional 10 hours of overtime will be required to complete the filings. It was found that this overtime has been paid out of the Engineering overtime budget, when it should have been paid out of the FEMA budget line A.5110.0108. Please adjust accounting as needed.

Respectfully,

Anthony DeSantis, Commissioner of Public Works

Very Truly Yours,

LINDA M. HYBICKI, CITY COMPTROLLER

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 AMENDING THE 2023-2024 ORDINANCES ADOPTED JUNE 05TH, 2023.

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

SECTION 1. That the 2023-2024 Budget Ordinances adopted June 05th, 2023, is hereby amended to add Budget Code **A.5110.0108 (“Overtime (FEMA)”)** to accommodate a General Fund transfer of funds in the amount of \$2,400.00.

FOR THE GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$2,400.00** from Budget Code **A.1900.1990 (“Contingent Account”)** to Budget Code **A.5100.0108 (“Overtime (FEMA)”)**.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2024
Lackawanna, New York

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

Carried 5-0

Requests Approval of an Ordinance to Increase the Funds Budgeted to Tree Removal and Top Soil Budget Line in the Amount of \$25,000. The Excess Services Relate to Residual Repairs Emanating Out of the December Storm (a Claim has been Submitted to FEMA for Reimbursement).

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

Dear Honorable Body:

Please accept this correspondence in support of the attached request from John Kuryak, Commissioner of Public Works.

Commissioner Kuryak requests an increase in the funds budgeted to the Tree Removal & Top Soil Budget Line (A.8500.8560) in the amount of \$25,000.00. It is my understanding that the excess services relate to residual repairs emanating out of the December storm (a claim has been submitted to FEMA for reimbursement).

In order to process payment for invoices recently received, additional funds need to be budgeted to Tree Removal & Top Soil budget Line (A.8500.8560) at this point in time.

In the 2023-2024 budget, funds were set-aside in the Contingent Expenditure Account (A.1900.1990) to accommodate such residual or unforeseen expenditures. As such, the Contingent Account will serve as the source for increasing the Tree Removal & Top Soil budget line in this instance.

An Ordinance accomplishing said budget transfer is attached for your review and consideration. Thank you for your kind attention in this respect.

To: *Comptroller's Office*
From: *John Kuryak, Commissioner of Public Works*
Re: *Transfer of Funds – Tree Removal*

Due to the number of trees that have been removed and lawns that have been repaired within the City, we have exceeded the budgeted amount for Tree Removal and Top Soil. Please fund the Tree Removal and Top Soil line in the amount of \$25,000.00, so that work may continue.

*Respectfully,
John Kuryak, Commissioner of Public Works*

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 2023-2024 ORDINANCES ADOPTED JUNE 05TH, 2023.

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

SECTION 1. That the 2023-2024 Budget Ordinances adopted June 05th, 2023, is hereby amended to accommodate a General Fund transfer of funds in the amount of \$25,000.00.

FOR THE GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$25,000.00** from Budget Code **A.1900.1990** ("**Contingent Account**") to Budget Code **A.8500.8560** ("**Tree Removal & Top Soil**").

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2024
Lackawanna, New York

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

Carried 5-0

Requests Approval of an Ordinance to Transfer Funds Received From E & R General Construction, Inc. to the Police Department's Overtime Budget Line. The Reimbursement Relates to Traffic Assistance and Control Services Provided by the Police Department.

To: Honorable Council President
Honorable City Council

714 Ridge Road
Lackawanna, NY 14218

Dear Honorable Body:

Please accept this correspondence in support of the attached request from Public Safety Director John Wolf.

Director Wolf requests the transfer of funds received from E&R General Construction, Inc. to the Police Department's Overtime budget Line (A.3120.0102). the reimbursement relates to traffic assistance and control services provided by our Police Department.

Funds totaling \$12,312.00 were received and recorded in our "Unclassified Revenues" revenue code (A.2770).

An Ordinance accomplishing said budget transfer is attached for your review and consideration.

Thank you for your kind attention in this respect.

To: *Comptroller*

Re: *Transfer of Funds*

Linda:

This letter serves to request the transfer of the following funds:

\$12,312.00 (E&R Construction) from A.2770 (Unclassified Revenue) to A.3120.0102

Thank you for your anticipated cooperation in the above regard.

John Wolf, Director of Public Safety

Very Truly Yours,

LINDA M. HYBICKI, CITY COMPTROLLER

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 AMENDING THE 2023-2024 ORDINANCES ADOPTED JUNE 05TH, 2023.

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

SECTION 1. That the 2023-2024 Budget Ordinance adopted June 05th, 2023, is hereby amended to accommodate a General Fund transfer of funds in the amount of \$12,312.00.

FOR THE GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$12,312.00** from Budget Code **A.2770 ("Other Unclassified Revenues")** to Budget Code **A.3120.0102 ("Police Department - Overtime")**.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2024

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of an Ordinance to Pre-Fund the Fire Rescue Equipment Budget Line in the Amount of \$125,000 (Dormitory Authority of the State of New York Grant and Fire Rescue Equipment 2023, DASNY).

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

RE: Dormitory Authority of the State of New York Grant (\$125,000.00) Fire Rescue Equipment 2023 (DASNY)

Dear Honorable Body:

Please accept this correspondence in support of the request of Fire Chief James Fino, involving the above-referenced grant.

Attached for council's review, consideration and approval is an Ordinance to pre-fund the Fire Rescue Equipment budget line in the amount of \$125,000.

Thank you for your kind attention in this respect.

December 21, 2023

*City Comptroller
714 Ridge Road
Lackawanna, NY 14218*

Linda:

The Fire Department has been awarded a DASNY grant sponsored by Assemblyman Pat Burke in the amount of \$125,000. This grant is for the purchase of rescue equipment for the fire department. The Grant Disbursement Agreement has been released and authorized by DASNY on December 4, 2023. This grant will reimburse the City once the items are purchased. I am requesting the creation of a budget line and advanced funding for the purchase of the needed items. Any questions please feel free to contact me.

James J. Fino, Fire Chief

Very Truly Yours,

LINDA M. HYBICKI, CITY COMPTROLLER

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 AMENDING THE 2023-2024 ORDINANCES ADOPTED JUNE 05TH, 2023.

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

SECTION 1. That the 2023-2024 Budget Ordinances adopted June 05th, 2023, is hereby amended to add the following Budget code to the Capital Fund: **H.2080.0613 – “Fire Rescue Equipment 2023 (DASNY)”**.

GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer unappropriated fund balance in the amount of **\$125,000.00** to the **“Transfer to Other Fund - Capital”** Budget Code (**A9000.9550**).

CAPITAL FUND

SECTION 3. That the 2023-2024 Budget Ordinance is hereby amended to increase the **“Capital Fund Inter Fund Transfers”** Budget Coded (**H.0000.5031**) by **\$125,000.00**.

SECTION 4. That the 2023-2024 Budget Ordinance is hereby amended to allocate budgeted funds in the amount of **\$125,000.00** to the **“Fire Rescue Equipment 2023 (DASNY)”** budget code (**H.2080.0613**).

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 4, 2024
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:

Eiman Alsalahi, dba Amy Fashion, 615 Ridge Road (Muslim clothing for men, women and children).

Moved by Muflahi seconded by Marrano to Approve Business Registration.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Greg Cavanuagh, 123 Farm Property Holdings, Inc., 1971 Abbott Road, (Property rental, Crypto Mining).

Moved by Surdyke seconded by Moretti to **TABLE** Business Registration pending further information, refer to Law Department and Director of Development.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Moved by Anderson seconded by Muflahi to remove from TABLE, the Business Registration for South Park Smoke Shop, Inc.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Mohsin Mohamed, South Park Smoke Shop, Inc., 3047 South Park Avenue.

Moved by Anderson seconded by Muflahi to Approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Adjournment:

Moved by Marrano seconded by et al to adjourn meeting in memory of Anthony J. Nicometo and Elizabeth Pagliei.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Grace Marrano - 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.

www.lackawannany.gov