

Regular Council Meeting
Tuesday, February 20, 2024
6:30 p.m. Caucus- Meeting will immediately follow the Caucus
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/Marketing, Public Safety, Comptroller,
Recreation, Public Works

Hearings from Citizens:

Approval of Minutes: of the regular meeting of February 5, 2024.

Moved by Muflahi seconded by Anderson to adopt minutes of the regular meeting of February 5, 2024 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #21, dated 1/31/2024 – 2/2/2024.
2. **City Clerk** – Monthly Report January, 2024.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Requests the City Council Grant Her Permission to Present the 2023 State of the City Address in Council Chambers on Monday, March 18, 2024 at 6:00 p.m.

3. TO: Honorable City Council Members
FROM: Mayor Iafallo
RE: State of the City Address

I am requesting that your Honorable Body grant permission to allow me to present the 2023 State of the City in Council Chambers on March 18, 2024 @ 6:00 P.M. before the start of the scheduled Council meeting.

Thank you in advance for your anticipated cooperation.

Moved by Moretti seconded by Marrano to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Council:

Requests Short Term Rental Units to Present in Front of the Zoning Board and Request a Special Use Permit. Also, an Ordinance to Place Restrictions on Noise Violations and Repetitive Law Enforcement Presence.

4. City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Respected City Council Members,

I hope this letter finds you in good health. I would like to draw attention to the rise in AirBNB properties introduced in Lackawanna. What used to only be popular in destination cities and warm climate areas has found its way to blue collar cities and towns all over the U.S. These short term rental dwellings are easily booked online and have a revolving door of tenants ranging from one night to weekly reservations.

My proposal is to require such short term rental units to present in front of the zoning board and request a special use permit and then gain licensure from the City in order to operate. Residents are usually uninformed of such activity and should be allowed the opportunity to contest such properties from moving into their neighborhood.

I also request the Law Department to create an ordinance protecting the city from violators abusing the city and neighborhoods they reside in by placing restrictions on noise violations and repetitive law enforcement presence. Fly by night tenants are not vested in these communities and hold no loyalty toward them.

Other cities have adopted such practices and have found it very beneficial to the integrity and protection of their municipality and residents and I look forward to establishing such policy within the City of Lackawanna.

Thank you for your time and consideration.

Sincerely,

AMIRA MUFLAHI, 1ST WARD COUNCIL MEMBER

Moved by Moretti seconded by Marrano to approve request, refer to Law Department and Director of Development.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests Permission to Use the Senior Center on March 29, 2024 for a Community Iftar Dinner from 6 pm-8:30pm.

5. City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Respected City Council Members,

I would like to use the Senior Center on March 29, 2024 for a Community Iftar Dinner from 6pm-8:30. Ramadan begins on March 11th and runs through April 9th. Fasting from sunrise until sunset is a tradition observed by an estimated 2 billion Muslims worldwide.

A beautiful custom is to break our fast with friends and neighbors while sharing the blessings of food, friendship and compassion with one another. My goal is to host a community Iftar open to everyone to experience a tradition and create memories.

Please feel free to ask any questions or address any concerns. Thank you for your time and consideration.

Sincerely,

AMIRA MUFLAHI, 1ST WARD COUNCIL MEMBER

Moved by Surdyke seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests the City Council Authorize the City Clerk to Advertise for Lawn Mowing and Landscaping Bids for the 2024 Calendar Year.

6. Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Honorable Members of City Council,

I am requesting your Honorable Body to authorize the City Clerk to advertise for lawn mowing and landscaping of various recreational and public property areas in the City of Lackawanna for the 2024 calendar year.

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

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS & RECREATION

Moved by Muflahi seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Sale of a Wanco Speed Trailer which is Inoperable and Obsolete. Proceeds to be Placed in the 2023-2024 Operating Police Department Account.

7. To: Lackawanna City Council
Attn: Council President Frederic Marrano
- From: Dino Marrocco, Director of Public Safety
- Subject: SALE OF POLICE DEPARTMENT SPEED TRAILER

Honorable Council Members:

I respectfully request authorization to sell the following:

- A Wanco speed trailer with VIN# 5F17S101541002011.

The equipment is inoperable and obsolete. All proceeds from the sale of aforementioned sale will be placed in the Lackawanna 2023-2024 Operating Budget Police Department account code A-3120-250.

Respectfully,

DINO MARROCCO, DIRECTOR OF PUBLIC SAFETY

Moved by Muflahi seconded by Marrano to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Purchase of the nVision Accounting Software in the Amount of \$34,250 for the First Year and a Reoccurring cost of \$6,000 Annually.

8. Honorable Frederic J. Marrano, President
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

RE: ***Proposal nVision/Finance Manager Accounting Software***

Dear Council Members:

In furtherance of prior communications and extensive information submitted to Council, attached please find the Proposals from Finance Manager relative to purchase of their nVision accounting software package.

This costs itemized on said Proposals Include:

Purchase of the nVision Suite Package (Includes Accounting Budget, Payroll, Resources, Negotiations, Receivables, Requisition and Bidding)	\$20,250.00
Data Conversion (standard)	2,400.00
Data Conversion (supplemental)	600.00
Remote Training (5 days)	5,000.00
Annual Maintenance and Support	6,000.00
Total Cost: Year 1	\$34,250.00
Total Annual Recurring Cost	\$6,000.00

The signing of a contract is not necessary. Finance Manager's policy requires only a Purchase Order to commemorate the City's purchase commitment.

Permission is hereby requested to proceed with the purchase of the nVision accounting software package.

Should there be any questions or if additional information is required, please advise.

Thank you for your kind courtesy and consideration in this respect.

Very truly yours,

LINDA M. HYBICKI, CITY COMPTRROLLER

Moved by Moretti seconded by Surdyke to approve request.

Yeas: Moretti, Surdyke, Marrano

No: Muflahi, Anderson

Carried 3-2

Requests the City Council Approve the Ordinance to Redistribute Excess Funds Existing in the Development Personal Services Budget Code.

9. Honorable Frederic J. Marrano, President
Honorable Members of the City Council
714 Ridge Road
Lackawanna, NY 14218

Re: ***Budget Ordinance to fund Personal Service Positions Involving various Departments Funding***
Source: Development Department Personal Services

Dear Council Members:

In furtherance of the attached request from Mayor Annette Iafallo, attached please find an Ordinance for Council's review, consideration and approval. Said Ordinance serves to redistribute excess budgeted funds existing in Development's Personal Services Budget Code for the 2023-2024 budget year.

Funds totaling \$52,500 will be transferred from the Development Personal Services budget code (A.3620.0101) to: Law (A.1420.0101); Assessment (A.1355.0101); Purchasing (A.1345.0101) and Public Information (A.1480.0101).

Funds totaling \$19,573.00 will remain in the Development Personal Services budget code (A.3620.0101) to accommodate the pro-rated salary for a new Account Clerk Typist position requested in the Development Department.

Please note that the title changes and department shifts requested by Mayor Iafallo (as well as the full salaries for each position) will be incorporated into the 2024-2025 budget.

Thank you for your kind courtesy and consideration in the respect.

*Lackawanna City Council
City Hall – Room 215
714 Ridge Road
Lackawanna, NY 14218*

Dear Hon. Council President Marrano and Hon. Council Members Muflahi, Anderson, Moretti and Surdyke,

As you're aware, staff retirements and other departures dating back to last summer resulted in certain employees assuming significant extra duties on an acting basis with no additional compensation. Effective January 1, 2024, I've asked these individuals to assume the extra duties permanently through expanded roles.

As such, I'm recommending salary adjustments for these individuals to make their compensation commensurate with the new responsibilities. As part of this recommendation, I'm also requesting that a competitive civil service position be added in Development to help manage projects. In addition, the salary for two other key positions has been identified as under market and I'm requesting salary adjustments for those roles as well in an effort to retain these employees.

Below is a summary of my recommendations, which would be funded by reallocating the \$72,100 salary budgeted in the current fiscal year for the former Development Director plus a small General Fund transfer

<i>Employee</i>	<i>Position</i>	<i>Budget Line</i>	<i>Current Salary</i>	<i>Proposed Salary</i>	<i>Funding Open Position</i>	<i>Funding General Fund</i>	<i>Rationale</i>
<i>Heather Baumeister</i>	<i>Assistant City Attorney</i>	<i>A-1420</i>	<i>\$45,619</i>	<i>\$53,119</i>	<i>\$7,500</i>	<i>N/A</i>	<i>Salary below market for the position. Heather is now working 2.5 days with increased focus on Zoning & Planning and Code Enforcement legal matters.</i>
<i>Deborah Skulski-Wakelam</i>	<i>City Assessor</i>	<i>A-1355</i>	<i>\$67,980</i>	<i>\$72,980</i>	<i>\$5,000</i>	<i>N/A</i>	<i>Salary is below market for the position.</i>
<i>Thomas Nicometo</i>	<i>Purchasing Director & FEMA Coordinator</i>	<i>A-1345</i>	<i>\$76,220</i>	<i>\$96,220</i>	<i>\$20,000</i>	<i>N/A</i>	<i>In addition to Purchasing Director and Technology, Tom is now FEMA Coordinator – a vital role for ensuring reimbursement of covered storm costs. He also administers various processes for large projects s/a Franklin Park Splash Pad and Veterans Stadium renovation. And since 2020, Tom has led the Hometown Hero Banner program.</i>
<i>Charles Clark</i>	<i>Director of Development Marketing & Public Information</i>	<i>A-3620</i>	<i>\$73,650</i>	<i>\$93,650</i>	<i>\$20,000</i>	<i>N/A</i>	<i>In addition to Marketing and Public Information office duties, Chuck has now assumed Director responsibility for all Development related activity including Zoning & Planning and Code Enforcement administration.</i>
<i>New Development Position</i>	<i>Account Clerk Typist</i>	<i>A-3620</i>	<i>N/A</i>	<i>\$46,264</i>	<i>\$19,600</i>	<i>\$26,664</i>	<i>To assist in the delivery of various development, marketing and public/media relations projects.</i>
<i>TOTAL</i>					<i>\$72,100</i>	<i>\$26,664</i>	

In addition to these adjustments, I want to make you aware that the operating funds previously allocated to the Public Information and Services budget line A-1480 will be permanently transferred to and administered from the Development line A-3260.

Lastly, as part of the 2024-25 fiscal year budgeting process, I will be recommending additional percentage-based salary adjustments for all positions where appropriate to ensure the city's compensation levels are competitive for attracting and retaining qualified candidates.

If you have any questions, please contact me.

I thank you for your time and humbly ask for your consideration of this request.

Regards,

ANNETTE IAFALLO, MAYOR

Very truly yours,
LINDA HYBICKI, CITY COMPROLLER

Moved by Moretti 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 BUDGET 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: transfer funds in the total amount of \$52,500.00 to increase the salaries reflected in the 2023-2024 budget, as follows:

Department	Position	Budget Account Code	Current Salary	Proposed Salary	Budget Code/Position Increase
Law	Assistant City Attorney	A.1420.010 1	\$45,619.00	\$53,119.00	\$7,500.00
Assessment	City Assessor	A.1355.010 1	\$67,980.00	\$72,980.00	\$5,000.00
Purchasing	Purchasing Agent	A.1345.010 1	\$76,220.00	\$96,220.00	\$20,000.00
Public Information and Services	Public Information Officer	A.1480.010 1	\$73,645.00	\$93,650.00	\$20,000.00
	Total				\$52,500.00

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer funds budgeted in A.3620.0101 ("Development: Personal Services") in the total amount to **\$52,500.00** to the above itemized Budget Codes.

SECTION 3. That the 2023-2024 Budget Ordinance is hereby amended to add an "**Account Clerk Typist**" position to the "Personal Services" section in the Development Department (**A.3620.0101**).

SECTION 4. That the salary associated with said new "**Account Clerk Typist**" position for the remainder of the 2023-2024 fiscal year is **\$19,573.00** (i.e., prorating the full fiscal year salary requested of \$46,264.00).

SECTION 5. That ample funds remain in the "Development: Personal Services" budget code (**A.3620.0101**) to accommodate the balance of the new position salary (i.e., **\$19,573.00**) in the 2023-2024 budget year.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: February 21, 2024
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Marrano

No: Surdyke

Carried 4-1

Submitted Communication Regarding Opioid Litigation and the Revised CVS Sharing Agreement. This Information Deals with the Monies Received by NYS and are Then Allocated to Various Municipalities to Combat the Opioid Epidemic. The City Attorney Requests the City Council Approve the Law Department to Execute the Appropriate Documents Pertaining to this Matter.

10. Lackawanna Council President
Lackawanna City Council
714 Ridge Road
Lackawanna, NY 14218

RE: Opioid Litigation – Revised CVS Sharing Agreement for City of Lackawanna.

Council President:

Kindly, this correspondence is updating the Honorable Council on a Revised CVS Sharing Agreement in the pending NYS opioid litigation where certain settlement/sharing agreements have been entered into by the NYS Attorney General for monies from named opioid manufacturers and distributors, and request such correspondence be placed on the agenda to discuss same. The monies received by NYS are then allocated to counties, municipalities and communities to combat to opioid epidemic.

Specifically, the City of Lackawanna was to receive **\$12,593** as part of a CVS Sharing Agreement, but as a result of Suffolk and Nassau Counties having separate settlement agreements with CVS, and thus those two counties no longer part of the subject sharing agreement, the remaining counties/municipalities included in the CVS Sharing Agreement will get a higher distribution of proceeds.

The City of Lackawanna will now receive **\$23,467** (net change \$10,874) as a result of the CVS Sharing Agreement to assist the City in combating the opioid epidemic. Unless there are any objections from the Council, the Law Dep't will execute the appropriate documents to effectuate and obtain same.

Please contact us with any questions.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

Moved by Muflahi seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Authorize a Lease Agreement Between the City of Lackawanna and Erie County for the Use of the County Bandwagon Stage on Sunday, June 23, 2024 at the Bite of Lackawanna. (County Application and Proof of Liability Insurance Provided).

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

Honorable Members of City Council:

I am requesting your Honorable Body to authorize lease agreement between the City of Lackawanna and Erie County for the use of the County Bandwagon Stage for use on Sunday, June 23, 2024 at the Bite of Lackawanna.

Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS & RECREATION

Moved by Moretti seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the Council Authorize the City Clerk to Advertise for Bids for the Steelawanna Traffic Signal.

12: Honorable Frederic Marrano, Council President
Lackawanna City Council
714 Ridge Road – Room 215
Lackawanna, NY 14218

Re: Bid Advertising and Funding Authorization – Steelawanna Traffic Signal

Dear Council President Marrano,

The departments of Development and Public Works are jointly requesting City Council authorization of the following steps related to the Steelawanna Traffic Signal project at their February 20, 2024 regular business meeting:

- Advertising for bids
- Project funding through the Comptroller's Office under line item H2080-0615.

The project is estimated to cost in excess of \$662,000 per the attached from CPL Engineers and grant funded as follows:

- \$425K – DASNY Grant secured by Development from NYS Sen. Tim Kennedy's office (in process)
- \$250K – Erie County Urban Initiatives Grant – Legislator John Gilmour (awarded 2020 / received 2021)
- \$675K total

Any cost that may be incurred above the total grant funding would be paid from the General Fund, with City Council approval.

Thank you in advance for your consideration of this request.

Re: Steelawanna Traffic Signal – Engineering & Construction Cost Estimate

Dear Mayor:

Please find an updated breakdown of anticipated costs for the New Traffic Signal proposed for the intersection of Steelawanna and Ridge Road. We can provide a more detailed proposal outlining the design services denoted in the project phases below if desired.

Project Phases:

Performed by CPL

1. Survey & Geotechnical

\$10,500.00

2. Design	\$60,000.00
3. Construction Administration	\$18,500.00
4. Construction Inspection Performed by contractor selected via bidding	\$55,000.00
5. Construction	<u>\$518,675.00</u>
Total:	\$662,675.00

Description of CPL

1. *Includes sub consultant work for survey and geotechnical data collection and reports.*
2. *Task includes signal design, signal plans and details, anticipated construction cost estimate, specifications, and preparation of bid documents.*
3. *Task includes all work necessary for successfully completing all meetings, construction coordination, and all of the necessary construction administration during the construction process.*
4. *Task includes oversight during construction.*
5. *Anticipated preliminary costs for labor and materials to construct the traffic signal consistent with the above referenced contract documents.*

Very truly yours,

JASON HAVENS, SENIOR PROJECT MANAGER CPL

Regards,

CHARLES D. CLARK, DIRECTOR OF DEVELOPMENT, MARKETING & PUBLIC INFORMATION

Moved by Muflahi seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Tabled Items:

Adjournment:

Moved by Marrano seconded by et al to adjourn meeting in memory of Marilyn Ross.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 5-0