

**Regular Council Meeting**  
**Monday, April 8, 2024**  
**Council Chambers**  
**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 special meeting of March 13, 2024 and the regular meeting of March 27, 2024.

Moved by Marrano seconded by Anderson to adopt minutes of the special meeting of March 13, 2024 and the regular meeting of March 27, 2024 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Departmental Reports:**

1. **City Comptroller** – A/P Check Listing #26, dated 3/15/2024.
2. **City Comptroller** – A/P Check Listing #27, dated 3/22/2024.

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 Division/Department Heads:**

**Requests the City Council Approve an Ordinance to Increase the Funds Budgeted to the “Equipment” Budget Line, as Requested by Sr. Foreman, Dan Geercken. The Purpose is to Purchase a CAT Snowblower Attachment; Cost \$78,934.00.**

3. 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 Daniel Geercken, Senior Foreman of Public Works.

Foreman Geercken requests an increase in the funds budgeted to the “Equipment” Budget Line (A.5110.0201) in the amount of \$78,934.00. The purpose of Foreman Geercken’s request involves the purchase of a CAT Snowblower attachment.

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 "Equipment" 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; Mayor's Office  
From: Dan Geercken – Senior Foreman  
Re: Transfer of Funds CAT Snowblower Attachment*

*I am requesting that the Comptroller transfer funds from A.1900.1990 Contingent budget line in the amount of \$78,934.00 to A.5110.0201 Equipment budget line to pay attached invoice for the CAT Snowblower attachment.*

*Respectfully,  
DANIEL GEERCKEN, SENIOR FOREMAN 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 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:

**SECTION 1.** That the 2023-2024 Budget Ordinance adopted June 05<sup>th</sup>, 2023, is hereby amended to accommodate a General Fund transfer of funds in the amount of **\$78,934.00**.

#### **FOR THE GENERAL FUND**

**SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$78,934.00** from Budget Code **A.5110.0201 ("Maintenance of Streets: Equipment")**.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: April 10, 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 the City Council Approve the Use of Veterans Stadium by Lackawanna Little Loop Football on June 22,23,24 2024 from 4:30 p.m. to 7:30 p.m. Insurance is Attached.**

4. Honorable City Council President  
Honorable City Council Members

714 Ridge Road  
Lackawanna, NY 14218

Honorable Members of City Council,

Lackawanna Little Loop Football is requesting your Honorable Body to authorize their use of Veterans Stadium for Football Skills & Drills Program on June 22, 23 and 24 from 4:30 PM to 7:30 PM. Lackawanna Little Loop Football has provided proof of valid insurance.

Sincerely,

**BRIAN LAKSO, DIRECTOR OF PARKS & RECREATION**

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve an Ordinance Amending Section 75 of the City Code (Building Code Admin.). This is Needed for Chapter 75 to Procedurally Concur with the New Cannabis Ordinance (Chapter 93).**

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

Re: Proposed Special Use Permit Ordinance to Concur with Recent Cannabis Ordinance, Lackawanna, NY.

Council President:

The attached proposed ordinance amending Section 75 of the City Code (Building Code Admin.) is needed for Chapter 75 to procedurally concur with the new Cannabis Ordinance (Chapter 93). Please review and consider. Please contact us with any questions. Thank you.

Respectfully submitted,

**CHARLES D. CLARK, DIRECTOR OF DEVELOPMENT & MARKETING & JOHN P. GAUGHAN, CITY ATTORNEY**

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

## **ORDINANCE**

### **AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 75, CITY OF LACKAWANNA MUNICIPAL CODE, BUILDING CODE ADMINISTRATION**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that the current (as of April 7, 2024) sections of Chapter 75, Section 75-20, 75-21 and 75-23 be rescinded and replaced as follows:

**§75-20 Application for special use permit**

Application for required special permits shall be made to the Department of Code Enforcement for review and approval by the Zoning Board of Appeals before being presented to the Planning and Development Board. If the intended use is not permitted in a given zoning area, a request for variance(s) (parking, setbacks, greenspace, etc.) may be considered.

The City of Lackawanna Zoning Board of Appeals and Planning and Development Board, after public notice and a hearing in the same manner as is required by law, and after receipt of a report from the Department of Development, as provided below, if requested, may authorize the issuance of a permit, provided that it shall find that all of the appropriate conditions and standards in §§ 75-18 through 75-27 have been met.

Such permit shall run with the land or premises and not to the applicant, owner or other interested party.

**§ 75-21. Referral of applications to zoning and planning boards.**

The Zoning Board of Appeals and Planning and Development Board may refer to the Department of Development, a request for a report, any special permit application.

**§ 75-23. Revocation of special permits**

A use authorized by special permit granted by the Zoning Board of Appeals and the Planning and Development Board may be revoked by the boards which granted the special permit, if those boards find and determine, after a public hearing held in the manner provided for by law for those boards, that there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by said permit

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: April 10, 2024  
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Purchase of a Used Fire Engine to Replace Engine 33; a 1996 Spartan Pumper. The Cost of the Used Fire Engine is in the Amount of \$20,000 and Will be Purchased from St. Johnsburg Fire Company. Funds are Available in the "Emergency Equipment" Budget Line. The Fire Chief is Also Requesting to Sell Engine 33 and if it Cannot be Sold, to Scrap the Fire Engine.**

6. 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 purchase a used fire engine to replace our Engine 33. Engine 33 is a 1996 Spartan pumper that is in need of significant repairs to allow the truck to meet New York State heavy vehicle inspection and also to perform maintenance to the pump. The costs of these repairs are in excess of \$25,000. The used pumper will be purchased from St. Johnsburg Fire Company located in North Tonawanda. The Truck is a 1995 Spartan pumper with less than 20,000 miles on it. It is currently in service, is inspected, the pump is certified and there are no known mechanical issues. This truck has been well cared for and maintained and would fit well with our department and serve us for years to come. The cost of this truck is \$20,000. The Fire Department currently has the funds available in our current budget under emergency equipment (3410.0253) to cover the cost of the purchase. This truck will benefit the city both financially and by providing working equipment that is not in need of repair.

I am also requesting permission to sell our Engine 33.

Engine 33 is a 1996 Spartan Pumper that the city purchased new. This truck has served the city well over the last 28 years. Engine 33 is currently in need of repairs and will not meet New York State Inspection requirements and the pump needs costly maintenance due to its age. The cost of repairs to get this truck inspected and for pump maintenance cannot be justified.

With the purchase of the used 1995 Spartan pumper, Engine 33 no longer has any use to the Fire Department due to its age and condition. If the vehicle listed does not sell, I am asking permission to scrap the truck.

I am also asking for the funds received from the sale of this vehicle be placed into the Fire Department Budget under line 3410.0253 to replace a portion of the funds used from emergency equipment to purchase the used pumper.

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 the City Council Approve the Purchase of a New Kubota Tractor with Grass Cutting Deck from Monroe Tractor Co. (New York State Contract, No Bid Required). The Cost is \$31,420.50 Funds will be Taken from the "Equipment" Budget Line.**

7. Lackawanna City Council  
714 Ridge Road  
Lackawanna, NY 14218

Re: Tractor Purchase

Dear Respected City Council Members,

I am requesting authorization to purchase a new Kubota Tractor with grass cutting deck from Monroe Tractor CO (New York State Contract PC#69404) in the amount of \$31,420.50. Funds taken from Budget line A.5110-0201.

Thank you in advance for your consideration of this request.

Regards,

**DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS**

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council's Approval Regarding the Following Rezoning Action:**

**Open Space to Neighborhood Commercial: 264 Ridge Road (SBL 141.08-2-9.2) and the Neighboring Vacant Lot (SBL 141.08-2-9.2). This Request is to Correctly Zone 264 Ridge Road and Also Correctly Zone the Adjacent Lot for Redevelopment.**

8. To: City Council President Frederic Marrano  
From: Charles D. Clark, Director of Development, Marketing & Public Information  
Re: Recommendation to Rezone Ridge Road Parcels  
Date: April 3, 2024

The Department of Development requests the City Council's consideration of the following rezoning action during the April 8, 2024 meeting:

**Open Space to Neighborhood Commercial:**

- 264 Ridge Road (SBL 141.08-2-9.2)
- Neighboring Vacant Land (SBL 141.08-2-9.1)

*This action is requested to achieve the following outcomes:*

- Correctly zone the 264 Ridge parcel to reflect construction in 2018 of the Ridgeway Commons, an apartment complex run by Community Services for Every1
- Likewise, correctly zone adjoining vacant parcel for redevelopment

The proposed rezoning of these parcels was reviewed with the city's Planning and Development Board at their March 24, 2024 meeting, during which the board unanimously approved referring the matter for City Council Action (minutes on file in Room 309).

Per NYS Law, a public meeting for this matter will be required. City Attorney Gaughan is researching specifics for public notice, timing etc. and will advise accordingly.

The attached summary provides a brief site history and rationale for re-zoning 264 Ridge and adjoining vacant parcel. Also provided are Erie County GIS maps and city zoning maps from 2001 and current.

I welcome the opportunity to entertain any questions from the City Council in advance of or during caucus for the April 8<sup>th</sup> meeting.

I thank you all in advance for your attention to this important matter.

Moved by Marrano seconded by Muflahi, to approve request, forward for Public Hearing.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Request to enter into Executive Session to discuss the following:**

**Comptroller's Office Personnel Issue.**

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

If acceptable to the Council President, please list the following on the agenda for the April 8, 2024 Council Meeting.

- Executive Session – Comptroller's office personnel issue.

Please contact me with any questions. Thank you.

**JOHN P. GAUGHAN, CITY ATTORNEY**

Moved by Marrano seconded by Surdyke to enter into Executive Session; pursuant to Public Officers Law Section 105(1)(a)(h) and invite Mayor Iafallo to attend.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Roll Call: Muflahi, Anderson, Moretti, Surdyke, Marrano**

**Department Heads: Law Department**

**Time entered into Executive Session: 7:11 p.m.**

**Time Executive Session ended: 7:42 p.m.**

**Roll Call: Muflahi, Anderson, Moretti, Surdyke, Marrano**

**Department Heads: Law Department**

**Adjourn Executive Session:**

Moved by Marrano seconded by Anderson to adjourn Executive Session.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Moved by Muflahi seconded by Marrano to retain Chiampou, Travis, Besaw & Kershner LLP to assist the Comptroller's office and Treasurer's office.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from Citizens:**

**Requests the City Council Approve a Temporary closure of Wilkesbarre Street (From Pearl St. to Wilson St.) on April 10<sup>th</sup> from 7:00 a.m. to 10:30 a.m. in Observance of Eid Prayer. This Gathering is in Celebration of the End of Ramadan.**

10. To: Mayor – Annette Iafallo  
Council Member 1<sup>st</sup> Ward – Amira Muflahi  
Director of Public Safety – Dino Marrocco

I hope this message finds you well. I am reaching out to request a temporary street closure in Lackawanna for the observance of Eid Prayer, a significant event that brings our community together in a peaceful and spiritual gathering to celebrate the end of Ramadan.

As our celebrations are based on the lunar calendar, the exact day of Eid can only be determined closer to the date, depending on the sighting of the moon. Therefore, we request the closure of Wilkesbarre Street, from Pearl Street to Wilson Street, on either April 9<sup>th</sup> or April 10<sup>th</sup> from 7:00 AM to 10:30 AM, to accommodate our Eid Prayer.

In addition to the street closure, we kindly ask for police presence in the area during the event to ensure the safety and security of all attendees. We believe their presence will provide a reassuring environment for attendees and help manage the flow of traffic effectively.

The celebration of Eid is a key aspect of our religious and cultural identity, promoting the diversity that strengthens the fabric of Lackawanna. Our organization is fully committed to ensuring a smooth and orderly event and working closely with public safety, transportation, and other relevant departments. We are hopeful for the city's support and approval of this request and are prepared to engage in any necessary discussions or meetings to finalize arrangements.

We look forward to your positive response and any further instructions. Please feel free to contact me directly (716) 208-5287 for any discussions or clarifications needed.

Sincerely,

**ANWAR AL-KALAI, RESIDENT**

Moved by Marrano seconded by Muflahi to approve request, refer to Public Safety and Public Works.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Closing of O'dell Street Between Ingham Avenue and Wilmuth on Saturday, June 1, 2024 for the "Taste of Lackawanna". It Will be Held from 12:00 P.M. until 8:00 P.M.**

11. Lackawanna City Council  
714 Ridge Road  
Lackawanna, NY 14218

Dear City of Lackawanna,

The Lackawanna Youth Empowerment Program Inc. will be hosting its annual "Taste of Lackawanna". This event will be held Saturday, June 1, 2024. Set up begins at 9a.m., but the actual event is held from 12 p.m. until 8 p.m.

We are requesting permission to block off O'dell Street, between Ingham Ave and Wilmuth Street between the hours listed above.

Any further details needed, please contact our President at the number listed below. We thank you in advance for your support.

Sincerely Yours,

**WADE TURNER, PRESIDENT**

Moved by Marrano seconded by Muflahi to approve request, refer to Public Safety and Public Works.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Entertainment Licenses:**

**Class I – Live Music and/or Mechanical Reproduction:**

1. Sonny Reds, Restaurant/Bar, 1841 Abbott Road.
2. The Villa, Banquet Hall, 1830 Abbott Road.
3. The Pour House Sports Bar, 2847 South Park.
4. Steel City Pub, Restaurant/Bar, 1449 Abbott Road.

Moved by Marrano seconded by Surdyke to TABLE Class I Entertainment Licenses 1 through 4 inclusive, pending investigation and updating of application form, review of business license and appropriate ordinances.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Business Registrations:**



**Tabled Items:**

**Adjournment:**

Moved by Marrano seconded by Moretti to adjourn meeting.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 5-0

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Frederic J. Marrano-Council President

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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](http://www.lackawannany.gov)