

Regular Council Meeting
Monday, June 17, 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, Assistant Comptroller,
Recreation, Public Works

Hearings from Citizens:

Approval of Minutes: of the regular meeting of June 3, 2024.

Moved by Marrano seconded by Moretti to adopt the minutes of the regular meeting of June 3, 2024.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **Assistant City Comptroller** – A/P Check Listing #35, dated 6/4/2024.
2. **City Clerk** – Monthly report for May, 2024.
3. **Treasurer** – Total Cash Receipts, 4/1/2023-4/30/2024.

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:

Requests the City Council Approve the Agreement Between the City and City Creatures Animal Hospital. City Creatures Will Provide Veterinary Services for the Police Department K-9. Agreement is Attached.

4. Grace Marrano, City Clerk
714 Ridge Road
Lackawanna, NY 14218

Re: Agreement between the City and City Creatures Animal Hospital

Dear Ms. Marrano:

Please put the attached agreement on the agenda for council approval.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

A copy of the agreement may be obtained in the City Clerk's Office.

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits to the City Council an Updated Inventory List of the City Owned Property Available for Sale.

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

Re: Inventory of City Owned Property

Hon. City Council:

As per the City Charter, attached please find the updated inventory of City Owned property available for sale.

Very truly yours,

DEBORAH GABLE, ASSESSOR'S AIDE

A copy of the inventory list may be obtained in the City Clerk's Office.

Moved by Marrano seconded by Surdyke to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Use of Franklin Playground by the Global Concepts Charter High School Soccer Team. Proof of Insurance Will Be Provided.

6. 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 approve a request for use of Franklin Playground for use by the Global Concepts Charter High School Soccer Team. The Global Concepts Charter High School have used this field in years past with no issues of any sort. Proof of Insurance will be provided to the Recreation Director in the coming weeks.

Thank you for your consideration.

Dear Brian Lakso,

Global Concepts Charter School would like to continue to use the green space at Franklin Playing grounds to use for soccer practice for the 2024-2025 school year. Additionally, we would like permission to continue to store a set of soccer goals at the park and when not in use to continue to secure them against miss-use as we have in the past.

Our school and soccer teams will begin preparing for regular practice at the field starting on Monday August 5, 2024. Practices during the month of August will take place on weekdays from 2:30 to 4:30 and

during the months of September and October will take place between 3:30 and 6:30 Monday through Friday when the team does not have a game.

Attached is a certificate of insurance in regards to our use of the fields at the Franklin Street park.

Sincerely,

JOHN KLEIN, ATHLETIC DIRECTOR

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Contract From Erie County Bid to Use Galbo Construction for the Salt Shed Project. Bid Price is \$274,500. Proposal is Attached.

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

Honorable Council,

I request that the Council approve the contract from Erie County Bid to use Galbo Construction for the Salt Shed project. The BID price is \$274,500.00.

If you have any questions, please contact me.

Respectfully,

DAN GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

A copy of the proposal may be obtained in the City Clerk's Office.

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Request the City Council Approve the Ordinance Transferring \$150,446.40 to Cover the Balance Due After Receipt of the Payments From the Insurance Company for Destruction to the Salt Shed. The Insurance Payout Will Be in the Amount of \$124,053.60.

8. To: City Council; Comptroller's Office
From: Dan Geercken – Foreman
Re: Funding – Replacement of Salt Shed

On January 9, 2024, there was a wind storm that resulted in the destruction of the City salt shed. The structure was unsafe and could not be rebuilt on the existing foundation. Demolition of the structure took place shortly thereafter. The replacement of the salt shed is vital to snow removal efforts.

The replacement of the salt shed will cost a total of \$274,500.00. An insurance claim was put in for the salt shed resulting in a payment of \$97,528.80. This check is to be deposited in budget line A.5132.0443 City Garage – Repairs and Replacements. Once construction is completed, we will receive another payment from the insurance company in the amount of \$26,524.80 to also be deposited into budget line A.5132.0443 City Garage – Repairs and Replacements. The full insurance payout for the repairs total \$124,053.60.

For the remaining balance, we are asking the council to approve the transfer of \$150,446.40 from A1900.1990 Contingent Account to A.5132.0443 City Garage – Repairs and Replacements.

Respectfully,

DAN GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

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 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 5, 2023, is hereby amended to increase the budgeted revenues and appropriations to recognize the receipt of insurance reimbursements for the Salt Shed. Additionally, a decrease to the Contingent budget line and an increase to the City Garage Repairs and Replacements to fund the budget line for the remaining amount of the replacement of the Salt Shed.
- SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to increase the amount budgeted to revenue code **A.2680**, “Insurance Recoveries”, and increase the amount budgeted to expenditure code **A.5132.0443** “City Garage Repairs and Replacements” by **\$124,053.60**, to recognize the total amount of expected insurance recoveries.
- SECTION 3.** That the 2023-2024 Budget Ordinance adopted June 5, 2023, is hereby amended to decrease the Contingent budget code **A.1900.1990** and increase the amount budgeted to expenditure code **A.5132.0443**, “City Garage Repairs and Replacements” by **\$150,446.40** to fund the remaining cost of replacing the Salt Shed.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 18, 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 Ordinance Regarding the Proceeds Received From the Sale of DPW Vehicles in the Amount of \$4,683.00.

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

Dear Honorable Body:

Per the approval of your honorable body of Communication #6 on March 4, 2024, the various DPW vehicles were sold for \$4,683.00, which was recorded in our Sale of Scrap Revenue (A.2650). The Sr. Foreman has asked that this money be placed back into his A.5110.0201 Maintenance of Streets – Equipment Budget Line.

An Ordinance recognizing the increase in revenue (A.2650) and increase in the Maintenance of Streets – Equipment (A5110.0201) by \$4,685.00 is attached for your review and consideration.

Thank you for your kind attention in this respect.

Very truly yours,

PEGGY BIGAJ-SOBOL, ASSISTANT 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 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 5, 2023, is hereby amended to increase the budgeted revenues and appropriations to recognize the receipt of revenue from the sale of DPW vehicles, that was approved at the March 4, 2024 Council meeting.
- SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to increase the amount budgeted to revenue code **A.2650**, entitled **“Sale of Scrap”**, by **\$4,683.00**.
- SECTION 3.** That the 2023-2024 Budget Ordinance adopted June 5, 2023, is hereby amended to increase the amount budgeted to expenditure code **A.5110.0201**, entitled **“Maintenance of Streets – Equipment”** by **\$4,683.00**.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 18, 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 the City Council Approve the Ordinance Regarding the Proceeds Received From the Sale of the 1988 Simon Duplex Ladder Truck which was sold for \$6,550.00

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

Dear Honorable Body,

Per the approval of your honorable body of Communication #6 on December 18, 2023, the 1988 Duplex Ladder Truck was sold for \$6,550.00, which was recorded in our Other Unclassified Revenues (A.2770). The Fire Chief has asked that this money be placed back into A.3410.0443 Repairs to Building and Equipment Budget Line.

An Ordinance recognizing the increase in revenue (A.2770) and increase in the Repairs to Building and Equipment (A.3410.0443) by \$6,550.00 is attached for your review and consideration.

Thank you for your kind attention in this respect.

Very truly yours,

PEGGY BIGAJ-SOBOL, ASSISTANT 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 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 5, 2023, is hereby amended to increase the budgeted revenues and appropriations to recognize the receipt of revenue from the sale of 1988 Simon Duplex Ladder Truck.
- SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to increase the amount budgeted to revenue code **A.2770**, entitled "**Other Unclassified Revenues**", by **\$6,550.00**.
- SECTION 3.** That the 2023-2024 Budget Ordinance adopted June 5, 2023, is hereby amended to increase the amount budgeted to expenditure code **A.3410.0443**, entitled "**Fire Department: Repairs to Building and Equipment**" by **\$6,550.00**.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 18, 2024

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Request the City Council Approve a List of Transfers That Will Balance All of the Accounts That Were in the Red as of July 31, 2023.

11. Honorable Council President
Honorable City Council

714 Ridge Road
Lackawanna, NY 14218

Dear Honorable Body:

Attached please find a list of transfers for your approval. These transfers will balance all of the accounts that were in the red at July 31, 2023.

If you have any questions, feel free to give me or our office a call.

Very truly yours,

PEGGY BIGAJ-SOBOL, ASSISTANT CITY COMPTROLLER

A copy of the list of transfers may be obtained in the City Clerk's Office.

Moved by Marrano seconded by Anderson to approve the list of transfers.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Ordinance Regarding the Transfer of \$30,000 From the "Contingent Account" to "Assessment – Consulting/Maintenance Fee" For Training/Support Services.

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

Dear Honorable Body:

Per the approval of your honorable body of Communication #2 on June 3, 2024, the Mayor has asked that \$30,000.00 be transferred from the Contingent Budget Line to Assessment – Consulting/Maintenance Fee for training.

An Ordinance recognizing the decrease to the Contingent Budget Line (A.1900.1990) and increase to Assessment – Consulting/Maintenance Fee (A.1355.0469) by \$30,000.00 is attached for your review and consideration.

Thank you for your kind attention in this respect.

Very truly yours,

PEGGY BIGAJ-SOBOL, ASSISTANT 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 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 transfer appropriations from the Contingent Budget Code to Assessment Consulting/Maintenance Fee in the amount of \$30,000.00 for training.

FOR THE GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to decrease Budget Code **A.1900.1900 “Contingent Account”** and increase to Budget Code **A.1355.0469 “Assessment – Consulting/Maintenance Fee”** by \$30,000.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 18, 2024
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 the Ordinance Prefunding a Zoning Code Update in the Amount of \$100,00 (\$90,000 is Reimbursement Upon Completion of the Project) & To Authorize the Mayor to Sign a Contract With C&S Engineers to Lead the Zoning Code Update Project.

13. Frederic Marrano
Lackawanna City Council President
City Hall
714 Ridge Road
Lackawanna, N.Y. 14218

RE: Zoning Code Update Project – Project Funding and Contract Approval

Dear Council President Marrano,

In mid-year 2023, the City of Lackawanna received a NYS Grant in the amount of \$90,000 to update the city’s Zoning Code.

For various reasons the project was paused for several months however, we are now ready to move forward.

I’m requesting the following be placed on the 6/17 City Council meeting agenda for consideration:

1. Approve an ordinance pre-funding a Zoning Code Update project account in the amount of \$100,000, which is the maximum allowable cost (\$90,000 reimbursable upon project completion).
2. Authorize Mayor Iafallo to sign a contract with C&S Engineers – Buffalo Office, who has been chosen to lead the Zoning Code Update project in partnership with the Department of Development. The contract has been reviewed by the Law Department.

I would be happy to discuss any questions either before or during the meeting.

Sincerely,

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

13(1) Requests the City Council Approve the Ordinance Prefunding a Zoning Code Update in the Amount of \$100,00 (\$90,000 is Reimbursement Upon Completion of the Project)

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

13(A)1. An Ordinance Amending the 2023-2024 Budget Ordinances Adding the Following Budget Codes to the Capital Fund: “Zoning Code Update Project” and “Zoning Code Update Project – City Share”. \$100,000 Will be Transferred From the Development Consulting Budget Line. \$90,000 Will Be Placed Into the “Zoning Code Update Project” and \$10,000 Into the “Zoning Code Update Project – City Share”.

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 add the following Budget Codes to the Capital Fund:
H.2080.0618.0000 – “Zoning Code Update Project” and H.2080.0618.0100 “Zoning Code Update Project – City Share”.

GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to decrease budget code **A.3620.0469** “Development Consulting” by \$100,000.00 and increase the **“Transfer to Other Fund – Capital”** Budget Code [**A.9000.9550**].

CAPITAL FUND

SECTION 3. That the 2023-2024 Budget Ordinance is hereby amended to increase **H.2080.0618.0000 “Zoning Code Update Project”** by \$90,000.00 and **H.2080.0618.0100 “Zoning Code Update Project – City Share”** by \$10,000.00 to fund the capital project.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 18, 2024
Lackawanna, New York

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

Carried 5-0

13(2) Requests the City Council Authorize the Mayor to Sign a Contract with C&S Engineers to Lead the Zoning Code Update Project in Partnership with the Department of Development. Agreement is Attached.

A copy of the agreement may be obtained in the City Clerk’s Office.

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

Carried 5-0

Requests the City Council Approve the Ordinance Regarding the Sale of the Vacant Lot (3140 South Park Avenue) to Amanah Enterprises, LLC in the Amount of \$4,000.

14. Lackawanna City Council
714 Ridge Road

Lackawanna, NY 14218

Re: 3140 South Park Avenue

Hon. City Council:

Attached is an offer to purchase 3140 South Park Avenue. This piece of land is a vacant lot attached to the building previously owned by Pat McCusker's Tax office. It was the original site of Bella Pizza and Buddy's Sub Shop years ago.

Director of Development, Chuck Clark will be on hand for questions or concerns.

Very truly yours,

DEBORAH GABLE, ASSESSOR'S AIDE

Moved by Surdyke seconded by Marrano to **TABLE** for further information provided in writing and not a verbal communication.

Yeas: Anderson, Moretti, Surdyke, Marrano

No: Muflahi

Carried 4-1

Communications from Citizens:

Requests the City Council Approve the Closure of Church Street from Wasson to Gates on Saturday June 29th, 2024 from 11:00 A.M. to 4:00 P.M for the Kick-Off of Summer Fest and Senior Fair on the Grounds of Second Baptist Church. The Council Has Approved This in the Past.

15. Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Good Morning,

I'm requesting that Church St. be closed from Wasson to Gates for safety reasons on Saturday June 29, 2024 from 11 am to 4 pm.

Community volunteers are holding the 1st Ward Kick-off the Summer Fest & Senior Fair on the grounds of Second Baptist Church at 18 Church St. and the area in front of the church.

A large number of children will be attending and to increase safety, the block needs to be closed to traffic during the event, during set up and clean up.

Thank you,

KIMBERLY SMITH, 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

Entertainment License:

Class I – Live Music and/or Mechanical Reproduction:

Jokers, Bar and Restaurant, 1783 Electric Avenue. New Entertainment License is complete. Business registration is current.

Moved by Marrano seconded by Anderson to approve Class I Entertainment License.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

One Day Residential Permit:

Mark and Patricia Plehinger, 26 Kennedy Drive, Graduation Party. New Entertainment License is complete. Only Music being provided is a radio.

Moved by Surdyke seconded by Moretti to approve a one-day permit.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registration:

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by Muflahi to adjourn meeting.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0