

**Regular Council Meeting**  
**Monday, August 12, 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 (E),  
Recreation, Public Works

**Hearings from Citizens:**

**Approval of Minutes:** of the regular meeting of July 15, 2024.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of July 15, 2024.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

**Departmental Reports:**

1. **Assistant Comptroller** – A/P Check Listing #38, dated 7/19/2024.
2. **City Clerk** – Monthly Report for June, 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 the Mayor:**

**Requests the City Council Approve Her and Councilman Surdyke to Attend the New York State Fall Conference of Mayors. It is Being Held in Saratoga Springs from September 16<sup>th</sup> Through September 20<sup>th</sup>, 2024.**

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

Re: NYCOM Fall Conference

Honorable Council President and Honorable Council Members:

I am asking your Honorable Body to grant permission for Councilman Surdyke and myself to attend the New York State Fall Conference of Mayors. This is being held in Saratoga beginning September 16 thru the 20<sup>th</sup>, 2024.

Respectfully submitted,

**ANNETTE IAFALLO, MAYOR**

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from Division/Department Heads:**

**Requests the City Council Approve the Ordinance Regarding Compliance Orders with the Code Enforcement Department.**

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

Re: Section 75-15A Compliance Orders Ordinance

Dear Ms. Marrano,

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

Very truly yours,

**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 CHAPTER 75, BUILDING CODE ADMINISTRATION, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

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

Section 75-15A. Compliance Orders is hereby rescinded and replaced as follows:

A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property:

- Personally; or

- By certified mail; or
- By affixing the Compliance Order to the door of the actual premises, dwelling place, building or usual abode and by mailing the Compliance Order by first class mail to the person or entity to be served at their last known address or place of business.

The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by affixing and mailing as outlined above; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: August 13, 2024  
Lackawanna NY

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

Carried 5-0

**Advises the Council Regarding the Name Change of the Seasonal Rec Attendants to the Title of Playground Watcher for the 2024/25 Budget Year. On July 30, 2024, Civil Service Changed the Title of the Seasonal Rec Attendant to Playground Watcher.**

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

Re: Seasonal Rec Attendant Changed to Playground Watcher

Council President and Honorable Council:

Respectfully, I write to advise that the Rec Attendant title was being used for both Senior Center employees and playground watchers, despite the playground watchers only working seasonally (as opposed to year-round Rec Attendants at the Senior Center). On July 30, 2024, Civil Service changed the title of the seasonal Rec Attendant to Playground Watcher.

Please take note of the change in title which will be reflected in the published budget for 2024/25.

Respectfully submitted,  
**JOHN P. GAUGHAN, CITY ATTORNEY**

Moved by Marrano seconded by Anderson to receive and file.  
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

6. This item was removed from the agenda.

**Requests the City Council Approve the Request to Advertise for Bids for Confined Space Fire Equipment and Direct the City Clerk to Advertise for Bids.**

7. Lackawanna City Council  
Honorable Fred Marrano, President  
City Hall- Room 217  
714 Ridge Road  
Lackawanna, NY 14218

Re: Request to advertise for bids for fire equipment

Dear Council Members,

I am requesting your Honorable Body to direct the City Clerk to advertise for bids for new firefighting equipment for the Fire Department.

This equipment will include a mobile air cart, air cylinders, airline hose, escape packs, face pieces, and gas detectors. This equipment will be used for confined space emergencies. Equipment specifications will be available in the City Clerk's office.

The funding for this project is provided by an Assistance to Firefighters grant sponsored by FEMA. If you have any questions please feel free to contact me.

Sincerely,

**JAMES J. FINO, FIRE CHIEF**

Moved by Marrano seconded by Moretti to approve request, directs City Clerk to advertise for bids.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Ordinance Transferring Funds Between Different Development Accounts From the 2023-2024 Budget Line for the Replacement of a 2<sup>nd</sup> Code Enforcement Vehicle That is Beyond Repair.**

8. Lackawanna City Council  
Hon. Frederic J. Marrano, President  
714 Ridge Road  
Lackawanna, NY 14218

Re: Transfer of Funds between Development accounts

Hon. Frederic J. Marrano:

I am asking the City Council to approve a budget transfer for funds in the 23-24 budget line.

The transfers would be as follows:

- Budget transfer from A.3620.444 – Grant Matches \$15,000.00;
- Budget transfer from A.3620.466 – Demolition of Buildings \$24,995.00
- Budget transfer to A.3620.250 – Code Enforcement Vehicle totaling \$39,995.00

Money in the 400 lines has already been encumbered from the 23-24 budget for this possible purchase.

If the councils sees fit, we can purchase a second code enforcement vehicle using the funding noted above. We are proposing the purchase of a Dodge Durango off NYS Contract pricing. No money would be taken out of the unappropriated fund balance to make this purchase.

I have also attached a letter from Mike Newton, the chief mechanic, stating that the 2014 Ford Escape currently in the Code Enforcement fleet is beyond repair. This was not known during the budget process.

If you have any questions, please feel free to contact me before the meeting as I will be unable to attend. Director of Development Charles Clark is aware of this agenda item and is in agreement with it.

*To whom it may concern,*

*The 2014 Ford Escape (VIN#1FMCU9G3EUD85804) that is used by Code Enforcement was recently brought to the city garage for inspection and repairs due to Code Enforcement Officers having issues starting the vehicle. During inspection, it was found that the electrical system is no longer working and the bearings in the rear need to be replaced. We have inspected the vehicle's electrical system at the garage and sent out the vehicle twice to be fixed and the short cannot be found. In my professional opinion, the vehicle is not worth fixing due to the cost of repairs being greater than the vehicle's value. If you have any questions, please contact me.*

*Respectfully,*

**MICHAEL NEWTON, CHIEF MECHANIC**

Very truly yours,

**THOMAS J NICOMETO, PURCHASING AGENT**

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:

- SECTION 1.** That the 2023-2024 Budget Ordinance adopted June 5, 2023, is hereby amended to transfer budget appropriations for Personal Services between various DPW departments.
- SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to decrease budget line A.3620.444 Development Grant Matches by \$15,000 and Development Demolition of Buildings by \$24,995.00
- SECTION 3.** That the 2023-2024 Budget Ordinance adopted June 5, 2023, is hereby amended to increase the amount budgeted to expenditure code A.3620.250 Development Code Enforcement Vehicle by \$39,995.00.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: August 13, 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 Agreement with CivicPlus for Their Mass Notification System. This Will Replace the Code Red System Which Will End on September 2<sup>nd</sup>, 2024. The CivicPlus System is \$3,000 Less Than the Current System. CivicPlus is Also NYS Contract Pricing.**

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

Re: Agreement with CivicPlus

Hon. City Council:

I am requesting authorization to enter into an agreement with CivicPlus for their Mass Notification System. This new system will replace Code Red which will end on September 2, 2024. The new program is more advanced and is \$3,000 less than the current system. CivicPlus is also NYS Contract Pricing.

If you have any questions please contact Gene Olivieri.

Very truly yours,  
**THOMAS J NICOMETO, PURCHASING AGENT**

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

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

Carried 5-0

**Requests the City Council Approve the Amendment of Alliance Drive Land Sale to Empire Building Diagnostics. This Modification Revises the Original Sale Parameters Approved on September 25, 2023.**

10. Frederic Marrano, City Council President  
Lackawanna City Council  
714 Ridge Road – Room 215  
Lackawanna, New York 14218

Re: Amendment of Alliance Drive Land Sale to Empire Building Diagnostics

Dear Council President Marrano,

I'm requesting the Lackawanna City Council's consideration of the following modification to the Alliance Drive land sale deal with Empire Building Diagnostics during their Monday, August 12<sup>th</sup> meeting:

	Original Sale Parameters Approved by City Council on September 25, 2023	Revised Sale Parameters	Change
Acreage	3.38	2.72	(0.66)
Price per Acre	\$25,000	\$25,000	No Change
Total Sale Price	\$84,500	\$68,000	(\$16,500)

The rationale for this change is as follows:

- The original 3.38 sale acreage unknowingly included a portion of city road *A Street* – a fact identified when an updated survey was performed on the city’s behalf as part of the due diligence for closing.
- *A Street* provides the only public access into Alliance Drive, which will now have multiple land owners and tenants. As such, any consideration to privatize all or parts of the road would not be prudent.

The revised parameters have been agreed to by Empire through their legal counsel and with City Council approval of the same, we anticipate closing the transaction in the next 30-45 days.

And FYI, the separate sale of 1.34 acres on Alliance Drive to It Fitz Concrete, also approved last September by this honorable body, closed on May 31<sup>st</sup>. It Fitz is now starting preliminary work on a site plan.

A copy of the updated property survey for Alliance Drive is attached.

Thank you for your consideration.

Regards,

**CHARLES CLARK, DIRECTOR OF DEVELOPMENT, MARKETING & PUBLIC INFORMATION**

Moved by Marrano seconded by Anderson to Approve Amendment.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Sale of a 2021 Ford Police Interceptor Utility Vehicle. Proceeds Will Be Placed in the Police Operating Budget.**

11. To: Lackawanna City Council  
Attn: Council President Frederic Marrano  
From: Dino Marrocco, Director of Public Safety  
Subject: SALE OF POLICE DEPARTMENT VEHICLE

Honorable Council Members:

I respectfully request authorization to sell the following police vehicle.

- 2021 Ford Police Interceptor Utility Vin# 1FM5K8AB9NGA05755

All proceeds from the sale of aforementioned vehicle will be placed in the Lackawanna Operating Budget Police Department account code A-3120-250.

Respectfully,

**DINO MARROCCO, DIRECTOR OF PUBLIC SAFETY**

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications form Citizens:**

**Requests the City Council Approve the Proposed Resolution to Move Forward to Secure the Funding Through the New York State Library Construction Aid Program for Replacement of Boilers and Hot Water Heater, and Direct the Mayor and Library Board of Trustees to Provide all Necessary Signatures and Documents for the Application Process.**

12. City Council  
City of Lackawanna  
714 Ridge Road  
Lackawanna, NY 14218

Dear City of Lackawanna Council Members,

In a meeting with Mayor Iafallo on Wednesday, July 31<sup>st</sup>, 2024, I requested the support of the City of Lackawanna for my New York State Library Construction Aid application. I have proposed a project that involves the replacement of the two boilers and the hot water heater. Mayor Iafallo is in support of pursuing this project. I have included information about the budget for this project and the projected costs to the City pending award at either 75%or, most likely, 90% of the total project cost.

I am requesting that City Council review this proposed project, the budget information, and approve the resolution for the City to move forward in securing the funding through the New York State Library Construction Aid program during the upcoming August 12, 2024 City Council meeting.

Thank you for your continued support of the City of Lackawanna community.

Gratefully,

**PAMELA EDHOLM, LIBRARY DIRECTOR**

Moved by Marrano seconded by Moretti to receive and file, act on resolution.

Yeas: Moretti, Surdyke, Marrano

Carried 3-0

Recused: Muflahi, Anderson

**RESOLUTION NO. 9, 2024**

**Library Construction Grant Application for the Lackawanna Public Library**

**Whereas** the New York State Department of Education, Division of Library Development, under the NYS Public Library Construction Grant Program ("State Grant") is offering funds up to 90% of approved costs for renovation or rehabilitation of public libraries in New York State and,

**Whereas** the City Of Lackawanna is the owner of the building that houses the Lackawanna Public Library, located at 560 Ridge Road in the City of Lackawanna, and maintains the building under an agreement with the Buffalo and Erie County Public Library System, and,



**Whereas** the Lackawanna Public Library is in charge of its library operations in cooperation with the Buffalo and Erie County Public Library System, and per the guidelines for the State Grant and County Grant, must be the applicant for such grants, and,

**Whereas** the Lackawanna Public Library is in dire need of replacement of its boilers, estimated cost of \$31,660 to increase energy efficiency and reduce utility costs;

**Whereas** the Lackawanna Public Library must also replace its hot water heater at an estimated cost of \$1925;

**Whereas** the City of Lackawanna, as owner of the Lackawanna Public Library building and grounds, recognizes its responsibility to maintain the building and, in accordance with its responsibility hereby commits to paying the entire project cost less any grant funds awarded, as the local match towards the State Grant.

**Now Therefore Be It Resolved** the City of Lackawanna will be providing matching funds through its capital budget, less any Public Library Construction Grant proceeds, for the boiler and hot water heater replacement project, estimated to cost \$33,585, based on the attached project budget, contingent on the award of a Library Construction Grant;

**And Be It Further Resolved** that this City of Lackawanna Council hereby authorizes and directs the Lackawanna Public Library Board of Trustees to submit the NYS Public Library Construction Grant for the Lackawanna Public Library and directs the City of Lackawanna Mayor Annette Iafallo and Lackawanna Library Board of Trustees to provide all necessary signatures and documents needed for and related to the aforementioned project and application for grant funding.

**And Be IT Further Resolved** that the City of Lackawanna Council agrees and covenants that the Library building at 560 Ridge Road in the City of Lackawanna shall be legally available for use as a public library building for at least 10 (ten) years from the anticipated date of the completion of the aforementioned construction project.

This resolution shall take effect immediately.

Dated: August 12, 2024  
Lackawanna, New York

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

Carried 3-0

**Requests the City Council Approve the Closure of the Block Including Pearl Ave Between Steelawanna and Wilkesbarre for an Outdoor Kids' Activity Event Hosted by La Iglesia De Dios Inc. This Event is Scheduled to Take Place on August 17, 2024 From 12 P.M. to 6 P.M.**

13. Lackawanna City Council  
714 Ridge Road  
Lackawanna, N.Y 14218

Dear City of Lackawanna,

I am writing to request permission to close the block of Pearl Ave between Steelawanna and Wilkesbarre for an outdoor kids' activity event hosted by La Iglesia De Dios Inc. El Taller Del Maestro. This event is scheduled to take place on August 17, 2024 from 12 p.m. to 6 p.m.

The event aims to provide a safe and enjoyable environment for our community's children, including various outdoor activities and games. By closing the said block for the mentioned time, we aim to ensure the safety of the children and create a space where they can engage in fun and wholesome activities.

We will take full responsibility for ensuring that the area is properly cleaned and restored to its original condition after the event. Additionally, we will implement specific safety measures such as [mentioned safety measures] and coordinate with local authorities to adhere to all necessary safety regulations and guidelines.

We kindly request your favorable consideration of this request. Please let us know if there are any specific procedures or forms we need to follow to obtain the required permissions for this event.

Thank you for your time and attention to this matter. We are looking forward to the possibility of hosting this event and contribution to the well-being of the children in our community.

Sincerely,

**REV. LUIS AYALA, RESIDENT**

Moved by Marrano seconded by Anderson to Approve Request, Refer to Public Works and Public Safety.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 3-2

**Business Registration:**

Clementina Gratacos, Spiritual Vibes Botanica LLC (Spiritual Education & Literature), 723 Ridge Road.

Moved by Marrano seconded by Muflahi to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Bappa M. Ba, Timbo 1 Auto Repairs Corp. (Automotive Repairs & Technology), 1212 Abbott Road.

Moved by Marrano seconded by Moretti to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Tabled Items:**

**Old Business:**

**Adjournment:**

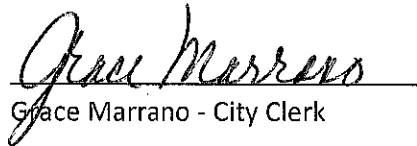
Moved by Marrano seconded by Moretti to adjourn meeting in memory of Palmira Sarandrea.

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.

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