

Regular Council Meeting
Monday, October 21, 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(E), Marrano
Dept. Heads: Law, Development/Marketing, Public Safety(A), Assistant
Comptroller(E), Recreation, Public Works(E)

Hearings from Citizens:

Approval of Minutes: of the regular meeting of October 7, 2024.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of October 7, 2024.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Departmental Reports:

1. **Assistant Comptroller** – A/P Check Listing #7, dated 10/10/2024.

Moved by Marrano seconded by Muflahi to receive and file Departmental Report one.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Communications from Division/Department Heads:

Requests the City Council Approve CATCO for the Installation of the New Traffic Signal at the Intersection of Steelawanna Ave. and Ridge Road. CATCO Was Lowest Bidder at \$399,558.95.

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

Re: Steelawanna Traffic Signal Bid Approval:

Dear Respected City Council Members,

The Department of Public Works request that the council approve CATCO for the installation of the new traffic signal at the intersection of Steelawanna Ave and Ridge Rd. Bid price of \$399,558.95 (lowest of the bids).

Occhino: \$460,892.50

Millennium: \$624,626.00

Respectfully,

DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

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

Carried 4-0

Requests the City Council to Direct the City Clerk to Begin the Bid Process for an Engineering Firm for the Warsaw Street Bridge Replacement Project.

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

Re: Bid Advertising – Engineering Firm Warsaw Ave Bridge Replacement.

Dear Respected City Council Members,

The Department of Public Works request that the council allow the City Clerk to start the bid process to retain an engineering firm for the Warsaw Ave bridge replacement project.
Please see the attachment for proposed bid advertisement.

Respectfully,

DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

Moved by Marrano seconded by Anderson to approve request, directs City Clerk to begin bid process.
Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Requests the City Council Approve the Sale of a 2019 Ford Fusion and a 2021 Dodge Durango. Proceeds Will Be Placed in the Police Dept. Operating Fund.

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

Honorable Council Members:

I respectfully request authorization to sell the following police vehicles.

- 2019 Ford Fusion Vin#3FA6POT97KR144878
- 2021 Dodge Durango Vin# 1CR4RDJFGOMC847465

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, Marrano

Carried 4-0

Requests the City Council Approve the Ordinances Regarding Amendments to Chapter 190, 135, 155 of the Municipal City Code.

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

Re: Section 190-12 (E) Penalties for offenses Ordinance
Section 135-14 Height, locations Ordinance
Section 155-10 Penalties for offenses Ordinance

Dear Ms. Marrano:

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

Very truly yours,
JOHN P. GAUGHAN, CITY ATTORNEY

Moved by Marrano seconded by Anderson to receive and file, act on ordinances.
Yeas: Muflahi, Anderson, Moretti, Marrano Carried 4-0

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 190, SOLID WASTE, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

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

Section 190-12 (E) is hereby rescinded and replaced as follows:

E. Penalties for offenses. The penalties for violations of the provisions of this chapter shall be as follows:

- (1)** A fine of \$50.00 for the first violation.
- (2)** A fine of \$100.00 for the second violation.
- (3)** A fine of \$200.00 for the third violation.
- (4)** A fine of \$300.00 for the fourth and subsequent violations.
- (5)** In the event of succeeding and continuing violation(s) of this chapter, any person who shall be convicted of violating or failing to comply with the provisions of this chapter be punished by a fine of not more than \$250 or imprisonment for not exceeding 15 days, or both such fine and imprisonment. The continuation of such violation(s) for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation shall be punishable as above for each separate offense.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: October 23, 2024
Lackawanna, New York

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 135, HEALTH AND SANITATION, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 135-14 Height, locations shall be amended by adding the following:

§ 135-14 Height, location.

C. Penalties for offenses. The penalties for violations of the provisions of this chapter shall be as follows:

- (1) A fine of \$50.00 for the first violation.
- (2) A fine of \$100.00 for the second violation.
- (3) A fine of \$200.00 for the third violation.
- (4) A fine of \$300.00 for the fourth and subsequent violations.
- (5) In the event of succeeding and continuing violation(s) of this chapter, any person who shall be convicted of violating or failing to comply with the provisions of this chapter be punished by a fine of not more than \$250 or imprisonment for not exceeding 15 days, or both such fine and imprisonment. The continuation of such violation(s) for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation shall be punishable as above for each separate offense.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: October 23, 2024
Lackawanna, New York

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 155, MUNICIPAL CODE VIOLATIONS BUREAU, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

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

Section 155-10 Penalties for offenses is hereby rescinded and replaced as follows:

	Initial Penalty	Penalty Upon Default
First offense	\$50.00	\$100.00
Second offense	\$100.00	\$200.00
Third offense	\$150.00	\$300.00
Subsequent offenses	\$300.00	\$600.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: October 23, 2024
Lackawanna, New York

Moved by Marrano seconded by Anderson to adopt ordinances 5A, 5B and 5C as written.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Requests the City Council Approve the Memorandum of Understanding for the School Resource Officer Authorizing the Mayor to Sign Same.

6. Grace Marrano, City Clerk
714 Ridge Road
Lackawanna, New York 14218

Re: SRO Agreement

Dear Ms. Marrano:

Please put the attached agreement on the agenda for council approval authorizing the Mayor to sign.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

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

Moved by Muflahi seconded by Anderson to approve the Memorandum of Understanding for the School Resource Officer and for Mayor to sign same.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Requests the City Council Review the Revised Purchase Offer From Amanah Enterprises, LLC, for the City Owned Property Located at 3140 South Park Avenue. The LLC Principal, Mr. Izzy Mohamed is Requesting the Council Approve His Request to Purchase This Property.

7. To: Frederick Marrano, Council President
From: Charles D. Clark, Director
Date: August 17, 2024
Re: Revised Purchase Offer from Amanah Enterprises, LLC – 3140 South Park Avenue

Attached is a revised purchase offer of \$10,500 from Amanah Enterprises, LLC for the city-owned parcel located at 3140 South Park Avenue. This revised offer mirrors the recent appraisal value established for the parcel earlier this year.

The LLC principal, Mr. Izzy Mohamed, is requesting this item be placed on the City Council Agenda for consideration at the council's October 21, 2024 meeting.

Included with this memo are copies of email communication on this matter from July-August of this year, which outlines the development options for the 3140 South Park parcel (including the parking use identified by Amanah) and various tax matters pertaining to Mr. Mohamed and affiliated LLC's as it pertains to 12-3 B of the City Charter.

It is noted that Mr. Mohamed is current on all taxes for properties in his personal name. however various affiliated LLC's are in arrears on city and school taxes. It is further noted that Amanah Enterprises, LLC is a new entity and not one of the LLC entities in arrears.

The council's full consideration of this request is appreciated.

CHARLES CLARK, DIRECTOR OF DEVELOPMENT, MARKETING & PUBLIC INFORMATION

Moved by Marrano seconded by Anderson to approve request with appropriate language in the deed addressing the concerns of the Council with relation to a Reverter Clause.
 Yeas: Muflahi, Anderson, Moretti, Marrano Carried 4-0

Requests the City Council Approve the Rezoning Recommendation for Various Private Parcels on South Park, Electric and Myrtle Avenues. The Current Open Space Designation of These Parcels is Incompatible with the Land Use Definitions for These Areas Outlined in the City’s Comprehensive Plan.

8. To: Frederic Marrano, Council President
 From: Charles D. Clark, Director
 Date: August 17, 2024
 Re: Rezoning Recommendation for Various Private Parcels on South Park, Electric and Myrtle Avenues

The Department of Development requests the City Council’s consideration of the following *rezoning action* during their October 21, 2024 meeting:

Location	Owner	Current Zoning	Proposed Zoning
3365 & 3375 South Park Avenue	TGA Industries Inc.	Open Space	Neighborhood Commercial
1864 Electric Avenue & 3365 South Park Rear	Eileen Fucina	Open Space	Mixed Residential
0 Electric Avenue	Arlene Brown	Open Space	Mixed Residential
0 Myrtle Avenue End	Brian Murphy	Open Space	Mixed Residential

The current Open Space designation of these private parcels is incompatible with the land use definitions for these areas as outlined in the City’s Comprehensive Plan crafted in 2016 and the attached 2019 zoning map – thereby hindering appropriate development and/or future sale.

Attached is a supporting letter from C&S Companies, who was selected earlier this year to lead a grant-funded project to update the City’s Zoning Code. As noted in the communication, Phase I environmental tests were completed on three of the four ownership parcels within the past few years. These tests indicate the high likelihood of soil contamination on the parcels given their close proximity to former industrial / railroad lands.

The recommended rezoning of these parcels would NOT absolve the current or future owners from completing Phase II environmental testing at their expense for any planned development, which is a requirement of any site plans presented to the City Planning Board in accordance with SEQR.

The first step in the rezoning process is the scheduling of a public meeting, which we would anticipate occurring on or around November 13th, pending City Council approval. Based on the outcome of that meeting, a rezoning resolution would be presented for City Council action before year-end 2024.

Full consideration of this request by the City Council is appreciated.

CHARLES CLARK, DIRECTOR OF DEVELOPMENT, MARKETING & PUBLIC INFORMATION

Moved by Marrano seconded by Muflahi to approve the commencement of the rezoning procedure.
 Yeas: Muflahi, Anderson, Moretti, Marrano Carried 4-0

Requests the City Council Approve the Ordinance to Facilitate the Budget Transfers Needed for the 2023-2024 MS Dental Fund. This Will Balance the Dental Fund Accounts That Were in the Red at July 31, 2024.

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

Re: 2023-2024 Budget Transfers for Council Approval

Dear Honorable Body:

Attached please find an Ordinance for your approval which is to facilitate the budget transfers needed for the 2023-24 MS Dental Fund. These transfers will balance the dental fund accounts that were in the red at July 31, 2024.

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

Respectfully,

PEGGY BIGAJ-SOBOL, ASSISTANT COMPTROLLER

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

Yeas: Muffahi, Anderson, Moretti, Marrano

Carried 4-0

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 for the following Budget Transfer to the MS Fund – Dental Insurance.

GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to decrease A.9000.9060 Hospital & Medical Insurance by \$161,028.00 and increase A.9000.9552 Transfer to Other Fund – MS Dental \$161,028.00

DENTAL FUND

SECTION 3, That the 2023-2024 Budget Ordinance is hereby amended to increase budget codes MS-1710-0400 by \$28,700.00 and MS-9060-0800 by \$132,328.00 and increase MS-0000-5031 Interfund Transfer by \$132,328.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: October 23, 2024

Lackawanna, New York

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

Carried 4-0

REQUEST TO WAIVE THE RULES:

Honorable City Council President
Honorable City Council Members
714 Ridge Road
Lackawanna, New York 14218

Dear Honorable Body,

I humbly ask that you waive the rules during the October 21, 2024 Council Meeting, to address my request for the 2025-2026 CDBG Funding Project. Due to extenuating circumstances, I was unable to provide the communication in a timely matter. Your anticipated cooperation regarding this important matter is greatly appreciated.

Respectfully,
ANNETTE IAFALLO, MAYOR

Moved by Marrano seconded by Anderson to approve request to Waive the Rules.
Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Requests the City Council Approve the Resolution for the Use of the Community Development Block Grant for the 2025-2026 Grant Cycle.

Dear Honorable Body,

I am seeking City Council approval for the attached resolution regarding projects I have proposed through the use of Community Development Block Grant (CDBG) funds for 2025-2026. A Public Hearing was scheduled on October 21, 2024 at 9:30 a.m. seeking input from the community, our elected leaders and my thoughts regarding the use of these funds. The minutes of that Public Hearing have been recorded by the City Clerk and made part of the record. Your anticipated cooperation regarding this important matter is greatly appreciated.

Respectfully,
ANNETTE IAFALLO, MAYOR

Moved by Marrano seconded by Anderson to receive and file, act on resolution.
Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

RESOLUTION NO. 11, 2024

WHEREAS, the City of Lackawanna is in need of funding for eligible programs under the Community Development Block Grant program; and

WHEREAS, the City of Lackawanna is desirous of obtaining financial assistance for these proposals; and

WHEREAS, it is in the public interest that the City of Lackawanna apply for such financial assistance from the Community Development Block Grant program through Erie County Department of Environment and Planning; and

WHEREAS, a public hearing was held on October 21, 2024 in the Council Chambers of Lackawanna City Hall for citizen input and suggestions for projects to be submitted for funding, and

NOW, THEREFORE, BE IT

RESOLVED, that the Lackawanna City Council submits the following project to be considered for funding by the CDBG Program during 2025-2026 grant cycle;

- 1. Repaving Kirby Avenue Part 2

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Lackawanna City Council authorized Mayor Iafallo to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) Program for the cited project upon approval of the ECCDBG; and

BE IT FURTHER

RESOLVED, that the City of Lackawanna is committed to providing no less than 5% cash match for said project.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: October 21, 2024
Lackawanna, New York

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

Carried 4-0

Communications from Citizens:

Submits a Communication to Discuss an Available Option to Reduce Energy Costs.

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

Grace: brief bullet points on this community solar program for municipalities.

- New York State designed
- New York State regulated
- Guaranteed 10% monthly discount to any resident, renter or small business in the City of Lackawanna
- Free choice to join this program
- City buildings can be included.

- Nothing changes for the city or residents- the utility (whether it be National Grid or NYSEG) remains the same, billing remains the same, utility service remains the same a one line item is added to the monthly electric bill showing this discount
- If Lackawanna uses a broker for city buildings, the discount does not affect the relationship
- By participating in this community solar program the city of Lackawanna could receive a \$10,000-\$15,000 grant from the state
- All Lackawanna schools could potentially be enrolled

Some testimonials:

Count of Erie – all county buildings are enrolled with PowerMarket (Josh Wilson)

Village of Hamburg

Village of Willamsville

City of Dunkirk

I look forward to reviewing it next week

Many thanks

TOM HARTY, POWERMARKET.io

Tabled Items:

Remove from TABLE Business Registration, Ridna Nagi, Alnoor International, Retail Store (middle eastern foods, fruits, tobacco), 1346 Electric Avenue. This item was on the October 7, 2024 agenda.

Moved by Marrano seconded by Muflahi to remove from TABLE.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0

Moved by Marrano seconded by Moretti to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Marrano

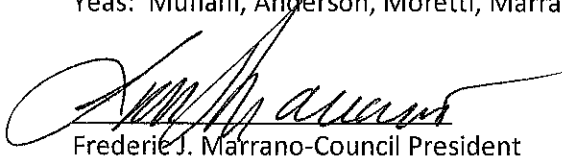
Carried 4-0

Adjournment:

Moved by Marrano seconded by Moretti to adjourn meeting.

Yeas: Muflahi, Anderson, Moretti, Marrano

Carried 4-0



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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