

Regular Council Meeting
Monday, February 3, 2025
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 January 6, 2025.

Moved by Marrano seconded by Moretti to adopt minutes of the regular meeting of January 6, 2025 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **Assistant Comptroller** – A/P Check Listing #18, dated 1/8/2025.
2. **Assistant Comptroller** – A/P Check Listing #19, dated 1/10/2025.
3. **City Clerk** – Monthly Report dated 12/1/2024 – 12/31/2024.
4. **City Treasurer** – Cash Receipt Totals, dated 12/1/2024 – 12/31/2024.

Moved by Marrano seconded by Muflahi to receive and file Departmental Reports one through four.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Requests the City Council Approve the Contract with Erie County for the \$800,000 From Erie County for Capital Projects. Contract Attached.

5. Hon. Council President Marrano
Council Members
714 Ridge Road
Lackawanna, NY 14218

Honorable Council-

Please approve the attached contract with Erie County for the \$800,000 from Erie County for capital projects. My apologies for the oversight in not having the Council previously approve the actual contract that provided the additional funds from Erie County that was earmarked during last year's budget process. Thank you for your anticipated cooperation.

Respectfully,

ANNETTE IAFALLO, MAYOR

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

Moved by Marrano seconded by Anderson to approve contract.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests the City Council Approve the Use of Veterans' Stadium for LA Sports Club on Saturdays and Sundays From 10:00 A.M. to 8:00 P.M. Beginning Monday May 3rd and Ending July 31, 2025. Insurance Information is Attached.

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

Honorable Members of City Council,

The LA Sports Club is requesting permission to use Veterans' Stadium on Saturdays and Sundays from 10:00 AM to 8:00 PM between May 3, 2025 and July 31, 2025 for a Youth Sports Activities. Details are in attached letter from LASC.

LA Sports Club has provided proof of valid insurance to my office.

Dear Honorable Council Members:

First, we would like to thank you for the opportunity to review our request. We at LA Sports Club 716 Inc. would like to request that we have access to Veterans Memorial Stadium for our LA Sports Club Flag Football Showcase camp, LASC non-contact football training, LASC Soccer Camp, and LASC Baseball Camp, which we planned on having for the spring of 2025.

We will partner with the NFL Flag program to make this event happen. Starting 5/3/2025 until July 31st. We will conduct skills and drills on Saturdays from 8am until 10pm and games on Sundays at Veterans from 8am to 10pm. We will have the equipment to host such an event, but we would like to request permission to paint the field, sue the field, and upkeep (cutting the grass once a week for safety). Each child will be between the ages of 4 and 12. They will be given the chance to learn the basic skills of flag football as well as the opportunity to have fun.

I have provided all the insurance information for you. We will also provide insurance for each child that signs up and participates and insurance for the field usage.

We genuinely believe that this would be something unique for the city of Lackawanna and our kids. Thank you in advance for your time. We look forward to working together for the kids.

Sincere Regards,

DARRELL GLOVER JR., PRESIDENT

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

7. Removed from Agenda.

Requests the City Council Approve a Resolution Waiving the Residency Requirement for the New Assistant City Attorney.

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

Re: Assistant City Attorney Residency Resolution

Dear Ms. Marrano:

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

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 4, 2025

WHEREAS, John C. Grennell, Esq. will be appointed as Assistant City Attorney for the City of Lackawanna by City Attorney John P. Gaughan effective January 23, 2025, pending Council approval of this resolution; and

WHEREAS, the City Council is empowered to waive the requirement of residency in those instances where the employer has difficulty hiring or promoting the most qualified person because of the residency requirement;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 5-38 of the Municipal Code of the City of Lackawanna the residency requirement for John C. Grennell, Esq. be and the same is hereby waived.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: February 3, 2025
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve Authorizing the Mayor to Sign the Agreement Between the City and Book Third, Inc. Book Third, Inc. Provides Online Services Allowing the Public to View Available Sports and Recreational Facilities Owned by the City and to Process Payments for Various Reservations. Book

Third, Inc. shall Retain 5% When Booked Through Their Company and the Remaining 95% Shall be Disbursed to the City. Agreement Attached.

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

Re: Agreement between City and Book Third, Inc.

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

Moved by Marrano seconded by Muflahi to DENY request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Ordinance Prohibiting Transient or Short-Term Rentals.

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

Re: Transient/Short-Term Rental 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 Muflahi to receive and file, act on ordinance.

Yeas: Muflahi, Surdyke, Marrano

No: Anderson, Moretti

Carried 3-2

ORDINANCE

AN ORDINANCE ADDING CHAPTER 178 – TRANSIENT OR SHORT-TERM RENTALS PROHIBITED TO THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that the following Chapter 178 Transient or Short-Term Rentals Prohibited shall be added as follows:

CHAPTER 178 – TRANSIENT OR SHORT-TERM RENTALS PROHIBITED

- A. **Purpose.** The purpose of the City Council in adopting this chapter is to encourage long term residency in the City of Lackawanna ("City"), to continue the orderly development of the City, and to provide guidance in relation to Transient or Short-Term Rentals in the City, and:

1. To promote the health, safety and general welfare of the residents of the City of Lackawanna, as well as its visitors, including property values, community character, quality of life, business climate and the prevention of crime;
 2. Protect the character and values of open space, residential, commercial, industrial and institutional land uses;
 3. Regulate the transient or short-term rental uses within the City's borders;
 4. Preserve and promote the general attractiveness of the City and ensure that structures and land use arrangements are aesthetically harmonious with surrounding structures and land uses; and
 5. Encourage long-term residency of residents and the efficient use of community development infrastructure while preventing the overcrowding of land and excessive concentration of population.
- B. **Definitions.** Transient or Short-Term Rental shall be defined as a dwelling or dwelling unit used for transient occupancy where the record-owner of the premises is not physically present in the dwelling and/or dwelling unit on the premises during the transient occupancy, and whether or not meals or cooking facilities are provided for the guests, borders or tenants, but excluding hotel and motel uses.
1. Transient shall mean a person or persons staying or working in a place for only a short time;
 2. For purposes of this provision, a "short time" shall mean providing a type of accommodation for a temporary period of time, greater than eight (8) hours but not exceeding thirty (30) days.
- C. **Rule.** Transient or Short-Term Rental uses are and shall be **prohibited** in all districts in the City. More specifically, Transient or Short-Term Rental uses are and shall be **prohibited** in the following City districts: Single-Family Residential (SFR); Mixed Residential (MR); Neighborhood Commercial (NC); the Central Business District (CBD); Regional Commercial (RC); Mixed Commercial and Industrial (MCI); Industrial (I); Bethlehem Redevelopment Area (BRA); Open Space (OS); McKinley Parkway Overlay (MPO); Seaway Trail Overlay (STO); Smokes Creek Overlay (SCO); and Planned Unit Development (PUD).
- D. **Application.** As to Transient or Short-Term Rental properties or dwellings, Chapter 178 shall supersede and suspend any other City Code provision in conflict with Chapter 178, including but not limited to Chapter 177 (Rental Dwelling Unit Registration) and Chapter 230 (Zoning).
- E. **Penalties.** Any violation of Chapter 178 by any property owner operating a Transient dwelling or Short-Term Rental property will result in:
1. First Violation: a fine of \$250 U.S dollars per day and no more than a fine of \$500 per week;
 2. Second Violation: any violation which occurs within three (3) years of the first violation, a fine no less than \$750 per day and no more than \$2,250 per week.
 3. Third Violation: any violation which occurs within three (3) years of the second violation, a fine no less than \$2,250 per day and no more than \$6,750 per week.
 4. Willful and Persistent: any violation that occurs within three (3) years of the third violation, a fine no less than \$6,750 per week.
 5. This fine schedule shall be independently enforced for each residence covered under this Chapter.

- F. **Severability.** If any provisions of this Chapter is for any reason held unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Chapter shall remain in effect. Such decision shall not affect the remainder of this Chapter.
- G. **Effective Date.** This Chapter shall be effective immediately. Any property owner that has been operating a transient or short-term rental property within the borders of the City of Lackawanna will have thirty (30) days to cease operations and comply with this Chapter, or be subject to the penalties in accordance with the Chapter. A notice to property owners who knowingly rent or advertise to rent (AirBNB, Vrbo; etc...) transient or short-term rental properties within the City of Lackawanna will be sent a copy of this ordinance upon filing.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: February 4, 2025
Lackawanna, New York

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

Yeas: Muflahi, Surdyke, Marrano

No: Anderson, Moretti

Carried 3-2

Requests the City Council Approve the Proposed Lease With the Lackawanna Little Loop, Inc. Lease Agreement Attached.

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

Re: Lease Agreement with Lackawanna Little Loop, Inc.

Honorable Council President and Council:

Please place the enclosed proposed lease with Lackawanna Little Loop, Inc. on the agenda for the Council's consideration at the February 3, 2025 City Council Meeting to authorize the Mayor to sign same. Please contact me with any questions.

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 proposed lease.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve 2 Resolutions as Recommended by the City's Bond Counsel:

A. IRS- Driven Post-Issuance Tax Compliance Procedures.

B. SEC- Driven Continuing Disclosure Compliance Procedures.

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

**Re: IRS-Driven Post-Issuance Compliance Procedures and
SEC Continuing Disclosure Compliance Procedure.**

Honorable Council President and Council:

As recommended by the City's bond counsel, please consider the attached two resolutions:

- IRS-Driven Post-Issuance Tax Compliance Procedures; and
- SEC Continuing Disclosure Compliance Procedure.

Please contact me with any questions.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**RESOLUTION, #5 DATED FEBRUARY 3, 2025, OF THE COMMON COUNCIL OF THE CITY OF
LACKAWANNA, ERIE COUNTY, NEW YORK (THE "CITY") ADOPTING POST-ISSUANCE OF TAX
COMPLIANCE PROCEDURES**

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the City is a periodic issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the City to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed and;

WHEREAS, Hodgson Russ LLP, as bond counsel to the City, has prepared (and has recommended that the City adopt) post issuance tax compliance procedures;

NOW THEREFORE BE IT RESOLVED, that the City hereby adopts the post-issuance tax compliance procedures that are attached hereto as "Schedule A" and resolves to be governed thereby; and be it further

RESOLVED, that the below Schedule A will be placed in its entirety in the official records, files and minutes of the City and adhere to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: February 3, 2025

Lackawanna, New York

RESOLUTION, #6 DATED FEBRUARY 3, 2025, OF THE COMMON COUNCIL OF THE CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK (THE "CITY") ADOPTING SEC-DRIVEN CONTINUING DISCLOSURE COMPLAINECE PROCEDURES

WHEREAS, Securities Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the City is a periodic issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, it is therefore in the best interest of the City to adopt formal written procedures to help ensure continuing disclosure compliance and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the City, has prepared (and has recommended that the City adopt) certain SEC-driven continuing disclosure compliance procedures;

NOW THEREFORE, BE IT RESOLVED, that the City hereby adopts the continuing disclosure compliance procedures that are attached hereto as "Schedule A" and solves to be governed thereby; and be it further

RESOLVED, that the below Schedule A will be placed in its entirety in the official records, files, and minutes of the City and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: February 3, 2025
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt resolutions 12(A) and 12(B) as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve Commissioner of Deeds Status for Police Officer Casey Slimak.

13. Honorable Council President Fred Marrano
Honorable Members of the City Council
City of Lackawanna
714 Ridge Road
Lackawanna, NY 14218

RE: Commissioner of Deeds License

Dear Council Members:

This letter serves to request your honorable body appoint Police Officer Casey Slimak as a Commissioner of Deeds for the City of Lackawanna Police Department. If you have any questions, please contact this writer. Thank you.

Yours truly,

DINO MARROCCO, DIRECTOR OF PUBLIC SAFETY

Moved by Marrano seconded Muflahi to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Ibrahim Mohsin, Trade Mini Mart, Inc., 169 Wilkesbarre, retail grocery and food mart.

Moved by Marrano seconded by Muflahi to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Myles Jamison, Accuracy Painting, 2600 Hamburg Turnpike, painting headquarters and storage.

Moved by Marrano seconded by Muflahi to approve Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by et al to adjourn meeting in memory of Pete Marrocco.

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.](#)

www.lackawannany.gov