

With Wanda's retirement, Account Clerk Typist James Gibson has assumed all clerical support duties for the Department of Development, Marketing and Public Information.

Therefore, I'm requesting approval from your honorable body to enact the following staffing change to the 2025-26 fiscal year budget at the October 6th regular business meeting:

- Repurpose Ms. Turner's position in A-3620.101 Development – Personal Services to a fourth Code Enforcement Officer position, as our need for additional code enforcement resources is significant.
- The proposed new Code Enforcement Officer would be hired provisionally (pending a future Civil Service Exam) at a salary of \$56,747, which is nearly equal to the \$56,871 salary approved for Ms. Turner's position in the current budget.

As this request involves a reallocation of an approved position, no additional headcount or increase in salary/benefit expense will be incurred.

Should you concur with this request, we plan to hire quickly as New York State recently notified the city of an October 24th registration deadline for the 2025-26 Code Enforcement Officer Basic Training Program, which is required training for all officers and comprised of courses which must be taken sequentially.

I thank you in advance for your anticipated cooperation.

ANNETTE IAFALLO, MAYOR

Moved by Marrano second by Anderson to approve request.

Yeas: Anderson, Moretti, Marrano

No: Muflahi, Surdyke

Carried 3-2

Communication from Citizens:

Request City Council hear the Formal Complaint of Misconduct from Mr. Mana Muhsen.

Pulled from agenda by Council President.

TABLED Items:

Remove from the TABLE item #5 which was on September 22, 2025 Council Meeting Agenda.

Moved by Marrano second by Moretti to remove Item #5 from the TABLE.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Item #5 – Mana Muhsen – General Topics

City Clerk and Members of the City Council

Pursuant to *City Code § 5-48 which gives Council INVESTIGATIVE POWERS* and the Open Meetings Law, I am submitting the attached correspondence and supporting exhibits for inclusion on the agenda of the next regular City Council meeting.

I request that this matter be:

1. Formally entered into the **Council agenda and minutes**;
2. Forwarded for discussion in **open session**, not closed session, consistent with the Open Meetings Law;
3. Preserved as part of the official **public record**;
4. **Referred to the New York State Committee on Open Government** for independent review.

This submission concerns serious issues including:

- The fabricated claim that the June 25th letter was issued “under the guidance of law” despite no legal opinion existing;
- The misuse of sealed juvenile records that do not exist in any lawful rap sheet, and their improper handling by the City Clerk;
- The obstruction of the Scott Hayes email, including redactions unsupported by law and a privilege log that fails to establish any valid claim of attorney–client privilege;
- Ongoing harm to my campaign, nonprofit, business, and reputation caused by the City’s misconduct;
- The City Attorney’s misuse of *City Code § 5-110(H)* to mislead Council into believing it cannot perform its statutory duties while litigation is pending.

Request for Oversight Referral

In addition to placement on the agenda and entry into the record, I request that **this submission, together with all of my prior FOIL appeals and related denials**, be formally forwarded to the **New York State Committee on Open Government (COOG)** for independent review pursuant to its authority under the *Public Officers Law*. Council and the City Attorney have repeatedly obstructed and misapplied FOIL, denied appeals without legal basis, and misrepresented the law to avoid transparency. Referral of the full record of appeals and denials to COOG is necessary to ensure state-level oversight, protect the public’s right to access, and hold officials accountable for their continued bad-faith conduct.

Privilege Log Deficiency – Exhibit O (CITY 022)

The City’s own privilege log (Exhibit O) is fatally defective. Scott Hayes July 1st email that Council denied me appears on Entry **CITY 022** AND fails to disclose the **timestamp of the communication**. This omission is not a clerical error — it is a direct violation of FOIL’s requirement that agencies justify claims of exemption with sufficient detail. Without the timestamp, there is no way to establish whether CITY 022 was made in the course of legal representation, or whether it was even contemporaneous with the matter at issue. At face value, this entry cannot qualify for attorney–client privilege.

By submitting a privilege log with material omissions, the City has effectively admitted that its claim of privilege over CITY 022 is baseless. This further supports the conclusion that the invocation of privilege in this matter was made in **bad faith** and for the sole purpose of obstructing access to records which Council already knows since they’ve already seen the subject line.

These are PUBLIC RECORDS. The Council has no lawful authority to conceal them in order to protect public officials who break the law and violate my rights in the process. FOIL begins with a presumption of access. Exemptions must be specifically justified, not fabricated.

By invoking false privilege, redacting without legal basis, and even submitting a defective privilege log (Exhibit O, CITY 022) that omits the timestamp, the City has shown that these are not protected communications. They are public records — and the Council’s deliberate effort to shield misconduct behind secrecy is itself misconduct.

(See **Exhibit O, CITY 022**)

Please confirm receipt of this submission and its placement on the agenda for the next Council meeting.

A copy of the attachments may be obtained by contacting the City Clerk’s Office.

Good Evening Council,

*On August 22nd, I passed a full FBI fingerprint background check. That clearance proves I am fully suitable for business licensing. Yet instead of following the law, the City Clerk **broke it** – accessing my sealed records, including arrest dates. CPL 160.50, Family Court Act 381.3, CPL 720.35, and Executive Law 296 (16) all say the same thing: seal records are confidential. They cannot be used, they cannot be demanded, and they cannot be disclosed without a court order. But here’s the truth – the only way those records ended up in the City’s hands was through the **Police Identification Bureau accessing them illegally**. There is no other way. That is a breach of state law, a breach of my privacy, and a breach of public trust. And the Clerk? Her job is spelled out clearly in **Section 88-5(A) of the City Code**: “The City Clerk must act upon each business registration application presented within 10 days of submission of a completed application. Once all steps and procedures are completed and the appropriate approvals and recommendations have been received, the City Clerk shall forward the application to the City Council...”Forward the application. That’s it. Nothing more. Nothing less. Her role is administrative – not investigative, not prosecutorial, and certainly not a license to weaponize sealed records. Instead, the Clerk stepped outside her authority. The City Attorney sat back and allowed it. And the Police Identification Bureau is the only place those sealed records could have come from. This means laws were broken – plain and simple. I attached one disposition to show good faith. And right on it, it states: **“sealed under CPL 160.50.”** That proves the City is acting unlawfully by demanding more. Sealed means sealed. The law is on my side. So tonight, I demand this: process my application in accordance with the law, forward it to this Council without delay, and open a full investigation into how sealed records were obtained by the Police Identification Bureau and funneled into the Clerk’s office. If the Clerk can misuse sealed records, if the Attorney can excuse it, and if the Council refuses to investigate, then this City has abandoned both the law and the people it serves. The Clerk failed. The Attorney enabled it. The Police Bureau broke the law. Now the question is: will this Council cover for corruption, or will you finally hold your own system accountable?*

MANA MUHSEN

Moved by Marrano second by Moretti to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Old Business:

Adjournment:

Moved by Marrano second by Anderson to adjourn meeting.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0