

Regular Council Meeting

Monday, June 1, 2026

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 being recorded.

Roll Call: Council: Muflahi, Anderson, Meegan, Surdyke, Marrano
Dept. Heads: Law, Development & Marketing, Public Works, Public Safety,
Comptroller, Recreation

Hearings from Citizens:

Approval of Minutes: of the Regular Meeting of May 18, 2026.

Moved by Marrano second by Muflahi to adopt minutes of the regular meeting of May 18, 2026 as written.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #34, dated 5/15/2026.
2. **City Comptroller** – A/P Capital Fund Check Listing #9, dated 5/7/2026.
3. **City Treasurer** – Cash Receipt Totals, dated 3/1/2026 – 3/31/2026.
4. **City Treasurer** – Cash Receipt Totals, dated 4/1/2026 – 4/30/2026.

Moved by Marrano second by Meegan to receive and file Departmental Reports one through four.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Council President requests approval of the resolution changing the second Council meeting date in June.

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

Dear colleagues,

I respectfully ask your approval to reschedule the regular meeting of the City Council from Monday, June 15, 2026 to Monday, June 22, 2026.

An associated resolution is attached. Thank you for your anticipated cooperation.

Respectfully,

FREDERIC J. MARRANO, COUNCIL PRESIDENT

Moved by Meegan second by Anderson to receive and file, resolution.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 7, 2026

Whereas, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates of the Lackawanna City Council; and

Whereas, the City Council is desirous of complying with the City of Lackawanna Open Meetings Law of the State of New York; and

Whereas, the City Council is desirous of changing the meeting date of June 15, 2026 to be rescheduled to June 22, 2026; and therefore

Be it resolved, that the meeting date of June 15, 2026 is rescheduled to June 22, 2026; and

Be it further resolved, that a copy of this resolution shall be posted on bulletin board in the main lobby of City Hall, the Council bulletin board, the City Clerk's Office and on the official website for the city.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 1, 2026

Lackawanna, New York

Moved by Meegan second by Anderson to adopt resolution as written.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

City Attorney requests the City Council approve the ordinance amending Chapter 198 "Swimming Pools" and Chapter 75 "Building Code Administration Fees".

6. Fred Marrano
City Council President
714 Ridge Road
Lackawanna, New York 14218

Re: Proposed Amended Ordinances – Chapter 198 Swimming Pools and Chapter 75 Building Code Administration Fees

Dear Council President Marrano and the Honorable City Council:

At the upcoming meeting on June 1, 2026, I am requesting that Your Honorable Body

consider and approve the attached Ordinances: (1) rescinding and replacing Lackawanna City Code Chapter 198, "Swimming Pools;" and (2) amending the corresponding Building Code Fees set forth in Chapter 75.

The proposed revisions to Chapter 198 are the result of recent changes made to the New York State ("NYS") Property Maintenance Code Section R328 relating to required safety barriers for all permanent and temporary pools. It appears from the recent State-made changes that the Property Maintenance Code now recognizes the growing use of temporary and portable swimming pools, and that the State has established minimum safety standards intended to reduce accidental drownings and unauthorized access by children.

Our Director of Development and Code Enforcement Officers have requested that the City Code be similarly amended to conform with the NYS Property Maintenance Code. Specifically, the proposed changes to Chapter 198:

☑ Adopt the State's definition of Private Swimming Pool to include any in-ground, above-ground, and on-ground pool, whether permanent or portable, that is capable of containing more than 24 inches of water at any point;

☑ Require that a building permit be obtained whenever a temporary/portable pool is installed upon or moved within the same premises;

☑ Require that temporary/portable pools be fenced in with a latching gate; and

☑ Prohibit temporary/portable pools from being erected in the front yard of any premises.

The amendments to Chapter 75 propose to update the fee schedule to include temporary/portable pools. In addition to the draft Ordinances, for ease of demonstrating the revisions, I am also enclosing amended versions of Chapters 198 and 75 in Track Changes.

The Law Department supports the proposed changes and believes they are necessary to promote consistency in enforcement and ensure the safe use of temporary/portable pools. Please be advised that should your Honorable Council vote to approve the Ordinances, enforcement of those provisions relating to temporary/portable pools will be stayed for a period of 30 days to allow time for public education and compliance for existing structures.

Thank you.

Sincerely,

ARIANNA KWIATKOWSKI, CITY ATTORNEY

Moved by Marrano second by Anderson to receive and file, act on ordinances.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 198, SWIMMING POOLS, 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 198 Swimming Pools shall be rescinded in its entirety and replaced as follows:

§ 198-1 Title.

This chapter shall be known and may be cited as the "Swimming Pool Ordinance of the City of Lackawanna, New York."

§ 198-2 Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

FENCE

An enclosure at least four feet in height and not exceeding seven feet in height, constructed of masonry, wood, metal or wire no lighter than 11 gauge.

FRONT YARD

The area of a lot lying between the street lot line and the front of the dwelling extending across the full width of the lot. In the case of a corner lot, both yards facing on a street shall be considered front yards.

PRIVATE SWIMMING POOL

Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches deep at any point. This includes in-ground, above-ground and on-ground pools, indoor pools, hot tubs, spas, and wading pools, whether permanent or portable.

§ 198-3 Building permit required.

All private swimming pools, in the City of Lackawanna, New York, erected, constructed, excavated either below, partly above or below grade, installed upon or moved within the same premises located in the City of Lackawanna, shall require a building permit.

§ 198-4 Building permit application.

A. Required plans. A building permit application shall be made to the Director of Development and shall be accompanied by:

(1) A complete set of construction plans drawn accurately to scale or a copy of literature and plans or sketches provided by the pool manufacturer in a form acceptable to the Department of Development.

(2) A complete set of plot plans showing all lot lines, existing structures and yard measurements, drawn accurately to scale.

B. Engineer or architect. All plans for private, permanent swimming pools of a capacity in excess of 1,500 cubic feet contained within a building or erected above or below ground level shall be designed by a licensed New York State professional engineer or architect.

C. See § 75-16 for fees.

§ 198-5 Accessory buildings.

A bathhouse, cabana, pump house, filter house or other structure erected in connection with any such private pool shall require a building permit and shall comply with the State Building Construction Code[1] and the City of Lackawanna Zoning Ordinance[2] and any and all local laws and ordinances and any amendments hereafter adopted.

[1]Editor's Note: See Ch. 75, Building Construction.

[2]Editor's Note: See Ch. 230, Zoning.

§ 198-6 Plumbing permit.

A. Required. All plumbing and drainage connected therewith shall comply with the State Building Construction Code and shall require a plumbing permit.

B. Fees; drawings. Plumbing permit applications shall be accompanied by:

(1) The appropriate fee as established from time to time by the Council.

(2) Complete detailed drawings, showing filling or feed system, filtration and/or purifying system and drainage system.

§ 198-7 Drain, grate and drainage.

A. All excavated private pools of 1,500 cubic feet capacity and larger shall have a drain and each drain shall be covered by a grate four times the area of the drainpipe. The grate shall be removable only by the use of a hand tool. Where gravity is impractical, proper drainage shall be provided to a storm sewer.

B. All pools not covered under the provisions of the preceding section shall be drained by controlled drainage.

C. No pool, excavated or otherwise, shall be permitted to drain freely without control over volume and direction.

§ 198-8 Feed pipe location.

All inlet feed pipes shall be of the "over rim" fill type and at a minimum height of six inches above the overflow level of water (six-inch minimum air gap).

§ 198-9 Fence with gate required.

A. Enclosure. The private swimming pool or the lot or any part thereof within which the pool is located shall be enclosed and fenced and the wall of a dwelling and/or accessory building may serve and be used as an integral part of the fence.

B. Access. Access to the pool shall be by way of a self-closing gate and/or door which shall be locked at all times when the premises are not under the direct supervision of an adult. When access is provided by a gate, the locking device shall be installed in compliance with all sections and subsections of New York Residential Code (RCNYS) Rule 328.4, and in all aspects.

C. Modification. The Zoning Board of Appeals may make modifications in individual cases upon showing of good cause with respect to height, nature of location of the fences, gates or latches or the necessity therefor, provided the protection sought hereunder is not reduced thereby.

D. Other protective devices. The Zoning Board of Appeals may permit other protective devices or structures to be used as long as the degree of protection afforded by the fence, gate and latch herein described is not reduced or lessened.

§ 198-10 Lights.

No artificial lighting shall be maintained or operated in connection with any swimming pool presently constructed, installed or hereafter constructed or installed in such manner as to unreasonably interfere with the occupants of neighboring property.

§ 198-11 Noise restrictions.

The use of megaphones, loudspeakers or public address systems are prohibited in connection with swimming pools herein regulated, and the use of any sound-producing or reproducing devices, including human voices, shall comply with the provisions of this

chapter and any other provisions contained in the Municipal Code of the City of Lackawanna.

§ 198-12 Swimming pools to be accessory use only.

Private swimming pools may be erected or installed only as an accessory to a dwelling, private club, community building, or commercial structure for the use of the owner or occupant, their families, guests and/or invitees.

§ 198-13 Location; area covered; other regulations, etc.

Such swimming pool shall not be erected in the front yard of any premises, or nearer than 10 feet from the rear or side property lines of the premises, and shall not occupy more than 10% of the total area of the premises on which the same is located and shall in all other respects comply with the State Uniform Fire Prevention and Building Code and the City of Lackawanna Zoning Ordinance.

§ 198-14 Penalties for offenses.

Any person who shall violate any provision of this chapter shall be guilty of a violation of the Penal Law and, upon conviction, shall be subject to a fine of not more than \$250 for each and every offense. Each week's continued violation shall constitute a separate and additional offense. Notwithstanding the penalty hereinbefore provided, the City of Lackawanna may enforce obedience to this chapter by injunction to restrain such violation.

**THIS ORDINANCE SHALL TAKE EFFECT
IMMEDIATELY.**

**Dated: June 2, 2026
Lackawanna, New York**

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 75-16 Fees is hereby amended as follows:

Miscellaneous:

Pool (electrical permit required) rescinded and replaced as follows:
Private Swimming Pool (electrical permit may be required)

Section 75-16 Electrical Permit Fees is hereby amended as follows:

Add Electric vehicle charging stations (electrical permit required) between
Electrical license renewal and PV system (solar).

PV system (solar) rescinded and replaces as follows:
PV system (solar) (electrical permit required)

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: June 2, 2026
Lackawanna, New York

Moved by Marrano second by Anderson to adopt ordinances as written.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

Communications from Citizens:

7. **Wade Turner, President, Youth Empowerment Program, Inc.** – Requests the City Council approve the amendment to street closures for the annual Taste of Lackawanna on June 6, 2026. The request is an additional street closure; Wilmuth Street between Olcott and Holbrook.

Moved by Muflahi second by Anderson to approve request, refer to Public Safety and Public Works.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano second by Muflahi to adjourn meeting.

Yeas: Muflahi, Anderson, Meegan, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano – Council President

Grace Marrano – City Clerk

