

**Regular Council Meeting**  
**Monday, March 18, 2024**  
**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, Comptroller,**  
**Recreation, Public Works**

**Hearings from Citizens:**

**Approval of Minutes:** of the regular meeting of March 4, 2024.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of March 4, 2024 as written.

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

**Departmental Reports:**

1. **City Comptroller** – A/P Check Listing #24, dated 2/29/2024.
2. **City Comptroller** – A/P Check Listing #25, dated 3/1/2024 – 3/8/2024.
3. **City Clerk** – Monthly Report for February, 2024.

Moved by Marrano seconded by Anderson to receive and file Departmental Reports one through three inclusive.

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

**Communications from Division/Department Heads:**

**Requests the City Council Approve the Use of the Senior Citizens Center for Early Voting: Presidential Election March 2024, Special District Election April 2024, Primary Election June 2024 and General Election October/November 2024. Lease Agreement is Attached.**

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

Honorable Council Members:

The Erie County Board of Elections is requesting approval for the use of the Lackawanna Senior Citizens Center for the following **early voting** dates:

EARLY VOTING – PRESIDENTIAL ELECTION: MARCH 23, 2024 – MARCH 30, 2024

EARLY VOTING – SPECIAL ELECTION: APRIL 20, 2024 – APRIL 28, 2024

EARLY VOTING – PRIMARY ELECTION: JUNE 15, 2024 – JUNE 23, 2024

EARLY VOTING – GENERAL ELECTION: OCTOBER 26, 2024 – NOVEMBER 3, 2024

The lease agreement is attached.

Thank you for your consideration.

Sincerely,

**GRACE MARRANO, CITY CLERK**

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Purchas of Two New Ford F350 Pickup Trucks in the Amount of \$51,019 Each, Total Amount \$102,038. Funds Will be Taken From the Snow Equipment Budget Line.**

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

Re: Purchase Vehicles

Dear Respected City Council Members,

I am requesting authorization to purchase two new Ford F350 pickup trucks from Ferrario Auto Team in the amount of \$51,019.00 each, Total amount \$102,038.00. Funds taken from snow equipment budget line.

Thank you in advance for your consideration of this request.

Regards,

**DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS**

Moved by Marrano seconded by Surdyke to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve Change Order #5 for the Center Street Project in the Amount of \$115,430.62. This Amount is to be Paid from the Center Street Capital Project Budget Line. Change Order Information is Attached.**

6. To: City Council; Comptroller's Office  
From: Daniel Geercken – Senior Foreman  
Re: Change Order 5 Center Street

Dear Respected City Council Members:

I am requesting City Council to approve change order 5 for the Center Street project in the amount of \$115,430.62. City Comptroller to pay this change order from the Center Street Capital Project Budget Line.

Respectfully,

**DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS**

Moved by Marrano seconded by Anderson to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of an Ordinance for the Use of Unappropriated Fund Balance and Transfer of Excess Budgeted Funds Within the Clerk's Budget to Increase Budget Line "Consulting/Maintenance Fees" in the Amount of \$7,893.**

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

Dear Honorable Body:

Please accept this correspondence in support of the attached request from Grace Marrano, City Clerk. Clerk Marrano requests the use of unappropriated fund balance as well as the transfer of excess budgeted funds in other expenditure accounts within the City Clerk's Budget to increase in the funds in the "Consulting/Maintenance Fees" Budget Line (A.1440.0469) in the total amount of \$7,893.00.

An Ordinance accomplishing said budget transfer is attached for your review and consideration.

Thank you for your kind attention in this respect.

Linda,

*Per our discussion of March 6, 2024, the City Clerk's office needs to increase its Software Maintenance budget line by \$7,893.00.*

- \$3,303 – Due 1/1/2024 to Niagara Business Solutions, Inc.
- \$2,375 – Due to Edmund's in July 2024.
- \$2,215 – the amount to cover the negative balance for budget line "Software Maintenance".
- Total required to make this budget line whole is \$7,893.00.

*Within the City Clerk's budget there is \$2,000 available in the budget line "Travel Allowance" and \$2,500 available in budget line "Codification". Both can be transferred to the Software Maintenance budget line. The balance of \$3,393 is not available; therefore, I am requesting Council approval to allocate this amount from the unappropriated fund balance.*

*Thank you for your anticipated cooperation.*

Regards,

**GRACE MARRANO, CITY CLERK**

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

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 05<sup>th</sup>, 2023, is hereby amended to transfer a total of **\$7,893.00** to Budget Code **A.1410.0469** (“**City Clerk: Consulting/Maintenance Fees**”), as follows:

**SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to transfer unappropriated fund balance in the amount of **\$3,393.00** to the “**City Clerk: Consulting/Maintenance Fees**” Budget Code [**A.1410.0469**].

**SECTION 3.** That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$2,000.00** from the “**City Clerk: Travel Allowance**” Budget Code [**A.1410.0469**] to the “**City Clerk: Consulting/Maintenance Fees**” Budget Code [**A.1410.0469**].

**SECTION 4.** that the 2023-2024 Budget Ordinance is hereby amended to transfer **\$2,500.00** from the “**City Clerk: Codification**” Budget Code [**A.1410.0464**] to the “**City Clerk: Consulting/Maintenance Fees**” Budget Code [**A1410.0469**].

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: March 19, 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 an Ordinance for the Use of Unappropriated Fund Balance to Increase Funds Budgeted in the “Consulting Fees” Budget Line in the Amount of \$1,594,938 to Pay Invoices for the January 2024 Snowstorm. Invoices are Attached.**

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

Dear Honorable Body:

Please accept this correspondence in support of the attached request from Daniel Geercken, Senior Foreman of Public Works.

Foreman Geercken requests the use of unappropriated fund balance to increase in the funds budgeted in the “Consulting Fees” Budget Line (A.5110.0469) in the amount of \$1,594,938.00.

An Ordinance accomplishing said budget transfer is attached for your review and consideration.

Thank you for your kind attention in this respect.

*To: Comptroller’s Office; City Council*

*From: Dan Geercken – Senior Foreman*

*Re: Transfer of Funds January 2024 Snow Storm*

*I am requesting that the Comptroller fund A.1440.0469 line in the amount of \$1,594,938.00 from the unappropriated fund balance to pay attached invoices for the January 2024 storm.*

*Please contact me with any questions.*

Respectfully,  
**DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS**

Very truly yours,  
**LINDA M. HYBICKI, CITY COMPTROLLER**

Moved by Marrano seconded by Muflahi 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 05<sup>th</sup>, 2023 is hereby amended to transfer unappropriated fund balance in the amount of **\$1,594,938.00** to Budget Code **A.1440.0469** (“Engineering: Consulting Fees”)

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: March 19, 2024  
Lackawanna, New York

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

Carried 5-0

#### **Requests the City Council Approve an Ordinance Regarding the Placement of the Opioid Settlement Fund Revenue in the Budget.**

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

RE: ***Opioid Settlement Fund (OASAS) Revenues***

Dear Honorable Body:

This correspondence is offered in furtherance of John Gaughan, Esq., City Attorney, involving the above-referenced revenues.

The City has currently received \$36,801.66 from various sources and anticipate future receipts, including the \$23,467.00 mentioned in the City Council meeting of 2/20/2024. Attached please find an Ordinance to transfer the revenues into the Capital Fund where the activity will be able to be tracked over multiple fiscal years.

Thank you for your kind consideration in this respect.

Very truly yours,

**LINDA M. HYBICKI, CITY COMPTROLLER**

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 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 Ordinances adopted June 05<sup>th</sup>, 2023, is hereby amended to add the following Budget Code to the Capital Fund:  
**H.2080.0617.0000 – “Opioid settlement fund (OASAS)”**.

**GENERAL FUND**

**SECTION 2.** That the 2023-2024 Budget Ordinance is hereby amended to transfer Opioid Settlement Revenues as they are received to the **“Transfer to Other Fund – Capital”** Budget Code [**A.9000.9550**].

**CAPITAL FUND**

**SECTION 3.** That the 2023-2024 Budget Ordinance is hereby amended to increase the **“Transfer From General Fund”** Budget Code [**H.0000.2545**] by the amount of revenue, as it is received.

**SECTION 4.** That the 2023-2024 Budget Ordinance is hereby amended to allocate budgeted funds as they are received, to the **“Opioid Settlement Fund (OASAS)”** budget code [**H.2080.0617.0000**].

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: March 19, 2024

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests Approval of the Proposed Cannabis Ordinance Regulating Cannabis Uses in the City of Lackawanna in Accordance with NYS Law.**

10: Lackawanna Council President  
Lackawanna City Council  
714 Ridge Road  
Lackawanna, NY 14218

Re: Proposed Cannabis Ordinance, Lackawanna, NY.

Council President:

The attached proposed Cannabis Ordinance is a joint proposal from the City's Director of Development and the City's Law Department for your review and consideration.

The proposed ordinance promotes the health, safety and general welfare of the residents of the City of Lackawanna, including property values, community character, quality of life, business climate and the prevention of crime, while permitting regulated cannabis uses in accordance with New York State law for cultivators, processors, distributors, and retail dispensaries.

Please review and consider. Please contact us with any questions. Thank you.

Respectfully submitted,

**CHARLES D. CLARK, DIRECTOR OF DEVELOPMENT & MARKETING & 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

**AN ORDINANCE ADDING CHAPTER 93, CANNABIS TO THE CITY OF LACKAWANNA MUNICIPLE CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that the following Chapter 93, Cannabis shall be added as follows:

**CHAPTER 93  
CANNABIS  
ARTICLE I  
Permitted Cannabis Uses**

- § 93-1. Purpose; legislative intent.**
- § 93-2. Restrictions.**
- § 93-3. Security.**
- § 93-4. Signage.**
- § 93-5. General regulations.**
- § 93-6. Definitions.**
- § 93-7. Locations.**
- § 93-8. Penalties.**

**ARTICLE I  
Permitted Cannabis Uses**

**§ 93-1. Purpose; legislative intent.**

In order to promote health, safety and general welfare of the residents of the City of Lackawanna, including property values, community character, quality of life, business climate and the prevention of crime, this article is intended to restrict cannabis uses, including but not limited to cultivators, processors, distributors, on-site cannabis consumption, and retail dispensaries, to being located in certain zoning districts as more fully set forth herein. Further, that all cannabis uses proposed to operate within the City and any cannabis license applicants must:

- Be licensed by and comply with all the requirements of the New York State Office of Cannabis Management (“OCM”);
- Notify the City of its intent to file an application for the applicant’s premises located in the City to be a Cannabis establishment. The notice must be filed with the municipal clerk not less than thirty (30) days nor more than two hundred seventy (270) days before filing the license application with the State;
- Obtain all appropriate approvals, including Special Use Permit (Chapter 75) by the Zoning Board of Appeals and Planning & Development Board to ensure the strict compliance with these regulations; and then apply to register its business with the City Clerk’s Office (Chapter 88).

**§ 93-2. Restrictions.**

Cannabis uses, including retail dispensaries, storage facilities, warehouses, cultivators, nurseries, processing facilities, on-site consumption, distributors and distribution centers, adult-use cooperatives, adult-use micro businesses, and delivery services and operations shall be permitted subject to the following restrictions.

- A. No such cannabis uses shall be located within 1,000 feet of another existing cannabis facility set forth above.
- B. No such cannabis use shall be located within 500 feet of the property line at locations of community facilities and/or where children or those seeking treatment for substance abuse are known to gather, including, but not limited to, public parks, childcare centers, playgrounds, drug rehabilitation centers, medical practitioner’s offices, community centers, and other similar facilities.
- C. No such cannabis use facility shall be located within 500 feet of a school building or property and/or within 200 feet of a religious house or place of worship.
  - (1) In the event that a school existing and authorized by the State Education Department is located on property where a place of worship also exists, no such cannabis use facility shall be located within 500 feet of the school building or property onto which the building is located.
- D. No cannabis use facility shall be located in any area zoned Single Family Residential (SFR) or Mixed Residential (MR) in any form
- E. No such cannabis use facility may be located in any historic district.
- F. No retail dispensaries, distribution centers and/or on-site consumption may operate or occur on-site between the hours of 1:00 a.m. and 7:00 a.m.

**§ 93-3. Security.**

Any cannabis use set forth above, regardless of its location, shall take all necessary security measures at any facility permitted by a special use permit. Unless otherwise required as a condition of the special use permit, the following requirements must be met.



- A. All facilities where a cannabis use shall be established shall provide for fencing and/or other screening or security feature acceptable to the City Zoning Board and the City Council around the perimeter of the property at the height and type established by the Planning Board.
- B. All facilities where a cannabis use shall be established shall install a fully operational 4K camera system, at a minimum, sufficient to be used at night and covering all areas on the property to be so used. The system used shall be capable for video and audio recordings and all recordings must be kept for a minimum of thirty (30) calendar days.
- C. In any facility where a cannabis use is established where the general public and/or customers are invited shall provide for continual armed security guard presence while such facility is open to the public. Any such security presence shall be certified by the local, state, or federal government and shall provide such information as may be required by any local police agency from time to time.
- D. In any facility where a cannabis use is established where the general public and/or customers are invited shall provide for secure locations where cash is to be kept on the premises.
- E. In the event of deliveries from the cannabis use facility, provisions shall be made for adequate security consistent with these regulations which must be provided in advance to the Lackawanna Police Department and any local, state, and/or federal police agency.
- F. Home cultivation cannabis shall be screened from view from neighboring properties and shall otherwise be secured with appropriate fencing to deter removal by third parties.
  - (1) No cannabis shall be cultivated, grown, planted, and/or maintained in any front or side yard.
  - (2) Individuals cultivating, planting, growing, or maintaining any cannabis plants shall register with the Code Enforcement Office providing their name, address, and location of any plants prior to cultivating, planting, growing or maintaining any cannabis plants.
  - (3) Sufficient setbacks shall be maintained at all times of no less than fifteen (15) feet from any property line.

**§ 93-4. Signage.**

- A. Only one sign advertising the business shall be permitted on the building and same shall not exceed 10% of the size of the wall upon which the sign is located. No freestanding signs shall be permitted.
- B. Any illuminated sign shall not be flashing, rotating, or otherwise have any movement whatsoever as to not distract highway traffic or disturb any adjoining residential properties.
- C. Motor vehicles, vans, trucks, trailers, and/or similar items shall not be parked on the property which advertises the business in any way beyond the name of the business in lettering not to exceed twelve (12) inches per letter. Such vehicles shall not be left on the premises except in a

full enclosed garage during any period of time that the cannabis use facility is not open to the public.

- D. Any murals or other painting options shall be set forth in the application for a special use permit and are subject to the further reasonable requirements of the Planning Board. No paintings or murals that might distract drivers on any public highway or that could reasonably be interpreted as advertising to minors shall be permitted.

**§ 93-5. General regulations.**

- A. Odor at the facility where a cannabis use shall be established shall be maintained to limit odors onto adjoining properties to the greatest extent possible.
- B. Sufficient parking shall be provided on the premises for any customers and employees such that no on-street parking shall be required or permitted.
- C. Mobile sales shall be strictly prohibited. Nothing herein shall prevent licensed delivery vehicles with sufficient security features from making deliveries. All delivery operations shall be listed and described as part of the special use permit application.
- D. Any permitted use shall be pursuant to a special use permit as provided for under the Zoning code of the City of Lackawanna.
  - (1) Reasonable conditions with respect to lighting, signage, hours of operation, parking and other restrictions may be applied as part of the special use permit grant.
- E. Sufficient setbacks shall be maintained in a manner consistent with city zoning area requirements.
- F. Drive-through service windows and/or customer pick-up lanes must provide sufficient security features and shall not provide for direct access between a vehicle in the drive-through and the cannabis employee.
  - (1) License plate recognition cameras shall be placed such that they record the rear license plate of the vehicle while the vehicle is at the drive-through window and at the entrances to the property. Such placement shall be reviewed by the Lackawanna Police Department at the time of installation. Videos must be retained for a minimum of thirty (30) days.
    - (a) The Lackawanna Police Department shall be provided access to the monitoring system upon request. Alternatively, the cannabis use facility may provide a direct link of such camera system to the Police Department.
  - (2) No sliding windows may be used for drive-through access. Windows must provide sufficient protection from breaking from the outside.
  - (3) There shall be no direct contact between the employee and the customer. Retractable receipt/delivery devices shall be used at all times the drive-through window is used.

- (4) There shall be adequate space on any site which uses a drive-through window to provide for the stacking of vehicles to prevent vehicles from waiting on any public roadway and/or blocking any other sidewalk or area of ingress and egress.
- G. Prior to opening any cannabis use facility, the Code Enforcement Office, Development Office, and the Lackawanna Police Department shall have the right to inspect all premises to ensure compliance with these provisions and all other provisions of law.
  - (1) The City of Lackawanna and its respective departments shall have the right to periodically inspect all cannabis use facilities to ensure compliance with these provisions and all other provisions of law without the necessity of an administrative search warrant.

**§ 93-6. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CANNABIS USE FACILITY or CANNABIS ESTABLISHMENT-** Any location, property, building, structure, accessory structure, or facility where cannabis, cannabis products, and/or related materials are located, stored, warehoused, sold, manufactured, used, smoked, ingested, processed, grown, cultivated, bartered, delivered, transported, advertised, or stored including retain dispensaries, cultivators, nurseries, processing facilities, distributors and distribution centers, adult-use cooperatives, adult-use micro businesses, warehouses, and delivery services and operations.

**COMMUNITY FACILITIES-** Any location where children congregate including, but not limited to, playgrounds, libraries, public parks, bicycle paths, public pools, splash pads, athletic facilities and fields, and child-care centers.

**CONSUMPTION-** any building, structure, location, property, business, or entity that is licensed by the state for the purposes of consuming, smoking, ingesting, injecting, or otherwise using cannabis, any cannabis product, and/or any cannabis-related product.

**COOPERATIVE-** A state-issued cooperative license authorizes the acquisition, possession, cultivation, processing and sale from the licensed premises of the adult-use cooperative by such license to duly licensed distributors, on-site consumption sites, registered organization and/or retail dispensaries; but not directly to cannabis consumers.

**CULTIVATOR-** The growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants. A state-issued cultivator's license authorizes the acquisition, possession, distribution, cultivation and sale of cannabis from the licensed premises of the adult-use cultivator to a licensed processor.

**DELIVERY-** A state-issued delivery license authorizes the delivery of cannabis and cannabis products by licenses, independent of another adult-use cannabis license, to cannabis consumers. Delivery licenses may not have a total of more than 25 individuals, or the equivalent thereof, providing full-time paid delivery services to cannabis consumers per week under one license.

**DISTRIBUTOR-** Any person who sells at wholesale any cannabis product for which a license is required. A state-issued distributor's license authorized the acquisition, possession, distribution and sale of

cannabis from the licensed premises of a licensed adult-use processor, adult-use cooperative, micro business, or registered organization authorized to sell adult-use cannabis, to duly licensed retail dispensaries, on-site consumption sites and adult-use delivery licenses.

HOME CULTIVATION- Growing cannabis on any residential property for personal use.

MICROBUSINESS- A license that may act as a cannabis producer for the cultivation of cannabis, a cannabis processor, a cannabis distributor, and a cannabis retailer. A micro business license authorizes the limited cultivation, processing, distribution, delivery, and sale of their own adult-use cannabis and cannabis products.

NURSERY- A license that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, micro businesses, cooperatives, and registered organizations. A state-issued nursery license authorizes the production, sale and distribution of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cultivators, cooperatives, micro businesses, or registered organizations.

PROCESSOR- A license that extracts concentrated cannabis and/or compounds, blends, extracts, infuses, or otherwise manufactures concentrated cannabis or cannabis products. A state-issued processor’s license authorizes the acquisition, possession, processing, and sale of cannabis from the licensed premises of adult-use cultivators to licensed distributors.

RETAIL DISPENSARY- “Retailer” means any person who sells at retail any cannabis product, to cannabis consumer. A state-issued retail dispensary license authorizes the acquisition, possession, sale and delivery of cannabis from the licensed premises of the retail dispensary by such license to cannabis consumer.

WAREHOUSE- Any building, structure, location, property, business, or entity where any cannabis and/or cannabis product is maintained and/or stored for any length of time.

**§ 93-7. Locations.**

The following cannabis uses are permitted in the city zoning areas (table below) in compliance with all restrictions noted in section 93-8, and contingent upon receipt of all appropriate approvals, including but not limited to issuance of a special use permit and site plan review by the City Zoning Board of Appeals and Planning & Developing Board.

Zoning Area	Allowable Adult Use Cannabis Types
Single Family Residential (SFR)	NONE;
Mixed Family Residential (MR)	NONE;
Central Business District (CBD)	Retail Dispensary; on-site consumption;
Neighborhood Commercial (NC)	Retail Dispensary; on-site consumption;
Regional Commercial (RC)	Retail Dispensary; on-site consumption;
Mixed Commercial & Industrial (MCI)	Cooperative, delivery, distribution, micro business, nursery, retail dispensary, warehouse;
Industrial (I)	Cultivator, nursery, warehouse;
Bethlehem Redevelopment Area (BRA)	Cultivator, nursery, warehouse;

**§ 93-8. Penalties.**

- A. Any business or entity operating without the required notification to the City, business registration or special use permit, or otherwise in violation of this ordinance shall be subject to a fine of up to one thousand five hundred dollars (\$1,500).
- B. Any business or entity operating without a required OCM license shall be considered a separate violation and subject to a daily fine of one thousand five hundred dollars (\$1,500) per day until the OCM license is obtained.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.**

Dated: March 19, 2024  
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve His Recommendation of Snowplow Doctor for the Mowing and Landscaping Bid Even Though Their Bid was not the Lowest. They Have an Exemplary Record and Provided Quality Service for the City of Lackawanna.**

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

Honorable Members of City Council:

The following are the Mowing and Landscaping bids for the 2024 mowing season:

<b>Mowing Service</b>	<b>1<sup>st</sup> Ward</b>	<b>2<sup>nd</sup> Ward</b>	<b>3<sup>rd</sup> Ward</b>	<b>4<sup>th</sup> Ward</b>
WNY Materials	\$328	\$388	\$423	\$625
Emerald Dunes	\$369	\$397	\$351	\$499
Snow Plow Doctor	\$445	\$565	\$395	\$550
5 Star Plowing & Landscaping	\$472	\$479	\$422	\$585

My recommendation is to once again utilize Snow Plow Doctor for their mowing services in each ward. Snowplow Doctor has an exemplary record of not only providing quality service in their own assigned work areas, but of relieving inadequate work provided by other companies in years past.

The three remaining companies that submitted bids are unknown entities to me, so I am uncomfortable recommending their service to the council despite the lower cost.

Thank you for your consideration.

Sincerely,

**BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION**

Moved by Marrano seconded by Surdyke to TABLE request pending further information from Law Department.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Communications from Citizens:**

**Requests the City Council Approve the Use of the Senior Citizens Center and Bocce Court for the May 21, 2024 School Board and Budget Election from 12:00 p.m. until 9:00 p.m.**

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

Dear Ms. Marrano:

On behalf of the Lackawanna Board of Education, I am asking if space could be made available for our upcoming May 21, 2024 School Board & Budget Election in your hall/building (Senior Center & Bocce Court).

The election will be held on May 21, 2024, between the hours of 12 noon and 9:00 P.M. Inspectors working would need access to said building/hall at 11:00 A.M.

I will confirm a date and time of delivery and pickup of voting machines as the date approaches and the School District will pay \$100.00 for the space being used.

I thank you in advance for your cooperation.

Sincerely,

**RYANN RIZZO, BOARD CLERK**

Moved by Marrano seconded by Muflahi to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Submits 2 Items for Discussion.**

- **Issue Discussed at the Council Meeting on March 4, 2024 Regarding Sapphire's Services.**
- **Bus Stop Across from City Hall.**

13. Lackawanna City Hall  
714 Ridge Road  
Lackawanna, NY 14218

1. I would like to talk about the issues that was discussed at the last council meeting with the City Comptroller

2. I would like to discuss issue concerning the bust stop across the street from City Hall

Thank you,

**JOHN INGRAM, RESIDENT**

Moved by Marrano seconded by Anderson to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests the City Council Approve the Use of the Reserve Pumper Truck for the Lackawanna and Buffalo Annual Dyngus Day Parades on April 1, 2024.**

14. Lackawanna City Council  
714 Ridge Road

Lackawanna, NY 14218

To Council Members:

Monday April 1<sup>st</sup> is the Annual Dyngus Day Parades. I'm requesting permission to use a reserve pumper to take part in the Lackawanna and Buffalo Parades.

Your consideration in this matter is appreciated.

Sincerely,

**WILLIAM TOJEK, LACKAWANNA FIRE DEPT. BENEVOLENT ASSOCIATION**

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Requests City Council Approve the Closure of Olcott Street from Steelawanna to the West Side of Olin Lane for Spring Fest and Easter Egg Gathering. It Will be Held on Saturday March 23, 2024 from 12:00 p.m. to 3:00 p.m.**

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

Good Morning,

I'm requesting that Olcott St be closed from Steelawanna to the west side of Olin Lane for safety reasons on Saturday March 23, 2024 from noon to 3 pm.

The closure has been discussed with an approved by LMHA's Executive Director Mark Kuwik.

Community volunteers are holding the 1<sup>st</sup> Ward Spring Fest and Easter Egg gathering at the LMHA Resource Building at 216 Steelawanna (corner of Olcott).

To protect the large number of children that will be attending, the area indicated needs to be closed to car traffic.

The area that will be closed will not interfere with resident's safety as Emergency Services and Fire Department will still have access to residents via Olin Lane.

Thank you,

**KIMBERLY SMITH, RESIDENT**

Moved by Marrano seconded by Muflahi to approve request, refer to Director of Public Safety, Sr. Foreman, Public Works.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

**Entertainment Licenses:**

**Class I – Live Music and/or Mechanical Reproduction:**

Lake Erie Italian Club, 3200 South Park Avenue.

Winfield's Pub, Restaurant Located at 1213 Ridge Road.

Moved by Marrano seconded by Surdyke to approve both Class I Entertainment Licenses inclusive.  
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

**Business Registrations:**

**Tabled Items:**

**Adjournment:**

Moved by Marrano seconded by Muflahi to adjourn meeting.  
Yeas: Muflahi, Anderson, Moretti, Marrano Carried 5-0