

**Regular Council Meeting
Monday, May 5, 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,
 Comptroller, Recreation, Public Works

Hearings from Citizens:

Approval of Minutes: of the regular meeting of April 21, 2025.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of April 21, 2025 as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **Comptroller's Office** – A/P Check Listing #32, dated 4/14/2025.
2. **Comptroller's Office** – A/P Check Listing #33, dated 4/18/2025.

Moved by Marrano second by Muflahi to receive and file Departmental Reports one and two.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Mayor:

Requests the City Council approve the resolution waiving the residency requirement for the new Assistant City Attorney. The current Assistant City Attorney's last day will be May 2, 2025.

3. Lackawanna Council President
Lackawanna City Council

Council President and Honorable Council:

This correspondence is to inform your Honorable Body that the current Assistant Attorney, John C. Grennell's last day will be May 2, 2025.

After several interviews I have selected Christy L. Cooper to fill the vacated position. Christy has experience in Zoning and Planning and will be beneficial in assisting the Department of Development. I hereby request the City Council approve the resolution to "waive the residency requirement" for Christy L. Cooper, Esq., residing in Cheektowaga, to be appointed as the Assistant City Attorney, effective May 6, 2025.

Per Section 5-38 of the City Charter each officer and employee of the City during the period of his or her employment is to maintain his or her residence within the corporate limits of the City. As you know the shortage of qualified Attorneys within the City limits has led to previous requests for the same waiver. Thank you in advance.

Respectfully,

ANNETTE IAFALLO, MAYOR

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 12, 2025

WHEREAS, Christy L. Cooper shall be duly appointed by Mayor Annette Iafallo to the position of Assistant City Attorney effective May 6, 2025; 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 Christy L. Cooper, Assistant City Attorney be and the same is hereby waived.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 5, 2025

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council approve the resolution urging the NYS Assembly and Senate to pass the Packaging Reduction and Recycling Infrastructure Act.

4. Honorable Council President
Honorable Council Members

Dear Honorable Body –

I am requesting your support in urging the NYS Assembly and Senate to pass the Packaging Reduction and Recycling Infrastructure Act (Senate 1464/Assembly 1749). This pioneering bill tackles the growing crisis of single-use packaging – protecting public health, reducing pollution, supporting environmental justice communities, and saving taxpayers money.

By passing a resolution or sending a letter of support, the City of Lackawanna can help get this bill over the finish line. It has already passed the Senate last June and is moving through key committees again this season.

Thank you in advance for your anticipated cooperation by passing the attached Resolution.

ANNETTE IAFALLO, MAYOR

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 13, 2025

Support for the New York State Assembly and Senate to Pass a Strong Packaging Reduction and Recycling Infrastructure Act (Senate Bill 1464/Assembly Bill 1749)

WHEREAS, packaging makes up approximately 40% of the waste in New York state, and;

WHEREAS, managing waste costs New York taxpayers hundreds of millions of dollars annually, and;

WHEREAS, most plastic packaging is not recyclable, and reusable and refillable packaging systems are not widely available, and;

WHEREAS, plastic causes serious pollution, including litter and use of toxic chemicals, and;

WHEREAS, companies that produce packaging should be responsible for the costs of managing packaging waste, not just taxpayers, and;

WHEREAS, enacting the Packaging Reduction and Recycling Infrastructure Act, pending in the New York State Assembly and the New York Senate, would reduce waste, increase recycling rates, create jobs, reduce toxicity in packaging, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions, and;

BE IT RESOLVED, that the City of Lackawanna urges the New York state legislature to pass and Governor Kathy Hochul to sign into law a strong and effective Packaging Reduction and Recycling Infrastructure Act, Senate Bill 1464/Assembly Bill 1749, and;

BE IT FURTHER RESOLVED, that the City of Lackawanna shall forward copies of this resolution to Governor Kathy Hochul, New York Assembly Speaker Carl Heastie, and New York State Senate Majority Leader Andrea Stewart-Cousins, the local state assembly member, the local state senator, and all others deemed necessary and proper.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 5, 2025

Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Requests the City Council Approve His Request to Attend the NYCOM Conference.

5. Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Honorable City Council,

I am requesting approval to attend the NYCOM Conference that is scheduled for May 26 through May 30, 2025 in Bolton Landing, NY.

If you have any questions please feel free to contact me.

Thank you for your consideration.

KEVIN R. SURDYKE, 4TH WARD COUNCIL MEMBER

Moved by Marrano second by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests the City Council Approve the Resolution to Adopt SEQR/Negative Declaration for the Construction of the New City Hall.

6. Frederic Marrano, City Council President
From: Charles Clark, Director
Date: April 29, 2025
Re: SEQR Negative Declaration - City Hall Project

I'm requesting the following be added to the City Council's Monday, May 5th meeting agenda:

- Adopt SEQR / Negative Declaration for the construction phase of the new City Hall project.

As background:

- Per the City Attorney and outside counsel Hodgson Russ, the new construction phase is a Type II action under New York Codes, Rules and Regulations Part 617-Section 617.5 as it involves "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes."
- As a Type II action, no environmental review was required under the New York State Environmental Quality Review Act (SEQR).

However, lead project engineer Clark, Patterson, Lee (CPL) conducted a full SEQR review out of an abundance of caution - which identified no environmental significance (Negative Declaration).

- This finding was noted in Section 13 of the attached project bond resolution passed by the City Council on September 3, 2024.

- However, the SEQR / Negative Declaration was not presented for adoption with the bond resolution, as should have occurred.
- Since the SEQR process was undertaken, albeit discretionary, it is in the City's best interests to comply with proper adoption of related findings.

The attached resolution prepared by Hodgson Russ and the original SEQR document are provided for your signature should the City Council take the requested approval action.

Please contact me with any questions.

Thank you for your consideration.

CHARLES D. CLARK, DIRECTOR OF DEVELOPMENT AND MARKETING

A copy of the Negative Declaration may be obtained in the City Clerk's office.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 15, 2025

A STATE ENVIRONMENTAL QUALITY REVIEW ACT RESOLUTION REGARDING THE CITY OF LACKAWANNA'S CAPITAL IMPROVMENTS PROJECT AT CITY HALL

WHEREAS, the City Council of the City of Lackawanna, in the County of Erie, New York (the "City") has undertaken a capital improvements project which consists of construction of a new City Hall that includes the reconstruction of a structure at 2838 South Park Avenue (the "Project"); and

WHEREAS, because the Project constitutes a Type II action under the State Environmental Quality Review Act and its implementing regulations ("SEQRA"), no further environmental review of the Project was and is required; and

WHEREAS, the City desires to reaffirm its SEQRA determination and to, out of an abundance of caution, make a SEQRA determination of significance for the Project, even though one is not required; and

WHEREAS, in furtherance of making a SEQRA determination of significance for the Project, the City has reviewed a full Environmental Assessment Form ("EAF"), which was prepared by the City's consultants for the City's review;

NOW, THEREFORE, BE IT RESOLVED by the City
Council that:

1. The Project constitutes a Type II action under SEQRA. Namely, it constitutes the "replacement, rehabilitation or reconstruction of a structure or

facility, in kind, on the same site.

... " 6 N.Y.C.R.R. § 617.5(c)(2); *see also* 6 N.Y.C.R.R. § 617.5(c)(18) ("reuse of a ... commercial structure ... where the ... commercial use is a permitted use under the applicable zoning law").

2. The Council will nonetheless make a negative determination of significance. The Project will not result in any large and important impacts and, therefore, it is an action that will not have a significant adverse impact on the environment. The attached negative declaration (*see* Exhibit A), incorporated herein by reference, is hereby issued and adopted for the reasons stated in the attached negative declaration. The Part 2 of the EAF as presented is determined to be acceptable and Part 3 shall be executed in accordance with this Resolution.

THIS RESOLUTION IS EFFECTIVE IMMEDIATELY.

Dated: May 5, 2025
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Authorize the City Clerk to Begin the Bid Process for General Contractors for the Kirby Ave. Paving Project.

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

RE: Bid Advertising – Kirby Ave Paving Project

Dear Respected City Council Members,

The Department of Public Works requests that the Council authorize the City Clerk to begin the bid process for general contractors for the Kirby Ave paving project.

Thank you for your consideration.

Respectfully,

DANIEL GEERCKEN. SENIOR FOREMAN OF PUBLIC WORKS

Moved by Marrano second by Anderson to approve request, authorize City Clerk to begin bid process.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Authorize the Sale of a 2014 Ford Escape.

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

RE: Sale of Vehicle

Dear Respected City Council Members,

The Department of Public Works is requesting authorization to sell our 2014 Ford Escape. Funds from the sale will go into the equipment budget line A-5110.0201.
Thank you in advance for your consideration of this request.
Respectfully,

DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

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

Carried 5-0

Requests the City Council approve Grasshopperz, Inc. for the Demolition of the Grandstand in Phase 2 of the Veteran's Stadium Project. Grasshopperz was the Lowest of 3 Bids at \$131,000.

9. Lackawanna City Council

RE: Veterans Stadium Grandstand Demolition Contractor Bid Approval

Dear Council Members,

The city is starting the second phase of the Veterans Stadium project, which involves the grandstand demolition. The Department of Public Works requests that the council approve Grasshopperz, Inc. for the demolition work. Their bid price is \$131,000 (lowest of the three bids). This project is funded by the urban initiatives grant.

Please see attachment for bids.

Respectfully,

DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

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

Carried 5-0

Requests the City Council Approve the Refurbishing of the Ridgewood Village and Cleveland Basketball Courts. There is Money Left from the Urban Initiative Grant in the Amount of \$84,907 for this Purpose.

10. City Council

RE: Approval to Refurbish the Ridgewood Village and Cleveland Basketball Courts.

Dear Council Members,

I am writing to request the Council approval to refurbish the Ridgewood Village and Cleveland Basketball courts. I propose that we utilize the fund balance of \$84,907.00 remaining from the urban initiative grant for this purpose.

Thank you for your consideration of this request.

Respectfully,

DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

Moved by Marrano second by Anderson to approve request.

Yeas: Muffahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the use of the Senior Citizens Center by the Board of Elections for Early Voting. Primary Election- June 14-24 and General October 25-November 3, 2025.

11. 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 – PRIMARY ELECTION: June 14, 2025- June 24, 2025

EARLY VOTING – GENERAL ELECTION: October 25, 2025 – November 3, 2025.

The lease agreement is attached.

Thank you for your time and consideration.

Sincerely,

GRACE MARRANO, CITY CLERK

Moved by Marrano second by Muffahi to approve request.

Yeas: Muffahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

12. Item was withdrawn from the agenda.

Requests the City Council Rescind and Replace Chapter 190, Solid Waste Ordinance.

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

Re: Rescind and Replace Chapter 190 Solid Waste Ordinance

Dear Ms. Marrano:

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

Very truly yours,

ARIANNA KWIATKOWSKI, CITY ATTORNEY

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

Yeas: Muffahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

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 that City Code Chapter 190 Solid Waste shall be rescinded in its entirety and replaced as follows:

Chapter 190. Solid Waste

§ 190-1. Definitions.

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

BRUSH

Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

BULK ITEMS

Bulk items shall include large household furnishings, major appliances, small appliances and other items which are too large or heavy to be placed in a tote or recycling container.

CONSTRUCTION DEBRIS

Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

DUMPING

The throwing, depositing or burning of solid waste in or upon any public highway, street or other public place.

DUMPSTER

A large metal trash, garbage, rubbish or refuse bin of a kind that is privately owned, emptied or transported to a dump by a specifically equipped truck.

GARBAGE

Every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruits or vegetables and any other matter of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors.

LARGE HOUSEHOLD FURNISHINGS

Large and/or other bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, carpets, mattresses and box springs, but excluding major appliances.

MAJOR APPLIANCES

A large household mechanism, such as a refrigerator, washer, dryer, stove, etc., ordinarily operated by gas or electric current.

NONRECYCLABLE RUBBISH

Waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing and straw.

RECYCLABLE CONTAINER

A rigid plastic container, or bin, provided to the residents by the City of Lackawanna. An open-topped metal or rigid plastic container with drainage holes not exceeding 40 pounds in weight when filled.

RECYCLABLE RUBBISH

Rinsed food containers, such as metal cans, glass and plastic food containers; newspaper, magazines, cardboard and flat paper; and plastic materials and bottles with metal rings and tops removed.

SOLID WASTE

Includes but shall not be limited to garbage, nonrecyclable rubbish, recyclable rubbish, construction debris, major appliances, large household furnishings, brush and tree parts, grass and leaves.

TOTE

A City-authorized container of a capacity of 95 gallons for the storage and collection of garbage and nonrecyclable refuse and rubbish.

TREE PARTS

Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

YARD WASTE

Grass clippings, leaves, flowers and vegetable trimmings.

- B. None of the terms defined in this section shall be deemed or construed to include vehicular tires, tire casings, oil or batteries.

§ 190-2. Separation and preparation of solid waste for collections.

- A. Each person who places any item at the curb for collection and disposal by the City of Lackawanna shall separate nonrecyclable rubbish from recyclable rubbish and such person shall prepare the same for collection and disposal in accordance with this chapter.
- B. Totes conforming to the specifications of this chapter shall be used when storing or placing garbage and nonrecyclable rubbish at the premises where it was

generated for collection by the City of Lackawanna. When filled, a tote shall not exceed 150 pounds in weight.

C. Recyclable material must be placed in a separate suitable recycling container or bundled as follows:

- (1) Newspapers, boxboard and junk mail shall be placed in a recycling container, paper bags, or cardboard boxes.
- (2) Corrugated cardboard, including boxes, shall be disassembled, flattened and bundled. Bundles shall not be bigger than three feet by three feet square.
- (3) Cans, glass containers and plastic containers shall be rinsed of original contents.

D. No materials other than recyclable material prepared in accordance with this chapter shall be placed in a recycling container.

E. Recycling material shall be placed in a clearly marked recyclable container or clear plastic bag in a separate area from garbage and nonrecyclable refuse and rubbish.

F. All brush and tree parts generated by the individual activity or efforts of the owner or occupant of the premises shall be tied with string or twine in bundles not to exceed 48 inches in length and 12 inches in diameter and weighing no more than 40 pounds. The City shall collect and dispose of branch and tree parts only between April 1 and October 15.

G. Major appliances, small appliances, large household furnishings and air conditioners.

- (1) Major appliances or large household furnishings may be placed for collection on the scheduled collection day for bulk items.
- (2) It shall be unlawful for any person to discard or place any refrigerator or freezer: in a public right-of-way for collection unless the door of the refrigerator or freezer has been removed.
- (3) It shall be unlawful for any person to discard or place any small appliance, which has been fully manufactured, charged and hermetically sealed in a factory with five pounds or less of refrigerant in a public right-of-way for collection unless the refrigerant has been properly removed and documentation is attached to the unit stating that the refrigerant has been removed. For purposes of this section, the term "small appliance" shall include but not be limited to refrigerators and freezers designed for home use, room air conditioners, packaged terminal heat pumps, dehumidifiers, and under-the-counter ice makers, vending machines, motor vehicle air conditioners and drinking water coolers.
- (4) No more than five bulk items shall be placed for collection and accepted by the City.

H. Grass clippings and yard waste shall be left on the lawn. Starting April 1st 2025, the City of Lackawanna will be participating in the NYS Dept. of Environmental

Conservation's "Leave it on the Lawn" program. The City will no longer pick up grass clippings.

- I. Solid waste shall not be placed on any public street or on any premises unless the same is in a tote or is bundled as required by this section.
- J. Protruding nails and other sharp objects, including glass that may inflict bodily harm to personnel or residents of the City of Lackawanna, shall be removed from all solid waste prior to being deposited in containers or bundled for collection.
- K. Branches will be collected the first FULL week of each month on your scheduled garbage day. They are not to exceed 48 inches in length and 12 inches in diameter. All branches should be placed parallel with the curbside.
- L. The City shall not collect more than one cubic yard of debris.

§ 190-3. Containers and storage.

A. Totes.

- (1) The City shall provide and assign to each single-family residential unit one tote (but no more than two totes per building/structure). Residents may obtain additional totes from the City at a cost to be determined by the Commissioner of Public Works.
 - (2) No single-family residential unit shall have more than two totes. Totes shall be used for the collection, storage and disposal of all garbage and nonrecyclable refuse and rubbish that may accumulate or be produced by them. All totes shall be owned by the City. Any tote assigned to a residential unit shall remain at that residential unit and shall not be removed from said unit. In the event that a tote assigned to a residential unit is lost, damaged, destroyed or missing, the property owner shall be responsible for the replacement cost for said tote.
- B. Garbage and nonrecyclable refuse and rubbish shall be placed in sealed garbage bags, prior to being stored in totes. A tote which contains garbage or nonrecyclable refuse and rubbish, which is not in sealed garbage bags, shall not be collected by the City and the owner, lessee, occupants or any person having the care and control of the lot or land shall be charged with a violation of this section.
 - C. Garbage and nonrecyclable refuse and rubbish shall be stored in totes with lids completely closed. No tote shall exceed 150 pounds in weight when filled.
 - D. All totes shall be maintained in good condition. All reusable refuse containers and totes shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage is removed by the collector. Except when placed at the curb line for

collection, all totes shall be stored on the property producing the solid waste. All totes shall be stored outside public view at the rear of the premises.

§ 190-4. Collection generally.

- A. The Department of Public Works shall designate the days and times for the removal of all waste from public roads, streets, highways and alleys in the City. The Department of Public Works shall designate three weeks a year for the collection of bulk items. The Department of Public Works shall collect bulk items for a fee of \$50, per item, when collecting said bulk item on any date other than those dates designated by the Department for bulk item pickup. The property owner or resident must give 48 hours' notice to the Commissioner of Public Works.
- B. The City of Lackawanna shall provide for the collection and disposal of all recyclable rubbish, as well as for the collection and disposal of up to a maximum of two totes per week.
- C. The City of Lackawanna will collect brush and tree parts produced by residents, provided that such brush and tree parts were generated at the site upon which they are placed for collection and they are placed for disposal in accordance with the provisions of this chapter.
- D. The City hereby assumes no responsibility to collect, and no person shall place in a public right-of-way, waste material not separated and prepared pursuant to the provisions of this chapter.
- E. The City shall have no obligation to pick up and remove any solid waste which was not produced within the confines of the City of Lackawanna.
- F. Ownership of rubbish which has been placed at the curb for collection in accordance with this chapter shall vest in the City of Lackawanna. It shall be unlawful and a violation of this chapter for any person without authority from the City to collect, pick up, remove or cause to be collected, picked up or removed any rubbish. Each such collection pickup or removal of rubbish from one or more premises shall constitute a separate and distinct offense in violation of this chapter.
- G. The fact that waste material is in a public right-of-way shall be rebuttable prima facie evidence that such material was placed there by the owner of the property abutting that public right-of-way.
- H. Any scavenging, rummaging into or picking discarded articles or materials out of solid waste totes, containers or recycling bins by persons other than the owner or occupant of the premises, authorized City employees or City contractors is hereby prohibited and shall constitute a violation of this chapter.

§ 190-5. Prohibited deposits or accumulations.

- A. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about

any premises owned, used or occupied by said person. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.

B. No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place, any private property or the City garage, except as provided in this chapter or under the authorization, supervision and direction of the Commissioner of Public Works.

C. The City shall not collect or allow to be collected dangerous, hazardous or chemically toxic wastes, including but not limited to the following:

- (1) Dangerous wastes: wastes that represent an immediate threat to the safety of employees of the City and/or the general public, including but not limited to waste with jagged or protruding objects, broken glass or nails.
- (2) Hazardous wastes, as defined in the Environmental Conservation Law and regulations pursuant thereto, including but not limited to:
 - (a) Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone, xylene) and gasoline.
 - (b) Corrosive wastes, such as containers of battery acid or metal-cleaning bath sludges (e.g., sodium hydroxide or sulfuric or hydrochloric acid).
 - (c) Reactive wastes, such as cyanide metal-plating sludges or any waste that will react violently with water or which generates toxic gases, vapors or fumes (e.g., sodium metal).
 - (d) EP toxicity test wastes which produce an extract containing contaminants such as arsenic, lead, chromium, silver or herbicides; or industrial process wastes, contaminated soil from a spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in state law and regulations.
 - (e) Toxic wastes, such as sludges from solvent recovery, solvents and the industry-specific wastes listed in the regulations of the Commissioner of the State Department of Environmental Conservation.
 - (f) Medical waste. Any infectious medical waste, subject to the provisions of the Health Law classified as infectious waste.
 - (g) Oil-based, alkali-based, latex or enamel-based paint. Empty, dry paint containers are permissible.

D. Dangerous, hazardous or chemically toxic wastes shall be disposed of by their owner or producer in compliance with current regulations of the State Department of Environmental Conservation.

E. Vehicular tires and tire casings will not be picked up or removed by the City or agency thereof.

- F. Waste oil. The City shall not collect waste motor oil, transmission fluids or any other petroleum oils or fluids used for mechanical purposes and otherwise. There shall be no discharge of any oil into any waterway or drainage system. All items of this type must be properly disposed of by the resident producing the item.
- G. Batteries. Lead-acid batteries shall not be placed in any waste container.
- H. The City shall not collect televisions, computers, monitors or other electronic devices except during the designated electronic weeks.
- I. The City shall not collect any fencing, sheds or decks.

§ 190-6. Owner responsibility.

- A. The owner of the premises where the solid waste is generated shall be responsible for ensuring compliance with the provisions of this chapter.
- B. It shall be the duty of every person, owner or occupant of every property within the City of Lackawanna to keep such buildings free and clear of all kinds of solid waste and to keep sidewalks and yard areas clean.
- C. Solid waste to be collected by the City of Lackawanna shall be placed for collection no earlier than 6:00 p.m. on the day before the collection day.
- D. All totes and other solid waste containers shall be removed from the public right-of-way or other place of collection no later than 7:00 p.m. of the designated collection day.

§ 190-7. Waste generated by contractors, home construction and demolition.

- A. Brush and tree parts. All brush and tree parts removed by commercial contractors must be removed from premises by the contractor. Such brush and tree parts may not be placed within a public right-of-way, except temporarily if necessary in the course of the work which produced the brush and tree parts.
- B. Construction and demolition debris. All construction and demolition debris produced by a commercial contractor, builder, owner or occupant must be removed from the premises by the contractor, builder, owner or occupant. Such debris may not be placed within a public right-of-way, except temporarily if necessary in the course of the work which produced such debris.
- C. Grass clippings and sod. All grass clippings and sod generated by commercial lawn care contractors, pool installers, fence contractors or any other type of contractor must be removed from the premises by the contractor. Such grass clippings and sod may not be placed within a public right-of-way, except temporarily if necessary in the course of the work which produced the grass clippings and sod.

§ 190-8. Removal of uncollected solid waste.

Where the City has not collected waste material because it was not placed or prepared in accordance with the provisions of this chapter, the person who placed it for collection and the owner of the real property whereon the waste material was generated shall remove such material as soon as possible after the City or the designated contractor has refused collection, and in any event by 7:00 p.m. of the designated collection day. The failure to remove any such material by 7:00 p.m. of the designated collection day shall constitute a violation of this chapter.

§ 190-9. Special provisions.

- A. Christmas trees. Holiday trees may be placed at the curb for collection during the months of December and January without being cut and placed as otherwise required in this chapter.
- B. Leaves. During the months of October and November when the volume of leaves makes it impractical to place them in containers, leaves may be placed in piles at the curb and shall be placed on the paved portion of the street on the normal collection days.
- C. Burning garbage. No person shall ignite or burn any garbage within the City, unless such garbage is placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto.

§ 190-10. Collection license; fee; manner of transporting garbage.

- A. License required. It shall be unlawful for any person to gather, collect or transport garbage within the limits of the City unless such person has first obtained a license to do so from the City Clerk.
- B. Fee. The fee for such license shall be as determined by the Council.
- C. Approval required. No license shall be issued under the provisions of this section unless approval has first been obtained from the Council.
- D. Manner of transporting garbage. Any person granted a license under the provisions of this section shall transport garbage in such manner as specified by the Commissioner of Public Works.

§ 190-11. Business, houses of worship and other entities.

- A. The City will provide and assign to each business or commercial establishment one tote but no more than two totes per building/structure, except as provided in this section. A business may purchase additional totes from the City; provided, however, that no business or commercial establishment shall have more than two totes, except as provided in Subsection C of this section.

- B. The City shall provide for the collection and disposal of solid waste for a business or commercial establishment up to a maximum of two totes.
- C. Any business that exceeds 300 pounds of solid waste (i.e., two totes) shall be required to obtain and maintain a dumpster on the premises and/or retain a private garbage collection service. In the event that a dumpster cannot be placed on the premises of the business, the owner, occupant, or manager of the premises shall make an application to the Commissioner of Public Works for permission to purchase additional totes that the City would collect and dispose of for a fee to be determined by the Commissioner of Public Works, up to a maximum of four totes.
- D. The City shall not provide for the collection and disposal of solid waste for any house of worship, group home, nonprofit organization or private school or clubs. Any such entity shall be required to have a dumpster on the premises and/or retain a private garbage collection service. If obtaining a dumpster or totes will cause a hardship for one of the tax-exempt entities listed above, the owner or occupant can apply for written approval for City pickup from the Commissioner of Public Works. If approved, the entity must pay the given garbage user fee for those services.
- E. Notwithstanding any other provisions in this chapter, the City shall not provide for the collection and disposal of solid waste for any multiple dwellings exceeding six residential units. Such multiple dwellings shall obtain and maintain a dumpster on the premises and/or retain a private garbage collection service.
- F. The City shall provide for the collection and disposal of solid waste for multiple dwellings with six or fewer residential units up to a maximum of two totes per unit.
- G. The City will not collect or pick up any dumpster or dumpsters, regardless of its size or location anywhere in the City.
- H. In the event that a tote assigned to a business, commercial establishment or multiple dwelling is lost, damaged, destroyed or missing, the property owner shall be responsible for the replacement cost for said tote.

§ 190-12. Accumulated waste; notice to correct; removal by City; costs.

- A. It shall be unlawful for any person, firm or corporation to maintain or use any plot or parcel of land in the City as a dump or a place for the reception of and disposition of waste materials, garbage, rubbish or refuse as defined in this chapter. It shall be the duty of every owner, lessee or occupant of any such plot or parcel of land to remove or cause to be removed from the premises any uncontained exterior accumulation of such materials described herein within the allotted timeframe given in the notice of noncompliance from the City. Noncompliance; notice to correct. If the provisions of this section are not complied with, the Director of Development shall cause to be served, either personally or by regular, certified or registered mail, a written notice upon the owner, lessee or occupants or any person having the care or control of such lot or land to comply with the provisions of Subsections A and C. If service by mail, such notice is sufficient if mailed to the last

known address of the owner, occupant or agent, as listed in the records of the City Treasurer.

- B. Performance of work by City. If the person upon whom the notice provided for in Subsection B is served neglects or refuses to remove or cause to be removed such garbage, rubbish, refuse or wastes within five days after receipt of such notice or if no person can be found in the City who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Department of Public Works shall cause such garbage, rubbish, refuse or wastes to be removed.
- C. Collection of costs by City. The actual cost to the City for removing any such accumulated wastes as provided in this chapter, plus \$125 for inspection and any other additional costs incurred in connection with its enforcement herewith, shall be certified by the Department of Public Works to the City Treasurer and shall thereupon become and be a lien upon the property on which any such accumulated wastes as provided in this chapter were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as general City taxes.
- D. Penalties for offenses. The penalties for violations of the provisions of this chapter shall be as follows:
 - (1) A fine of \$50 for the first violation.
 - (2) A fine of \$100 for the second violation.
 - (3) A fine of \$200 for the third violation.
 - (4) A fine of \$300 for the fourth violation.
 - (5) In the event of succeeding and continuing violations(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 \$300 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.
 - (6) Notwithstanding the penalties set forth above, unauthorized dumping shall be punishable by a mandatory fine of \$1,000.

§ 190-13. (Reserved)

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 6, 2025
Lackawanna, New York

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

Carried 5-0

Requests the City Council Approve the Resolution Entering into an Agreement with Erie County to Prepare the City's Tax Bills.

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

Re: County to Prepare Tax Bills Resolution

Dear Ms. Marrano:

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

Very truly yours,

ARIANNA KWIATKOWSKI, CITY ATTORNEY

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

Carried 5-0

RESOLUTION NO. 14, 2025

NOW, THEREFORE BE IT RESOLVED:

SECTION 1. Pursuant to a resolution by the Lackawanna City Council, the Erie County Tax Act, Section 3-2.2 permits the City of Lackawanna and Erie County to enter into an agreement with each other with respect to the preparation of annual city assessment rolls by Erie County, Real Property Tax Services.

SECTION 2. The City of Lackawanna desires to enter into such an agreement with Erie County for the 2025-2026 tax year for Erie County Real Property Tax Services to assist the City of Lackawanna with respect to the preparation of its annual city assessment rolls as well as the assessment roll for the Lackawanna City School District ("LCSD") for which the City of Lackawanna's Treasurer's Office is the tax collector for the Lackawanna City School District.

SECTION 3. Such Agreement shall provide for payment of such services from the City of Lackawanna to Erie County which for the 2025/2026 tax year, payment for such services is anticipated to be approximately \$10,500.00 or less for the City of Lackawanna which will include three phases: the printing of the first half of the City tax bill for each parcel by July 25, 2025; the printing of the second half City tax bill for each parcel by July 25, 2025; and the printing of the LCSD tax bill by July 25, 2025

SECTION 4. The Lackawanna City Council authorizes that such anticipated expense be paid from the Treasurer's Office (A-1325) budget, specifically line item printing tax roll (442) where \$8,000 was previously allocated for such expense.

SECTION 5. That the City's Treasurer's Office and City's Law Department work with Erie County Real Property Tax Services and Erie County's Law Department to prepare the necessary documents to

effectuate said agreement for Erie County to assist the City of Lackawanna and the LCSD with respect to the preparation of both of its annual city assessment rolls for tax year 2025/2026.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 5, 2025
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Ordinance to Transfer Funds for the Veteran's Stadium Rehabilitation Project.

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

Dear Honorable Body:

Please consider the attached Ordinance to be placed on the agenda for the City Council meeting to be held on Monday, May 5, 2025. The request is to transfer \$467,567.40 from the Capital Fund to the General Fund as the City has received County Aid expected for Veteran's Stadium Rehabilitation-Lighting.

Thank you for your kind attention in this respect.

Very truly yours,

JACQUELYN DOLE, CITY COMPTROLLER

Moved by Marrano second by Surdyke to receive and file, act on ordinance.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AUTHORIZING AN INTER-FUND TRANSFER BETWEEN THE GENERAL FUND AND THE CAPITAL FUND

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

SECTION 1. That the Capital Fund will repay the General Fund \$467, 567.40 for the "Veteran's Stadium Rehabilitation – Lighting".

SECTION 2. That the Capital Fund repayment will go into the City's Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 6, 2025
Lackawanna, New York

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

Carried 5-0

Requests the City Council approve the ordinance to create a revenue code for “County Aid” and an expenditure code “Stadium Demo-Concrete Bleachers” and “Basketball Court”.

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

Dear Honorable Body:

Please consider the attached Ordinance to be placed on the agenda for the City Council meeting to be held on May 5, 2025. The request is to create revenue code H.0000.3120 entitled County Aid and reflect receipt of \$800,000.00 from Erie County. In addition, the request is to create expenditure codes H.2080.0255.0005 entitled Veterans Stadium Demo - Concrete Bleachers and H.2080.0253.0000 entitled Basketball Court Refurbishment. Also, please consider the funding requests reflected in the attached ordinance.

Thank you for your kind attention in this request.
Very truly yours,

JACQUELYN DOLE, CITY COMPTROLLER

Moved by Marrano second by Anderson to receive and file, act on ordinance.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2024-205 BUDGET ORDINANCES ADOPTED JUNE 27TH, 2024.

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

- SECTION 1. That the 2024-2025 Budget Ordinance adopted June 27, 2024 is hereby amended to reflect receipt of \$800,000.00 in funds from Erie County to new revenue code H.0000.3120, entitled “County Aid”.
- SECTION 2. That the 2024-2025 Budget Ordinance adopted June 27, 2024 is hereby amended to increase the amount budgeted to expenditure code H.2080.0255.001, entitled “Veterans Stadium Rehabilitation - Lighting” to \$584,093.00.
- SECTION 3. That the 2024-2025 Budget Ordinance adopted June 27, 2024 is hereby amended to increase the amount budgeted to expenditure code H.2080.0255.005, entitled “Veterans Stadium Demo-Concrete Bleachers” by \$131,000.00
- SECTION 4. That the 2024-2025 Budget Ordinance adopted June 27, 2024 is hereby amended to increase the amount budgeted to new expenditure code H.2080.0253.0000, entitled “Basketball Court Refurbishment” by \$84,907.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 6, 2025
Lackawanna, New York

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

Carried 5-0

Communications from Citizens:

Requests the City Council Approve His Request for Commissioner Of Deeds Status. Term to Expire December 31, 2026.

17. Hon. Frederic J. Marrano, Council President
Lackawanna City Council
714 Ridge Road
Lackawanna, NY 14218

Re: Commissioner of Deeds

To your Honorable Body,
I hereby request an appointment as a Commissioner of Deeds for 2025-2026.
This appointment would be used solely for my duties at the Lackawanna Municipal Housing Authority.
Sincerely,

BRANDON FALBO, LACKAWANNA MUNICIPAL HOUSING AUTHORITY

Moved by Marrano second by Moretti to approve Commissioner of Deeds status.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registrations:

Sonny Reds. LLC, 1841 Abbott Road, David Beres (new owner), (restaurant/Bar).

Moved by Marrano second by Surdyke to approve Business Registration.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Public Auto Connect, 1754 Abbott Road, Nicholas Korzkowski (Used car sales). Formerly Trinity Motors.

Moved by Marrano second by Surdyke to **TABLE** pending further information.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Old Business:

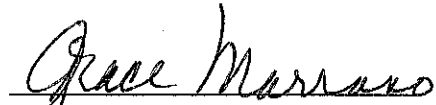
Adjournment:

Moved by Marrano second by Moretti to adjourn meeting.
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.

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