

I respectfully request that the Council approve and authorize the execution of the attached contract between the County of Erie and the City of Lackawanna to allow participation and receive funding from the above referred program.

*Honorable Annette Iafallo
Mayor, City of Lackawanna
714 Ridge Road
Lackawanna, New York 14218*

Dear Mayor Iafallo:

Please receive the enclosed contract that will allow the City of Lackawanna to participate and receive funding through the Erie County STIOP-DWI Program. The contract is for the term January 1, 2024 to December 31, 2025. A two-year term.

Claims for 2024 have already been submitted and once the contract is in place, 2024 claims will be reimbursed immediately. 2025 claims, which are being gathered, will be paid in Q1 2026.

There are three Addenda to include with the contract, A, B and C.

A – Police Enforcement Plan, for signature by your Chief of Police.

B – Accord Insurance certificate including Liability and Workers Comp Insurance Erie County included as an additional insured.

C – A resolution or Motion from your City Council agreeing to the contract.

If the City is a self-insured, a statement of self-insurance is also acceptable.

Kindly compile the addenda, sign the contract and return to:

*John Sullivan, Director
Erie County STOP-DWI Office
45 Elm Street
Buffalo, New York 14203*

Please feel free to contact me with any questions or assistance in completing the process.

JOHN SULLIVAN – DIRECTOR

ARIANNA KWIATOWSKI – CITY ATTORNEY

A copy of the Agreement may be obtained in the City Clerk’s Office.

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 19, 2025

WHEREAS, the City has been engaged in the STOP-DWI program in conjunction with the County of Erie for several years; and

WHEREAS, the County has requested the City to enter into a formal agreement with the County setting forth the terms and conditions between the County and the City; and

WHEREAS, attached hereto, is a copy of the proposed contract for the period commencing January 1, 2024 and terminating December 31, 2025; and

WHEREAS, the City Council deems it in the best interest of the City of Lackawanna to enter into said agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor be and hereby is authorized and directed to execute said agreement on behalf of the City of Lackawanna; and be it further

RESOLVED, that the City Clerk forward certified copies of this resolution to the Mayor, Director of Public Safety, Chief of Police and the City Attorney.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: October 20, 2025
Lackawanna, New York

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

Carried 5-0

Request City Council approve the transfer of funds to cover the expense for the NYCOM training that took place October 6-9, 2025.

6. Council Member
Daniel Geercken, Senior Foreman of Public Works

Subject: Request to transfer Funds for NYCOM Training Expense

Dear Council Members,

I am requesting approval to transfer funds to cover the expense for the NYCOM training I attended from October 6 – 9.

Please approve the transfer of \$1,100 from budget line **A.1440.0469 (Consulting Fees) to A.1440.0468 (Training/Schools).**

Thank you for your consideration.

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

Request the City Council approve the ordinance creating City Code § 230-40 Battery Energy Storage Systems Prohibited within Chapter 230-Zoning.

7. Frederic Marrano, Council President
Charles Clark, Director

Re. City Council Agenda Item – October 20, 2025 Meeting

I'm requesting the attached Ordinance creating City Code § 230-40 – *Battery Energy Storage Systems Prohibited with Chapter 230 – Zoning* be included on the October 20th City Council meeting agenda.

Creation of the Ordinance would constrain a growing form of commercial / private development which is a) not compatible with the economic development strategy the City of Lackawanna has pursued since 2020 and b) potentially not in the City's best interest relative to public safety and quality-of-life:

- Battery Energy Storage System (BESS) facilities do not meet the 'highest and best use of land' collective standard of new job, revenue and infrastructure creation outlined in both the City's Comprehensive Plan and Bethlehem Redevelopment Area (BRA) Strategic Plan guiding the multi-partner creation of Renaissance Commerce Park.
- The lithium-ion battery technology frequently used in BESS facilities is potentially highly flammable – which is risky for a landlocked and densely-developed community like Lackawanna, where the ability to establish setback necessary to fully protect residential, commercial and recreation spaces from a BESS facility is extremely limited. In the most extreme case, a BESS fire would liken to the 2016 industrial fire near Bethlehem Park.

Therefore, it is requested that the City Council approve this Ordinance prohibiting BESS facilities in all City Zoning Districts.

- *The only exception to this is Ordinance would involve any future decisions by the New York State Public Service Commission (PSC) to locate a suitable BESS facility on appropriately zoned land in Lackawanna which is already owned / operated by public utility companies in relation to their core services and infrastructure – which is the PSC's jurisdiction in consultation with host municipalities.*

Also attached is an information sheet containing a) illustrations of a BESS facility, b) developer areas of interest in Lackawanna for BESS facilities, c) setback challenge example and d) link to a BESS fire.

I will be in attendance at the October 20th meeting and would be happy to address any questions not answered in this communication or the Ordinance.

CHARLES D. CLARK – DIRECTOR OF DEVELOPMENT, MARKETING & PUBLIC INFORMATION

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 ADDING §230-40 – BATTERY ENERGY STORAGE SYSTEMS PROHIBITED TO THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that the following § 230-40 – *Battery Energy Storage Systems Prohibited* be added to *Chapter 230 – Zoning* of the Municipal Code:

§ 230-40 – BATTERY ENERGY STORAGE SYSTEMS PROHIBITED

1. Purpose. Adoption of this Chapter is intended to continue the orderly economic development of, and protect the public health, safety, welfare and quality of life in, the City of Lackawanna (“City”) by prohibiting Tier I, II or III Battery Energy Storage Systems (BESS) within all City Zoning Districts * in support of the following objectives:

A. Pursue economic development projects which deliver the ‘highest and best uses’ of available developable land (private or municipal) relative to new job, revenue and infrastructure creation as outlined in the City’s Comprehensive Plan;

B. Ensure these new development projects are compatible with, and contribute to, maintaining a safe quality of life in all City Zoning Districts – particularly those populated with schools, recreation spaces, houses of worship, senior / community centers and other similar public gathering facilities;

C. Mitigate the impact economic development projects have on the City’s environmental and other protected resources.

2. Definitions. A Battery Energy Storage System (BESS) shall be defined as a large-scale system that primarily utilizes lithium-ion batteries to store electrical energy, which is then released back into the grid when needed to power homes and businesses or as a backup energy source.

A BESS is typically classified by tiers according to size (aggregate energy capacity) and complexity of the battery technology employed:

- Tier I (< / = 600 kWh) most often associated with home use,
- Tier II (> 600 kWh) most often associated with small to medium sized business use,
- Tier III for large complex industrial applications not covered by Tier I or II.

Lithium-ion batteries are a growing safety concern for both municipal and volunteer fire departments as they are potentially highly flammable and difficult to control and contain.

3. Rule. * The construction and operation of Tier I, II or III Battery Energy Storage Systems (BESS) is And shall be **prohibited** in all City Zoning Districts as follows: Single-Family Residential (SFR); Mixed Residential (MR); Neighborhood Commercial (NC); Central Business District (CBD); Regional Commercial (RC); Mixed Commercial and Industrial (MCI); Industrial (I); Bethlehem Redevelopment Area (BRA); Open Space (OS); McKinley Parkway Overlay (MPO); Seaway Trail Overlay (STO); Smokes Creek Overlay (SCO); and Planned Unit Development (PUD).

**The only exception to this rule would involve any future decisions by the New York State Public Service Commission (PSC) to locate suitable BESS facility on appropriately zoned land within the*

City which is already owned and operated by public utility companies and related to their core services and infrastructure.

4. **Application.** As a prohibited use, variance requests permitting Tier I, II or III Battery Energy Storage System (BESS) within City Zoning District (*with the exception of those which may be deemed necessary for public utilities as noted in 3. Rule*) will not be entertained by the Zoning Board of Appeals and / or Planning and Development Board (through the Department of Development) while § 230-40 remains in effect.
5. **Severability.** If any provisions of § 230-40 is for any reason held unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining sub-chapters and provisions of Chapter 230 – Zoning will be unaffected and therefore, remain in effect.
6. **Effective Date.** § 230-40 shall be effective immediately upon filing with the City Clerk for the City of Lackawanna.

Dated: October 21, 2025
Lackawanna, New York

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Citizens

Request the City Council approve the closing of Church St. In front of the 2nd Baptist Church on Saturday, November 1, 2025 from 11:30 a.m. until 3:00 p.m. for the annual 1st Ward Fall Fest.

8. Honorable Body,

I'm requesting that Church Street be closed in front of 2nd Baptist Church on Saturday November 1, 2025 From 11:30 am to 3 pm.

We are hosting our 1st Ward Fall Fest on that day and want the street closed for the safety of the children in attendance.

Feel free to contact me if you have any questions.

KIMBERELY SMITH – RESIDENT

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

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Business Registration:

Auto 360, LLC, 3261 South Park Avenue, Anwar Al-Kalai (auto repair).

Moved by Marrano second by Anderson to **DENY** Business Registration.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano second by et al to adjourn meeting in Memory of Jerry Reeves and Patricia Mendez.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

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.