



**Family Court Judge Kevin Carter**, left, conducts the oath of office ceremony for Stefan Mychajliw, who will serve as Erie County comptroller. Mychajliw's father, Stefan Sr., and 7-year-old daughter, Mia Theresa, were among the witnesses at the ceremony.

# Scrap collector wants to defy law

by **DARLENE M. DONOHUE**  
*Editor*

A Buffalo man is hoping to convince a Town of Tonawanda judge that he shouldn't be penalized for an illegal form of supplementing his income

Don Dalfonso says he's "sick of being harassed" and that the laws should be changed to allow him to pick up scrap metal that is left on the curbs for garbage pickup, an act that is a violation of town law.

The 67-year-old recently received a court citation for "interference with waste material set out for collection" from the town while he was collecting scrap metal from the curb on Mc-Conkey Drive.

He appeared before Town Justice Daniel Caravello during the past month and didn't want to accept a plea bargain so he will attend court again in January to argue his case.

"Picking up scrap metal off the curb is completely harmless. When people put their garbage on the curb, they don't care who picks it up, yet police threaten that I'll get jail time if they catch me doing it. They tell me not to come in the town at all," said Dalfonso.

Town of Tonawanda Police Lt. Nick Bado said the law against garbage picking dates back more than 10 years.

Since April 2004, 49 tickets have been issued to individuals who have violated the law against garbage picking, according to Bado.

He said this isn't the first time that Dalfonso has been cited for the offense. Of those 49 issued, two

tickets were given to Dalfonso: one in November 2009 and the second on Oct. 1 of this year.

"And, it's my understanding that he's received warnings," said Bado, explaining that violators are typically issued a written warning for a first offense and then a \$50 fine for an additional violation within a year's time.

Bado said the law was established in an attempt to limit the public nuisance that is created by those who garbage pick. He added that neighboring towns have similar laws against garbage picking.

✓ **Since 2004, 49 tickets have been issued in the Town of Tonawanda to individuals who have violated the law against garbage picking.**

"It's a huge quality-of-life issue. The garbage pickers typically make a mess while they are sorting through the garbage, and it makes people uncomfortable seeing individuals going through their garbage," said Bado, adding that some individuals are

doing more than collecting scrap metal when they weed through trash.

"They are going through personal paperwork, trying to find financial records or other private documentation," he said.

In addition to the quality-of-life issue, Bado said taking garbage from the curb takes revenue away from the town.

"Anything that goes out to the curb, becomes the property of the town," he said.

The lieutenant explained that the Highway Department earns thousands of dollars in revenue from turning in recyclables such as scrap metals. He said that money is then used to pay for fuel for the department's trucks.

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