

Town Board Minutes

September 16, 2019

Meeting No. 19

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of 2016 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
DAWN GACZEWSKI, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
JOHANNA COLEMAN, SUPERVISOR

ABSENT: MATTHEW WALTER, COUNCIL MEMBER

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

PERSONS ADDRESSING TOWN BOARD:

Mamak, Andrew, spoke to the Town Board on the following matter:

- Commented on approval of Stop Signs in the Courtyard at Pleasant Meadows Subdivision.

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held September 3, 2019 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 58158 to Claim No. 58307 Inclusive

Total amount hereby authorized to be paid: \$793,422.94

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER DICKMAN, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
30237		Tucker Homes - MJ Peterson	6 Worthington Ln	Er. Dwlg.-Sin.	
30253		Robert Polino	26 Middlebury Ln	Er. Fence	
30254		William Balcom	5 Parliament Ln	Er. Fence	
30255		Michael Budzich	54 Rehm Rd	Er. Shed	
30256		M H White Siding & Roofing	32 Aurora St	Re-Roof	(V/L)
30257		Joseph Riccione	44 Avian Way	Er. Res. Alt.	
30258		Rich Zaciewski	34 Rose St	Er. Fence	
30259		Rachel Antes	510 Lake Ave	Er. Res. Alt.	
30260		Andrea St. Clair	22 Wildwood Dr	Er. Fence	(V/L)
30261		ReUse Action Inc.	8 Clark St	Dem. Rear Struc.	(V/L)
30262		ReUse Action Inc.	8 Clark St	Dumpster - Temp.	(V/L)
30265		Daniel Ahearn	36 Avian Way	Er. Shed	
30266		Clyde Haupt	15 Division St	Er. Fence	(V/L)
30267		Steve Rosenberg	108 Erie St	Er. Fence	(V/L)
30268		Jonathan Wolf	7 Old Orchard Comm	Er. Fence	
30269		James Kucewicz	4 Old Schoolhouse Rd	Re-Roof	
30270		Buffalo Roofing Co. LLC	187 Nathan's Trl	Re-Roof	
30271		Buffalo Roofing Co. LLC	56 Erie St	Re-Roof	(V/L)
30272		ECC Electrical Construction	4913 William St	Inst. Generator	
30273		Shannon Helm	30 Petersbrook Cir	Er. Fence	
30274		Brian Schaal	6 Prairie Ln	Er. Fence	
30275		Larry Lichtenstein	41 Apple Blossom Blvd	Er. Shed	
30276		Colley's Pool Sales Inc.	61 Avian Way	Er. Pool-In Grnd	
30277		Colley's Pool Sales Inc.	22 Sagebush Ln	Er. Pool-In Grnd	
30278		Colley's Pool Sales Inc.	53 Tomahawk Trl	Er. Fence	
30279		Colley's Pool Sales Inc.	53 Tomahawk Trl	Er. Pool-In Grnd	
30280		Patricia Ziolkowski	19 Christen Ct	Er. Fence	(V/L)
30281		Sahlems Roofing and Siding Inc	6298 Broadway	Re-Roof	
30282		Donald Picone	22 Saybrook Dr	Er. Deck	
30283		Shirley Wopperer	20 Ronald Dr	Re-Roof	
30284		Angelo Vecchio	47 Hill Valley Dr	Re-Roof	
30285		Keith Smith	99 Fourth Ave	Re-Roof	(V/L)
30286		Beauty Pools Inc.	19 Sawgrass Ln	Er. Pool-In Grnd	
30287		Frank's Commercial & Home Ser	57 School St	Er. Res. Alt.	(V/L)
30288		D M Home Improvements	26 Chicory Ln	Re-Roof	
30289		Triple C Construction of WNY	5245 William St	Er. Res. Add.	
30290		4893 Transit Road LLC	4893 Transit Rd	Er. Sign - Temp	
30291		Robert Smith	14 Ashwood Ct	Er. Fence	
30292		Michael Wachowski	1391 Ransom Rd	Er. Garage	
30293		Mr. Pool Enterprises Ltd.	30 Petersbrook Cir	Er. Pool-In Grnd	
30294		Jack Toepfer	11 Rose St	Er. Res. Add.	
30295		Innovative General Contracting	354 Lake Ave	Re-Roof	
30296		Clayton Lindemuth	12 Petersbrook Cir	Er. Shed	
30297		Anderson Water Systems, Inc.	52 Fox Hunt Rd	Inst. Generator	
30298		F&D Construction Inc.	296 Pleasant View Dr	Er. Res. Add.	
30299		CGL Contracting, LLC	21 Avian Way	Re-Roof	
30300		Tucker Homes - MJ Peterson	4703 Transit Rd	Er. Comm. Add./Alt.	
30301		A Best Inc.	5494 Broadway	Re-Roof	(V/L)
30302		Amit Lugade	47 Middlebury Ln	Er. Fence	
30303		Perry Home Construction Inc.	193 Westwood Rd	Er. Pole Barn	
30304		Robert Simcoe	25 Thorn Apple Ln	Er. Shed	(V/L)
30305		Fidel Reyes	43 Summerfield Dr	Re-Roof	
30306		Gen-Tech Power Systems LLC	24 Bluejay Cir	Inst. Generator	
30307		Corrie Roeser	37 School St	Re-Roof	(V/L)
30308		David Deutschlander	53 Irwinwood Rd	Re-Roof	(V/L)
30309		Gary Ryskalczyk	444 Aurora St	Re-Roof	

30310	Steven Velarde	10 Hidden Meadow Cros	Er. Shed	
30311	Kenneth Ostrowski	16 Lancaster Ave	Re-Roof	(V/L)
30312	Joseph Titus	41 Middlebury Ln	Er. Pool-In Grnd	
30313	Jonathan Andreas	14 Crabapple Ln	Er. Shed	
30314	Jerry & Barbara Pikula	4 Rue Madeleine Way	Er. Porch Cover	
30315	Andrew Leczynski	70 Benson Dr	Er. Fence	(V/L)
30316	Majestic Pools Inc.	32 Worthington Ln	Er. Pool-In Grnd	
30317	Dalex Construction Inc.	62 Lake Ave	Re-Roof	(V/L)
30318	Anthony Bianchi	39 Windcroft Ln	Re-Roof	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	WAS ABSENT
SUPERVISOR COLEMAN	VOTED YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant Funds, for the year 2020-2021 and must identify eligible projects which would benefit low to moderate income persons within the Town, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposals to meet those needs to assist the Town Board in the development of the Town's application for Community Development Block Grant funds;

NOW, THEREFORE,
BE IT RESOLVED, that a Public Hearing, to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 7th day of October, 2019 at 7:15 o'clock P.M. Local Time, and the Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a local newspaper of general circulation in said Town and be on the Town Bulletin Board, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to a resolution of the Town Board of the Town of Lancaster adopted on September 16, 2019 a Public Hearing will be held on the 7TH day of October, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town at (716) 683-9028 by September 30, 2019.

**TOWN BOARD OF THE TOWN
OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

September 19, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, On September 3, 2019, the Town Board approved the purchase of two (2) Inspire Cs4 Cardio Strider with swivel seat machines, Model #CS4 for the Lancaster Senior Center from Sam's Club, 3735 Union Road, Buffalo, New York 14225, for a total cost of \$5,098.00, for use by the Town of Lancaster's Senior Center, and

WHEREAS, due to an administrative error the wrong vendor supplying the cardio strider machines was provided.

NOW, THEREFORE,

BE IT RESOLVED, that the resolution adopted September 3, 2019 approving the purchase of two (2) Inspire CS4 Cardio Strider with swivel seat machines, Model #CS4 for the Lancaster Senior Center from Sam's Club, 3735 Union Road., Buffalo, New York 14225, for a total cost of \$5,098.00 is hereby rescinded.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster previously applied for a the U.S. Department of Housing and Urban Development Community Development Block Grant through the Erie County Department of Environment and Planning Block Grant Consortium and has been awarded funding to purchase two (2) Inspire Cs4 Cardio Strider with swivel seat machines for the Lancaster Senior Center, and

WHEREAS, Mary Beth Gianni, Lancaster Senior Center Recreation Supervisor, obtained a price quote for the purchase of two (2) Inspire Cs4 Cardio Strider with swivel seat machines, Model #CS4 for a cost of \$5,098.00, in accordance with the Town of Lancaster’s Procurement Policy, and

WHEREAS, by letter dated August 20, 2019, Mary Beth Gianni, has recommended the purchase be made from G&G Fitness, 7350 Transit Road, Williamsville, New York 14221 for a total cost of \$5,098.00, per the quote dated August 8, 2019, and

WHEREAS, funding for this purchase will be available from the U.S. Department of Housing and Urban Development through the Erie County Block Grant Consortium.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the purchase of two (2) Inspire Cs4 Cardio Strider with swivel seat machines, Model #CS4 for the Lancaster Senior Center from G&G Fitness, 7350 Transit Road, Williamsville, New York 14221, for a total cost of \$5,098.00, per the quote dated August 8, 2019, to paid for with funds from the U.S. Department of Housing and Urban Development through the Erie County Block Grant Consortium.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	WAS ABSENT
SUPERVISOR COLEMAN	VOTED YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled “**Dogs Revision**” which will amend Chapter 13. **Dogs, §13-1. Definitions and §13-9. License fee. (D),**” by defining Service Dog and amending the licensing requirements to match State regulations, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law is hereby set for the 7th day of October 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	WAS ABSENT
SUPERVISOR COLEMAN	VOTED YES

September 16, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on September 16, 2019, the said Town Board will hold a Public Hearing on the 7th day of October, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town Code of the Town of Lancaster's DOGS Chapter 13, §13-1 Definitions and §13-9(D) License fee to amend the Town's licensing requirements to match State regulations. Copies of the proposed Local Law can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA
Town Clerk**

September 19, 2019

Town of Lancaster
Local Law No. ____ of 2019

A Local Law Amending the Town of Lancaster Dog Licensing Requirements.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 13. Dogs, §13-1 Definitions within the Town Code of the Town of Lancaster is amended to add the definition of “Service Dog” to read as follows:

RESIDENT...

SERVICE DOG

Per the 2010 revision to Title II of the Americans with Disabilities Act (ADA) definition of a “Service Animal”, is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely to provide comfort or emotional support (“Therapy Animals”) are considered pets.

Section 2: Chapter 13. Dogs, §13-9 (D) License fee within the Town Code of the Town of Lancaster is amended to read in its entirety as follows:

D. Service dogs, including guide dogs, hearing dogs and detection dogs, are exempt from all licensing fees with proper documentation.

Section 3: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 4: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o”) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis, and

WHEREAS, Diane Terranova, Lancaster Town Clerk, wishes to invest portions of the available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019, and

WHEREAS, the Town Clerk wishes to assure the safety and liquidity of its funds.

NOW, THEREFORE,
BE IT RESOLVED, that Diane Terranova, Lancaster Town Clerk is hereby authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019 in the name of and on behalf of Diane Terranova, Lancaster Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, on August 20, 2019, Governor Cuomo signed legislation (S.3756/A.55) waiving the state fee for marriage licenses for active duty members of the United States Armed Forces, and

WHEREAS, the bill also gives local governments freedom to waive the portion of the fee which the town is entitled to for active duty service members, and

WHEREAS, Town Clerk Diane Terranova has recommended to the Town Board to waive the portion of the marriage license application fee which the town currently receives, and

WHEREAS, the Town Board of the Town of Lancaster recognizes the sacrifices made by the members of the United States Armed Forces to serve the American people, to defend the Nation and to protect the vital national interests.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Clerk of the Town of Lancaster is hereby authorized to waive the portion of the marriage license fee which the town is entitled to for active duty members of the United States Armed Forces in accordance with New York State Domestic Relations Law, §15, Section 4 and directs the Town Clerk to take this action immediately.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Diesel Gustav LLC, has submitted an application for a Special Use Permit to operate a Dog Training Facility on premises locally known as 15 Lancaster Parkway, Lancaster, New York, currently zoned Light Industrial (LI). In accordance with the provisions of Chapter 50 Section 24(B)(1)(f) of the Code of the Town of Lancaster, any commercial recreation activity is required to obtain a Special Use Permit within that zoning classification.

NOW THEREFORE,

BE IT RESOLVED, as follows:

That pursuant to Chapter 50-Zoning, Section 46 entitled Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to allow a dog training facility, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7th day of October, 2019 at 7:15 o'clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT- DOG TRAINING FACILITY**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50 Section 46 entitled Special use permits, of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 16th day of September, 2019 the Town Board will hold a Public Hearing on the **7th day of October, 2019** at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Diesel Gustav LLC, for a Special Use Permit to allow a dog grooming facility on premises locally known as in a current Light Industrial (LI) zoning classification on premises locally known as 15 Lancaster Parkway, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

September 19, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, by resolution adopted on August 5, 2019 the Town Board of the Town of Lancaster authorized the Supervisor to approve the proposal of Northeast Diversifications, 2 Cadby Industrial Park, Lancaster NY 14086 for the installation of a basketball court at Westwood Park, and

WHEREAS, the above project was to be funded exclusively through the donation of Ms. Ann Potoczniak of 115 Brentwood Dr. Cheektowaga, NY 14227, and

WHEREAS, the Town of Lancaster was recently notified that full funding for the project has not yet been secured and that further efforts will need to be considered on behalf of the donor before work can commence.

NOW, THEREFORE,
BE IT RESOLVED, that the resolution adopted by the Town Board on August 5, 2019, authorizing the Supervisor to approve the proposal of Northeast Diversifications, 2 Cadby Industrial Park, Lancaster NY 14086 for the installation of a basketball court at Westwood Park is hereby rescinded.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, by resolution adopted on August 19, 2019 the Town Board of the Town of Lancaster authorized the Supervisor to approve the proposal of Iroquois Fence, Inc. 51 N. America Drive, West Seneca NY 14224 for the installation of a chain link fence for the basketball court at Westwood Park, and

WHEREAS, the above project was to be funded exclusively through the donation of Ms. Ann Potoczniak of 115 Brentwood Dr. Cheektowaga, NY 14227, and

WHEREAS, the Town of Lancaster was recently notified that full funding for the project has not yet been secured and that further efforts will need to be considered on behalf of the donor before work can commence.

NOW, THEREFORE,
BE IT RESOLVED, that the resolution adopted by the Town Board on August 19, 2019, authorizing the Supervisor to approve the proposal of Iroquois Fence Inc., 51 N. America Drive, West Seneca, NY 14224 for the installation of a fence at the basketball court at Westwood Park is hereby rescinded.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Lancaster Rural Cemetery Association is seeking contribution for its operating expenses from the Town of Lancaster, and

WHEREAS, the Town Board previously reviewed this matter and has discovered that in the event that this not-for-profit organization ceases to exist, the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, which would place a significant financial burden on town taxpayers, and

WHEREAS, said funding was approved in the adopted 2019 Town of Lancaster budget in the sum of fifteen-thousand dollars (\$15,000.00), and

WHEREAS, by letter dated August 28, 2019 the Lancaster Rural Cemetery Association has requested the second installment of seven-thousand, five-hundred dollars (\$7,500.00) be provided by the Town, and

WHEREAS, the Town Board deems it in the public interest to provide financial assistance to the Lancaster Rural Cemetery Association so that this not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town.

NOW, THEREFORE,

BE IT RESOLVED that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of seven-thousand, five-hundred dollars (\$7,500.00) to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the before-mentioned cemetery, with said funds being allocated from the Town's 2019 Cemeteries Budget, Line Item A8810.449.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster was recently awarded a grant through the Dormitory Authority of New York State (DASNY) , for the restoration and rehabilitation of the Lancaster Historical Society Building located at 40 Clark Street, Lancaster New York, and

WHEREAS, on June 5, 2017 the Lancaster Town Board entered into an agreement with Flynn Battaglia Architects P.C. to provide engineering services for the Town of Lancaster with respect to the Historical Society's Building rehabilitation, and

WHEREAS, on August 19, 2019, Flynn-Battaglia Architects P.C. in consultation with Town Engineer Edward Schiller, has recommended a revision of the original bid documents to include services for the exterior painting of the structure;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster, the August 19, 2019 Proposal for Additional Services to their original May 23, 2017 Agreement, as presented, between the Town of Lancaster and Flynn Battaglia for Bid Package preparation, assisting during bidding, and responding to bidder questions for the exterior painting of the Historical Building located at 40 Clark Street for a fee not to exceed \$800.00 per the terms and conditions listed in the agreement which will be paid for with funds available in 001-1440-0411.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the Town of Lancaster's responsibility to promote road preservation as well as public safety within the Town of Lancaster; and

WHEREAS, New York State Vehicle and Traffic Law section 1660 provides that Town Boards may by ordinance, order, rule, or regulation exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations in excess of any designated weight from using town highways, as long as such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles or combinations are otherwise excluded; and

WHEREAS, the Town Board will be seeking approval from the County of Erie to restrict vehicles weighing in excess of six tons per axle, except for the purposes of local delivery, along Pleasant View Drive, within the limits of the Town of Lancaster and;

WHEREAS, the Town Board has considered the available truck routes within the Town of Lancaster and determined that the above restriction is reasonable, will not interfere with interstate commerce, and will still offer other suitable connections with all state routes entering or leaving the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. In accordance with Section 1660 of the Vehicle and Traffic Law of the State of New York, it is hereby ordered by the Town Board of the Town of Lancaster that Pleasant View Drive, within the Town of Lancaster limits, be closed to vehicles with gross weight in excess of six tons per axle, except for purposes of local delivery, upon the posting of a sign to that effect following approval from the County of Erie.
2. The Town of Lancaster Supervisor, Highway Superintendent, or Town Board may suspend the operation of this section for up to seven (7) days upon the finding that there are weather conditions, traffic conditions, or other road conditions making such suspension appropriate.
3. Upon approval of this resolution, the Town will submit a formal request to the County of Erie requesting a sign permit for the purposes of restricting the above referenced truck traffic along Pleasant View Drive within the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town of Lancaster's Park Crew Chief, Michelle Barbaro, by letter dated September 9, 2019 as advised the Town Board that the Parks, Recreation & Forestry Department no longer has use for a 2001 Dodge Van, with approximately 70,000 miles (VIN# 2B5WB25Y71K554305) and has requested that the Town Board deem this item to be surplus equipment and permit it to be placed on an online auction, and

WHEREAS, the Town Board has given due consideration to the request of the Park Crew Chief and deems it a judicious decision to declare the before mentioned item to be surplus equipment and permit placement of said item on an online auction;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the 2001 Dodge Van, with approximately 70,000 miles (VIN# 2B5WB25Y71K554305) to be surplus equipment and authorizes Michelle Barbaro, Park Crew Chief, to place the trailer up for public bid at an online auction with Auctions International, www.auctionsinternational.com; 11167 Big Tree Road, East Aurora, New York 14052 commencing September 20, 2019 and concluding on September 30, 2019, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

LEGAL NOTICE

PUBLIC AUCTION

OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has declared a 2001 Dodge Van, with approximately 70,000 miles (VIN# 2B5WB25Y71K554305) to be surplus equipment.

This surplus equipment will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052 starting September 20, 2019 and concluding on September 30, 2019.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster's Department of Parks and Recreation, 525 Pavement Road, Lancaster, New York by contacting the Park Crew Chief, Michelle Barbaro at 684-3320 to make an appointment.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: Diane M. Terranova
Town Clerk

September 19, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board is considering the development of an existing vacant tenant space with an 80 seat Rachel’s Mediterranean Eatery with the addition of 26 parking spaces, submitted by Matthew J. Oates, on behalf of Benderson Development Company LLC, on a +/- 3.23 acre parcel located at 4931 Transit Road, SBL No. 115.03-1-34.121 in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this expansion project pursuant to SEQR regulations at their meeting on September 3, 2019 and recommended a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the expansion project using the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project is described as development of an existing vacant tenant space with an 80 seat Rachel’s Mediterranean Eatery with the addition of 26 parking spaces, submitted by Matthew J. Oates, on behalf of Benderson Development Company LLC, on a +/- 3.23 acre parcel located at 4931 Transit Road, SBL No. 115.03-1-34.121 in the Town of Lancaster, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	WAS ABSENT
SUPERVISOR COLEMAN	VOTED YES

September 16, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: September 16, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Lancaster has reviewed the proposed development of an existing vacant tenant space with an 80 seat Rachel's Mediterranean Eatery with the addition of 26 parking spaces, submitted by Matthew J. Oates, on a +/- 3.23 acre parcel located at 4931 Transit Road, SBL No. 115.03-1-34.121 in the Town of Lancaster and the Town Board has determined that the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Aldi's new parking addition #1394

Location of Action: 4931 Transit Road, SBL No. 115.03-1-34.121 Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The project is described as development of an existing vacant tenant space with an 80 seat Rachel's Mediterranean Eatery with the addition of 26 parking spaces.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact. Parking Variance granted by ZBA**
2. Will the proposed action result in a change in the use or intensity of use of land? **None to small impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **Small impact.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**

7. Will the proposed action impact existing:
 - a. public/private water supplies? **No impact.**
 - b. public/private wastewater treatment utilities? **No impact.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
11. Will the proposed action create a hazard to environmental resources or human health? **No impact.**

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, Matthew J. Oates, on behalf of Benderson Development Company LLC, has prepared and submitted an amended site plan, dated July 2, 2019 and received July 16, 2019 for the addition of 26 parking spaces to accommodate all occupancies on site, on a +/- 3.23 acre parcel, located at 4931 Transit Road, SBL No. 115.03-1-34.121 in the Town of Lancaster, and

WHEREAS, the amended site plan for this project was submitted to the Planning Board and was recommended for approval at their September 4, 2019 meeting, and

WHEREAS, the Town, acting as Lead Agency has completed an environmental review on September 4, 2019 in conformance with the SEQRA (State Environmental Quality Review Act) regulations and on September 16, 2019 a Negative Declaration was issued.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the amended site plan prepared and submitted by Matthew J. Oates, on behalf of Benderson Development Company LLC, dated July 2, 2019 and received July 16, 2019 for the addition of 26 parking spaces to accommodate all occupancies on site, on a +/- 3.23 acre parcel, located at 4931 Transit Road, SBL No. 115.03-1-34.121 in the Town of Lancaster, with the following conditions:

1. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance.
2. Private Improvement Permits are required.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	NO
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town of Lancaster has previously entered into an Agreement with the Lancaster Central School District to operate swimming, playground, gymnasium and educational programs on school sites and in school buildings, which has expired according to its terms on June 30, 2019, and

WHEREAS, the Town Board of the Town of Lancaster desires to renew said Agreement for a five-year (5) term commencing September 1, 2019 through August 31, 2024.

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor be and is hereby directed to execute a Renewal Agreement, between the Town of Lancaster and the Lancaster Central School District pursuant to the terms and conditions as outlined in the agreement subject to the approval of the Town Attorney to utilize school district sites and buildings for the various Town sponsored activities.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, Michael Castren, Towne RE6LLC, 3525 Southwestern Boulevard, Orchard Park, New York 14127 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster within 6501 Transit Road, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the private improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Private Improvement Permit Application No. 815 for Michael Castren, Towne RE6LLC, 3525 Southwestern Boulevard, Orchard Park, New York 14127 which is a permit for Private Improvements at 6501 Transit Road for:

- Private waterlines, hydrant, RPZ, sanitary sewer and stormsewer.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town of Lancaster Police Department will be conducting shooting practices at 8615 Wehrle Drive, Buffalo, New York, and

WHEREAS, a Land Use Indemnification Agreement between the Town of Lancaster (Licensee) and New Enterprise Stone and Lime Co., Inc., (property Owner) has been reviewed and approved by the Town Attorney;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Land Use Indemnification Agreement with New Enterprise Stone and Lime Co., Inc., for site location 8615 Wehrle Drive, Buffalo, New York and authorizes the Town Supervisor to execute said agreement on behalf of the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled “**Vehicle and Traffic Revision**” which will amend Chapter 46. Vehicle and Traffic, Article VII. Stop Intersections; Non-intersection Stops; Yield Intersections by adding §46-8. Stop intersections designated on private roadways, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law is hereby set for the 7th day of October 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on September 16, 2019, the said Town Board will hold a Public Hearing on the 7th day of October, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town Code of the Town of Lancaster's Chapter 46. Vehicle and Traffic, Article VII. Stop Intersections; Non-intersection Stops; Yield Intersections, by adding §46-8. Stop intersections designated on private roadways. Copies of the proposed Local Law can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

September 19, 2019

**Town of Lancaster
Local Law No. ____ of 2019**

A Local Law Amending the Town of Lancaster Vehicle and Traffic Chapter by identifying Stop Intersections, Non-stop intersections and Yield Intersections on private roadways.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 46. Vehicle and Traffic, Article VII. Stop Intersections; Non-intersection Stops; Yield Intersections, is hereby amended to add §46-8. Stop intersections designated on private roadways to the Town Code of the Town of Lancaster to read in its entirety as follows:

CHAPTER 46

Article VIII STOP INTERSECTIONS; NON-INTERSECTION STOPS; YIELD
INTERSECTIONS

46-8 Stop intersections designated on private roadways.

Courtyards at Pleasant Meadows Condominiums

STREET NAME:	INTERSECTING STREET:	SIGN LOCATION:
Carlisle Street	Juniper Boulevard	SW corner
Kent Place	Juniper Boulevard	SW corner
Pelham Road	Juniper Boulevard	SW corner
St. Davids Road	Juniper Boulevard	SW corner
Carlisle Street	Gloucester Avenue	NW, NE & SW corners
Carlisle Street	Wetherby Way	NW, NE & SW corners
St. Davids Road	Gloucester Avenue	four way stop
St. Davids Road	Wetherby Way	NE, NW & SE corners
Pelham Road	Gloucester Avenue	four way stop
Pelham Road	Wetherby Way	NE, NW & SE corners
Kent Place	Gloucester Avenue	four way stop
Kent Place	Wetherby Way	NE, SW & SE corners

Section 2: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

NOW THEREFORE,
BE IT RESOLVED, the Town Board of the Town of Lancaster (a) hereby approves, as presented, the 2019-2020 Tactical Diversion Squad Task Force Agreement and the Case Specific Tactical Diversion Task Force Agreement, between the Town of Lancaster Police Department and the United States Department of Justice, Drug Enforcement Administration, and (b) hereby authorizes William J. Karn, Jr., the Town's Chief of Police, to execute said Agreements on behalf of the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, The Town Board has previously duly advertised for the submission of bids for the proposed Senior Center Restroom Rehabilitation Project, in the Town of Lancaster, and

WHEREAS, two bids were received, opened and reviewed on September 10, 2019, and

WHEREAS, Wm. Schutt Associates, the Town of Lancaster's engineering consultant, by letter dated September 11, 2019 has recommended the award to MGR Constructors, Inc., being the lowest responsible bidder in the amount of \$22,000.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the Town of Lancaster's Senior Center Restroom Rehabilitation Project, to MGR Constructors, Inc., 184 Wayside Drive, Depew New York, 14043, in the amount of \$22,000.00 being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Engineer, Wm. Schutt Associates;

BE IT FURTHER,

RESOLVED, that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt of all required documents and Insurance certificates by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	WAS ABSENT
SUPERVISOR COLEMAN	VOTED YES

September 16, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board previously duly advertised for bids for the purchase of one (1) new and unused 2019 Ford F-150 XL 4x2 Regular Cab, Long Bed Pickup and one (1) new and unused 2019 Ford F-350 4x2 Crew Cab, Long Bed Pickup, for the use by the Highway Department, and

WHEREAS, one bid for each vehicle was received, opened and reviewed on September 5, 2019, and

WHEREAS, the Town Board, after due review and consideration has determined to execute its right reserved in the bid documents, to reject all bids received for the purchase of one (1) new and unused 2019 Ford F-150 XL 4x2 Regular Cab, Long Bed Pickup and one (1) new and unused 2019 Ford F-350 4x2 Crew Cab, Long Bed Pickup due to inaccurate pricing.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby rejects all bids received for the purchase one (1) new and unused 2019 Ford F-150 XL 4x2 Regular Cab, Long Bed Pickup and one (1) new and unused 2019 Ford F-350 4x2 Crew Cab, Long Bed Pickup, for the use by the Highway Department, pursuant to the rights reserved to the Town in the bid documents and directs the Clerk to so advise the bidders and return any bid bond posted in accordance with the bid specifications.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

September 16, 2019

COMMUNICATIONS & REPORTS

706. Erie County Dept. of Environment & Planning to Supervisor –
Information regarding the Erie County Community Development Block
Grant Consortium public forums. Disposition = Town Board & Grant Writer
707. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management regarding
Parking Lot Amendment, 473 Aurora Street; Proj. #1638.
Disposition = Planning Committee
708. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management regarding
Lovejoy Church Addition – Amended Site Plan, 5423 Genesee St.; Proj. #9510.
Disposition = Planning Committee
709. John Mikoley to Town Board –
Request for consideration to serve on the Town of Lancaster Board of
Assessment Review. Disposition = Town Board
710. Town Attorney to Town Board and Planning Board –
SEQR response from NYSDEC regarding Lovejoy Church Addition – Amended
Site Plan, 5423 Genesee St.; Proj. #9510. Disposition = Planning Committee
711. Depew High School Student Senate President to Supervisor –
Request for permission for Depew High School Student Senate motorcade to
travel through the Town on Friday October 18, 2019 at 12 noon.
Disposition = Police Chief
712. Code Enforcement Officer to Drainage & Storm Sewer Committee –
MS4 Report August 2019. Disposition = Received & Filed
713. Lancaster Dog Control to Town Clerk –
Dog Report for August 2019. Disposition = Received & Filed
714. Town Clerk to Various News Media –
Press Release announcing that the Implementation Committee Meeting will be
held on Monday, September 16, 2019 at 5:00PM. Disposition = Received & Filed
715. Town Engineer to Supervisor –
Additional services request from Flynn Battaglia regarding the Historical
Building. Disposition = Resolution 9/16/19
716. Firemen's Association of the State of New York to Town Clerk –
Information regarding statewide outreach campaign for New Yorkers to
become volunteer firefighters. Disposition = Received & Filed
717. Park Crew Chief to Planning Board, Supervisor and Town Board –
No issues with Amended Site Plan for Parking Lot Amendment,
473 Aurora St.; Proj. 1638. Disposition = Planning Committee
718. Park Crew Chief to Planning Board, Supervisor and Town Board –
No issues with Amended Site Plan Love Joy Church Addition,
5423 Genesee St.; Proj. #9510. Disposition = Planning Committee
719. Town Clerk to Code Enforcement Officer –
Transmittal of Commercial Special Use Permit Application for
15 Lancaster Parkway. Disposition = Resolution 9/16/19

- 720. Courtyards at Pleasant Meadows Condominium Board of Managers to Town Board –
Request for designation of certain intersections within this neighborhood as stop sign intersections. Disposition = Resolution 9/16/19**
- 721. Town Clerk to Town Board –
Town Clerk Monthly Report for August 2019. Disposition = Received & Filed**
- 722. Code Enforcement Officer to Town Board –
Recommend approval of Special Use Permit for Diesel Gustav, LLC, 15 Lancaster Parkway with stipulations. Disposition = For Resolution**
- 723. Erie County Legislature to Town Clerk –
School Tax Warrant for Alden Central School District #1.
Disposition = Received & Filed**
- 724. Erie County Legislature to Town Clerk –
School Tax Warrant for Clarence Central School District.
Disposition = Received & Filed**
- 725. Erie County Legislature to Town Clerk –
School Tax Warrant for Depew Union Free School.
Disposition = Received & Filed**
- 726. Erie County Legislature to Town Clerk –
School Tax Warrant for Iroquois Central School District #1.
Disposition = Received & Filed**
- 727. Erie County Legislature to Town Clerk –
School Tax Warrant for Lancaster Central School District #1.
Disposition = Received & Filed**
- 728. Town Clerk to Various News Media –
Press Release stating that the Lancaster Town Board will be conducting fire inspections with the Office of Emergency Management and four fire companies on Monday, September 23, 2019, at Millgrove V.F.D., 11621 Genesee St., Alden, NY. Disposition = Received & Filed**
- 729. Town Clerk to Code Enforcement Officer –
Copy of letter from Diane D’Arcy, 208 Ransom Road requesting a renewal of her Special Use Permit for a home occupation (Dog Grooming).
Disposition = For Resolution**
- 730. Benderson Development to Supervisor and Town Board –
Request for Rachel’s Mediterranean Grill, Proposed Site Plan Approval – Additional Parking to be placed on the next Town Board Meeting agenda.
Disposition = Resolution 9/16/19**
- 731. Park Crew Chief to Town Board –
Request for one item to be deemed as surplus and allow it to go for public auction. Disposition = Resolution 9/16/19**
- 732. Iroquois Central School District –
Copy of 2006 resolution approving acceptance of partial payment in any amount for payment of property taxes. Disposition = Received & Filed**
- 733. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of minutes from September 4, 2019 Planning Board Meeting.
Disposition = Received & Filed**

- 734. Planning Board to Town Board –
Memo recommending approval of Site Plan Review for Dog Training Facility
15 Lancaster Pkwy., Proj. 1905; condition noted. Disposition = For Resolution**
- 735. Planning Board to Town Board –
Memo recommending approval of Amended Site Plan Review for Aldi’s
Parking Lot, 4931 Transit Rd., Proj #1394. Disposition = Resolution 9/16/19**
- 736. Planning Board to Town Board –
Memo recommending denial of Amended Site Plan Review for 473 Aurora
Parking Lot, 4920 William Street/473 Aurora Street; Proj. #1638.
Disposition = Planning Committee**
- 737. Executive Director Boys & Girls Club of Depew-Lancaster to Supervisor –
Request for Boys & Girls Club of Depew-Lancaster to be put in the Town of
Lancaster 2020 budget. Disposition = Director of Finance**
- 738. Highway Superintendent to Town Board –
Request for resolution to purchase one new and unused 2020 Ford F150XL
4 X 2 Regular Cab, Long Bed Pickup. Disposition = Received & Filed**
- 739. Highway Superintendent to Town Board –
Request for resolution to purchase one new and unused 2020 Ford F350
4 X2 Crew Cab, Long Bed Pickup. Disposition = Received & Filed**
- 740. Town Engineer to Town Board –
Recommend construction contract for Restroom Rehabilitation at the
Senior Center be awarded to MGR Constructors, Inc., pending concurrence
from the Town Attorney. Disposition = Resolution 9/16/19**
- 741. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**
- 742. Police Chief to Supervisor and Town Board –
Request for resolution authorizing the Town Supervisor to sign a “Land Use
Indemnification Agreement” with New Enterprise Stone and Lime Company.
Disposition = Resolution 9/16/19**
- 743. Office Manager Erie County Board of Elections to Town Clerk –
Request for attached Early Voting information to be displayed at Town Hall
and placed on Town’s website. Disposition = Received & Filed**
- 744. Highway Superintendent to Supervisor –
Request to replace guard rail on Avian Way near entrance to William Street
with box beam type guard rail. Disposition = For Resolution**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER GACZEWSKI AND CARRIED,** the meeting was adjourned in
memory of Patricia Atlas, Joyce Munn and Dante L. Volpini at 7:39 P.M.

Signed _____

Diane M. Terranova, Town Clerk