

Town Board Minutes

December 16, 2019

Meeting No. 25

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 December 2019 at 7:00 P.M. and there were

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

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, PARK CREW CHIEF
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 8:00 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing matters leading to the removal or hiring of a particular person or corporation.

At 8:44 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Abraham, Jr., John, Deputy Supervisor, spoke to the Town Board on the following matter:

- Thanked Supervisor Coleman for her years of service to the residents of the Town of Lancaster.

Leary, Robert, Council Member-elect, spoke to the Town Board on the following matter:

- Thanked the Board for their service.

Mazur, David, Council Member-elect, spoke to the Town Board on the following matter:

- Thanked the Board for their service.

Ostroff, James, spoke to the Town Board on the following matter:

- Comments regarding the building moratorium and traffic issues.

Peterson, Kevin, Mayor of the Village of Depew, spoke to the Town Board on the following matter:

- Thanked Supervisor Coleman on behalf of the Village of Depew and their residents on her public service.

Rybeck, Lynn, Representing Erie County Legislator John Bruso, spoke to the Town Board on the following matter:

- Presented a proclamation to Supervisor Coleman.

Schlager, Georgia, spoke to the Town Board on the following matters:

- Question regarding the White Collar Union contract.
- Comments regarding enforcement of dog licensing and the Town Court.

Stempniak, Donna, spoke to the Town Board on the following matter:

- Thanked Supervisor Coleman for her years of service to the residents of the Town of Lancaster.

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 December 2, 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	VOTED YES
* SUPERVISOR COLEMAN	ABSTAINED

* Supervisor Coleman was absent from the December 2, 2019 meeting.

December 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. 59188 to Claim No. 59360 Inclusive

Total amount hereby authorized to be paid: \$1,393,163.09

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 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
4		Mar-Wall Construction Co. Inc.	652 Pavement Rd	Develop Floodplain	
30595		JAB Contracting & Construction	5259 Broadway	Er. Res. Alt.	(V/L)
30596		Alliance Homes	3 Kevwood Ln	Er. Dwlg.-Sin.	
30597		3G Contruccion Inc. of WNY	10 Darien Ct	Er. Res. Alt.	
30598		Finish Line Restoration	10 Lombardy St	Re-Roof	(V/L)
30599		Kimberly Vlahoff	18 Donna Lea Dr	Re-Roof	
30600		1320 Military Road	6360 Genesee St	Inst. Generator	
30601		Crist Construction	5 Via Tripodi	Er. Porch Cover	
30602		Anderson Water Systems, Inc.	19 Irwinwood Rd	Inst. Generator	(V/L)
30603		United Precision Const. Serv.	50 Pearl St	Dem. Bldg	(V/L)
30604		Forbes Homes, Inc.	39 Deepwood Pl	Er. Dwlg.-Sin.	
30605		MEG Rental Properties LLC	18 Brunswick Rd	Er. Sign	(V/L)
30607		Benzinger Dry Cleaning	473 Aurora St	Er. Sign - Temp	
30608		Forbes Homes, Inc.	53 Hidden Meadow Cros	Er. Dwlg.-Sin.	
30609		Forbes Homes, Inc.	58 Hidden Meadow Cros	Er. Dwlg.-Sin.	
30610		Forbes Homes, Inc.	60 Hidden Meadow Cros	Er. Dwlg.-Sin.	
30611		Forbes Homes, Inc.	46 Squirrel Run	Er. Dwlg.-Sin.	
30612		Forbes Homes, Inc.	38 Deepwood Pl	Er. Dwlg.-Sin.	
30613		Pro-Serv	39 Sawyer Ave	Re-Roof	(V/L)
30614		Marrano/Marc Equity Corp.	117 Avian Way	Er. Dwlg.-Sin.	
30615		Suburban Adult Services Inc.	460 Ransom Rd	Er. Sign - Temp	
30616		Anderson Water Systems Inc.	36 Rose St	Inst. Generator	
30617		Marion Woch	5258 William St	Inst. Generator	
30618		Tree of Life Assembly of God	6090 Broadway	Er. Sign - Temp	
30619		Marrano/Marc Equity Corp.	74 Grambo Dr	Er. Dwlg.-Sin.	
30620		Marrano/Marc Equity Corp.	115 Avian Way	Er. Dwlg.-Sin.	
30621		Lawrence Bauer	10 Grace Way	Inst. Generator	
30622		William Schanne	35 Rollingwood Dr	Inst. Generator	

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, it is necessary to make various adjustments to the 2019 budget accounts of the Town of Lancaster to the close of Town business on December 31, 2019.

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized and directed to make such adjustments to all over-expended accounts from available unexpended funds within the 2019 budget, including unappropriated fund balances and also including the adjustment of estimated revenues and corresponding appropriation accounts for grant or other funds received and/or to be released in or for 2019 upon the close of business on December 31, 2019.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town’s Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects,

NOW, THEREFORE,

BE IT RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town’s books be closed except that those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the projects and/or subsequent retirement of said debt shall be closed after said debt is retired, and

BE IT FURTHER,

RESOLVED, that where applicable, the project cash balances listed below be transferred to the Reserve for Debt Service account of the operating fund specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Fund</u>
Recon Bridges/Culverts	197	05/15/2017	16,928.25	Highway Fund, Townwide
Rehab Picnic Shelters	200	n/a - grant	0.00	General Fund, Townwide

and

BE IT FURTHER,

RESOLVED, that the NYS DEC recycling grant funds in the amount of \$242,454.23 that were received in 2019 related to the previously closed Capital Project (Fund No. 189) that was authorized May 18, 2015 be transferred to the Reserve for Debt Service account in the Highway Fund, Town Outside Villages to be used to retire the outstanding debt of that project.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, Alfreda Haniszewski, d/b/a Ed Henning Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated November 26, 2019 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE,

BE IT RESOLVED, that Alfreda Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 911 Ransom Road, Lancaster, New York for the period January 1, 2020 to December 31, 2020 in strict conformance with the application of the petitioner as filed in the Office of the 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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, J. Renkas and Sons Inc., d/b/a AJ's Auto Parts & Salvage, 955 Ransom Road, Lancaster, New York 14086 has applied for a license to conduct a salvage yard on premises situate at 955 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 4, 2019, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE,

BE IT RESOLVED, that J. Renkas and Sons Inc., d/b/a AJ's Auto Parts & Salvage, 955 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 955 Ransom Road, Lancaster, New York for the period January 1, 2020 to December 31, 2020 in strict conformance with the application of the petitioner as filed in the Office of the 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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 3, 2019 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE,

BE IT RESOLVED, that Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York for the period January 1, 2020 to December 31, 2020 in strict conformance with the application of the petitioner as filed in the Office of the 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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, Thomas C. Suchy, 18 Westwood Road, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on 277 Pavement Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review of this application and by letter December 4, 2019 the Building Inspector made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that Thomas C. Suchy 18 Westwood Road, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 277 Pavement Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER,

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Finished grade elevation at building location and proposed swale line to the public drainage easement upon completion of the project.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan.
8. No signage for dumping allowed.
9. The source of fill is clean fill from various locations.

BE IT FURTHER,
RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER,
RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following 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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, the Town of Lancaster (the “Town”) and Transit Road Apartments LLC (“Transit Apartments”) have negotiated a Non-Exclusive Permanent Drainage Easement (the “Easement”) granting the Town a non-exclusive, permanent, and perpetual easement to construct, access, inspect, maintain, replace and repair a drainage easement on property owned by Transit Apartments, known as 4845 Transit Road (SBL No. 126.01-1-3.111) in the Town of Lancaster, New York (the “Property”), with rights for appropriate ingress and egress in connection therewith, and

WHEREAS, the Town of Lancaster Town Board (the “Town Board”) has established itself as the Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”) and the Town Board hereby ratifies such designation; and

WHEREAS, the Town Board has determined that the action is an “Unlisted” action under SEQRA; and

WHEREAS, the Town Board duly considered the plans for the Easement, using the Short Environmental Assessment Form (the “Short EAF”), the criteria for determining significance set forth in 6 N.Y.C.R.R. 617.7(c) of SEQRA regulations, and such other information deemed appropriate; and

WHEREAS, the Town Board has reviewed the Easement and all other materials submitted in connection therewith.

NOW, THEREFORE,

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

(a) Based upon a thorough review and examination of the known facts relating to the Easement, the Town Board finds that the Easement will not have a significant adverse environmental impact and issues a Negative Declaration pursuant to SEQRA for the reasons set forth in Part 3 of the EAF and as follows:

- i. There will be no substantial adverse change in existing air quality, ground or surface water quality, or traffic or noise levels. There will not be a substantial increase in solid waste production or in the potential for erosion, flooding, leaching or drainage problems. The purpose of the Easement is to remedy existing flooding and drainage problems, so the Easement should have a net benefit to the environment.
- ii. Any construction in the Easement area will not involve removal or destruction of large quantities of vegetation or fauna, interference with wildlife or migratory fish, habitat areas, or adversely impact endangered species. The Easement area will be located in an existing development in a residential community, and it will not involve disruption of previously undisturbed lands.
- iii. The Easement is not located in a critical environmental area.
- iv. The Easement does not conflict with the Town’s approved plans and goals

- v. The Easement will not impair the character or quality of the existing community.
- vi. The Easement will not involve a major change in the quantity or type of energy used in the existing community.
- vii. The Easement will not create a hazard to human health.
- viii. The Easement will not involve a substantial change in the type of use or the intensity of use of the surrounding lands.
- ix. The Easement will not attract a large number of people to the area.
- x. The Easement will remedy existing flooding problems currently impacting the area, so it will not create a material demand for other actions that could cause a significant environmental impact.
- xi. The Easement will not change two or more elements of the surrounding environment that, collectively, would result in a significant adverse impact on the environment.
- xii. The Easement will not cause an agency to take two or more related actions that, collectively, would have a significant impact on the environment.

(b) The Town Board has reviewed Part 1 of the Short EAF and has completed Parts 2 and 3 of the EAF, which are incorporated herein by reference;

(c) The Town Board approves the Easement with Transit Apartments, in the form presented to the Town Board, for the Easement over the Property;

(d) The Town Board authorizes the Supervisor to execute the Easement (with such non-material amendments, additions or alterations as may be determined appropriate by the Town's legal counsel); and

(e) The Town Board authorizes the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to allow for the Town's performance of the Easement.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, Wm. Schutt Associates, P.C., the Town of Lancaster's consulting engineer, has requested that the Town Board approve expending funds to furnish Additional Shelving Records Storage at the Records Storage Center located at 525 Pavement Road, Town of Lancaster, and

WHEREAS, Wm. Schutt Associates, P.C, solicited three (3) proposals in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by memo dated November 5, 2019, Wm. Schutt Associates, P.C has recommended that the Town of Lancaster purchase proposed shelving units from Global Industries, being the lowest responsible quote, for an amount not to exceed \$12,856.73 per their quote #5320736 dated October 29, 2019, and

WHEREAS, this purchase will not be made until January 1, 2020, and will be paid for with funds from the Town's 2020 Record Management Office Furniture & Equipment Budget, Line Item 001-1460-0210.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute and accept the quote for proposed shelving units from Global Industries, 2505 Mill Center Parkway, Suite 100, Buford, GA 30518 in accordance with their quote #5320736 dated October 29, 2019 for an amount not to exceed \$12,856.73 to be paid for with funds from the 2020 Record Management Office Furniture & Equipment Budget, Line Item 001-1460-0210.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, Wm. Schutt and Associates Engineering and Land Surveying, P.C., has submitted a proposal dated November 14, 2019 for the extension of the Agreement for Professional Services for Municipal Engineering with the Town of Lancaster, and

WHEREAS, the Town Board has reviewed the proposed extension and deems it to be in the public's interest to enter into a two (2) year extension of the agreement as outlined in the November 14, 2019 proposal to commence on January 1, 2020 and ending December 31, 2021.

NOW THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a two (2) year extension of the Agreement as outlined in the November 14, 2019 proposal for Professional Municipal Engineering Service with Wm. Schutt and Associates Engineering and Land Surveying, P.C., 37 Central Avenue, Lancaster, New York 14086 subject to the approval of the Town's Attorney, commencing January 1, 2020 and terminating December 31, 2021.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, Town governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020.

NOW, THEREFORE,

BE IT RESOLVED, the Town of Lancaster hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER,

RESOLVED, that the Counties and Towns in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER,

RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 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 Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning, Article VIII-Administration and Enforcement, Section 46 pursuant to Chapter 50, Section 20(B) of the Code of the Town of Lancaster, upon the application of **Anthony J. Daniele**, for a Special Use Permit for **Royal Car Wash**, to operate an express exterior car wash on premises located at 6645 Transit Road, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on November 20, 2017, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, by letter dated **October 10, 2019**, **Anthony J. Daniele** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended the approval of this Special Use Permit renewal in his letter dated December 6, 2019;

NOW THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 50-Zoning, Article V Business District, Section 20(B)(1)(k), entitled "Commercial and Motor Service District (CMS)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant renewal of the Special Use Permit to **Anthony J. Daniele**, owner of **Royal Car Wash**, to operate an express exterior car wash on premises located at 6645 Transit Road, in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning November 21, 2019 and ending November 20, 2021, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article VIII, Section 46, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to operate an express exterior car wash business on the premises namely:

- A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before October 1, 2021.
- B. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- C. Applicant will obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 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 Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 46 of the Code of the Town of Lancaster, upon the application of **Gregory Sojka**, of **Greg's Tree Service**, for a Special Use Permit to operate a **contractor's storage yard** including cold storage in a 16 x 30 existing garage on premises locally known as 1230 Town Line, Lancaster, New York, currently zoned General Industrial (GI) and the Board issued such Special Use Permit on December 19, 2016 and this Special Use Permit is subject to annual renewal upon application by the property owner, and

WHEREAS, **Gregory Sojka** has requested that the Town Board renew the Special Use Permit for an additional one (1) year period, and

WHEREAS, the Supervising Code Enforcement Officer has recommended his approval of this Special Use Permit Renewal in his letter dated December 4, 2019.

NOW THEREFORE,

BE IT RESOLVED, as follows:

1. That pursuant to Chapter 50-Zoning, Article VI, Section 25 General Industrial District (GI),(B) Permitted uses, (1) Principal structures and uses, (n) Contracting or construction services, of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Gregory Sojka**, of **Greg's Tree Service**, to operate a **contractor's storage yard** including cold storage in a 16 x 30 existing garage on premises locally known as 1230 Town Line, Lancaster, New York, currently zoned General Industrial (GI), upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning January 1, 2020 and ending December 31, 2020, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article VI, Section 25, of the Code of the Town of Lancaster and with the following conditions:

A. Permit shall expire on December 31, 2020. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.

B. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 46 of the Code of the Town of Lancaster, upon the application of **Gregory Sojka**, of **Greg's Tree Service**, for a Special Use Permit to **store mulch** on premises locally known as 1230 Town Line, Lancaster, New York, currently zoned General Industrial (GI) and the Board issued such Special Use Permit on December 19, 2016 and this Special Use Permit is subject to annual renewal upon application by the property owner, and

WHEREAS, **Gregory Sojka** has requested that the Town Board renew the Special Use Permit for an additional one (1) year period, and

WHEREAS, the Supervising Code Enforcement Officer has recommended his approval of this Special Use Permit Renewal in his letter dated December 4, 2019;

NOW THEREFORE,

BE IT RESOLVED, as follows:

1. That pursuant to Chapter 50-Zoning, Article VI, Section 25 General Industrial District (G.I),(B) Permitted Uses, (2) Accessory Structures and Uses of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Gregory Sojka**, of **Greg's Tree Service**, to **store mulch** on premises locally known as 1230 Town Line, Lancaster, New York, currently zoned General Industrial (GI), upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning January 1, 2020 and ending December 31, 2020, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article VI, Section 25, of the Code of the Town of Lancaster and with the following conditions:

- A. No more than 200 cubic yards are to be stored at one time on this site.
- B. Permit shall expire on December 31, 2020. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.
- C. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, on April 14, 1997, the Town Board of the Town of Lancaster approved a site plan for a 23,200 SF Church Building named Love Joy Church, and

WHEREAS, David Stutz, on behalf of Studio T3 Engineering, PLLC, has prepared and submitted an amended site plan, dated August 7, 2019 and received August 12, 2019, with a revised site plan received October 28, 2019, for combining four (4) lots owned by Love Joy Church, into one (1) lot, subsequently splitting this one (1) lot into two (2) lots, with the existing house being a separate parcel, building a new 4150 SF addition with new parking for 46 cars, adding new light poles, landscaping, and necessary utilities and site amenities a +/- 9.10 acre parcel, located at 5423 Genesee Street, SBL No.(82.19-3-4-1) 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 November 4, 2019 meeting, and

WHEREAS, the Town, acting as Lead Agency has completed an environmental review on October 2, 2019 in conformance with the SEQRA (State Environmental Quality Review Act) regulations and on October 21, 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 David Stutz, on behalf of Studio T3 Engineering, PLLC, dated August 7, 2019 and received August 12, 2019, with a revised site plan received October 28, 2019, for combining four (4) lots owned by Love Joy Church, into one (1) lot, subsequently splitting this one (1) lot into two (2) lots, with the existing house being a separate parcel, building a new 4150 SF addition with new parking for 46 cars, adding new light poles, landscaping, and necessary utilities and site amenities a +/- 9.10 acre parcel, located at 5423 Genesee Street, SBL No. (82.19-3-4-1) in the Town of Lancaster with the following conditions:

1. Deeds to be filed to create new SBL number.
2. Property owner to return two (2) executed originals of the Stormwater Control Facility Maintenance Agreement to the Town Attorney's Office. This Agreement shall be binding on all subsequent landowners and shall be filed in the office of the County Clerk as a deed restriction on the property prior to issuance of Certificate of Occupancy.
3. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
4. 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	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, BOWMANSVILLE VOLUNTEER FIRE ASSOCIATION, INC., MILLGROVE VOLUNTEER FIRE DEPARTMENT, INC., TOWN LINE VOLUNTEER FIRE DEPARTMENT, INC., and TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC., have heretofore entered into contracts with the Town of Lancaster to furnish Fire Protection Services to the Town of Lancaster, and

WHEREAS, said contracts are expiring on December 31, 2019, and

WHEREAS, separate hearings on renewal contracts for each of the above fire companies were held on November 18, 2019, pursuant to legal notice duly given;

**NOW, THEREFORE,
BE IT RESOLVED,** as follows:

1. That in accordance with Section 184 of the Town Law of the State of New York, the Town Board of the Town of Lancaster hereby determines it is in the public interest to enter into Fire Protection Contracts with said fire companies, effective January 1, 2020, upon the following general terms, to wit:

A. Each fire company shall answer and attend upon all calls within the Fire Protection District, and provide emergency first aid and rescue services as defined in Section 184 of the Town Law and Section 209-b of the General Municipal Law, in that territory described in said proposed contract filed in the Town Clerk's Office.

B. For such services, the said fire companies shall receive payment for five (5) years commencing January 1, 2020 and terminating December 31, 2024 as expressly written in said contracts.

2. That the Supervisor execute and deliver an Agreement incorporating said terms to said fire companies.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 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 currently leases the Fanny Potter Eaton Home at 40 Clark Street to the Lancaster New York Historical Society, a duly chartered not-for-profit educational corporation under the laws of New York, and

WHEREAS, according to said Lease the Town of Lancaster and Historical Society agreed that an area within the building would be dedicated for the exclusive use of the Town Historian, and

WHEREAS, by letter dated December 3, 2019, Town Historian Mary Jo Monnin requested additional space within 40 Clark Street in order to utilize and store a recently donated large format scanner/printer to assist the Town with preservation and archiving.

NOW THEREFORE,

BE IT RESOLVED, that pursuant to the existing lease with the Lancaster Historical Society, the Town Board of the Town of Lancaster hereby designates the room located across from the current Historian's Office to be used as additional space for the use of the Town Historian.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, the Town of Lancaster is required under U.S. Department of Transportation rules as contained in 49 CFR, Parts 40, 382, 391, 392 and 395 to have certain employees enrolled in a drug/alcohol testing program, and the Town also wishes to implement a drug testing program for certain other employees not subject to mandatory testing under federal law; and

WHEREAS, the Town has previously contracted with On-Site Employee Testing to conduct testing of Town employees in accordance with federal requirements; and

WHEREAS, after review by the Town Attorney, the Town Board has decided to renew the contract with On-Site Employee Testing to cover the term commencing January 1, 2020 and terminating on December 31, 2020;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the contract with On-Site Employee Testing, as presented, in order to renew the Town's employee drug and alcohol testing program at costs identified in the agreement.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, upon reviewing the budgetary accounts of the Town of Lancaster, the Supervisor has determined the need for various adjustments to the 2019 Adopted Budget of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that the following Budget Amendments be and are hereby approved in the 2019 adopted budget of the Town of Lancaster:

<u>General Fund - Townwide</u>	<u>Increase</u>
01-510 Estimated Revenues	135,000
01-0001-3089 State Aid, Other (New Roof – Highway Bldg.)	135,000
01-960 Budget Appropriations	135,000
01-1620-0260 Buildings, Other Capital Outlay	135,000
01-510 Estimated Revenues	51,413
01-0001-4910 Federal Aid, CDBG (Senior Center)	51,413
01-960 Budget Appropriations	51,413
01-7610-0210 Programs for the Aging, Furniture & Equipment	29,413
01-7610-0260 Programs for the Aging, Other Capital Outlay	22,000
01-510 Estimated Revenues	4,000
01-0001-2351 Erie County Grant, Programs for the Aging (Senior Center)	4,000
01-960 Budget Appropriations	4,000
01-7610-0210 Programs for the Aging, Furniture & Equipment	4,000
01-599 Appropriated Fund Balance	252,785
01-960 Budget Appropriations	252,785
01-1220-0101 Supervisor, Wages – Hourly	5,000
01-1220-0210 Supervisor, Office Equipment	585
01-1220-0401 Supervisor, Office Supplies	1,500
01-1420-0410 Law, Professional Services	50,000
01-1440-0411 Engineer, Professional Services – Other	40,000
01-1620-0411 Buildings, Misc. Contractual Services	26,700
01-1620-0433 Buildings, Resurfacing Materials	75,000
01-1950-0411 Taxes & Assessment on Town Property	6,000
01-1960-0411 Bond & Note Issuance Expenses	1,500
01-7110-0433 Parks, Resurfacing Materials	30,000
01-8540-0103 Drainage, Wages – Seasonal	10,000
01-9010-0801 Employee Benefits, NYS Retirement Contributions	6,500
<u>General Fund – Town Outside Villages</u>	<u>Increase</u>
02-510 Estimated Revenues	100,000
02-0002-2555 Building & Alteration Permits	80,000
02-0002-2570 Commercial Site Plan Review Fees	20,000
02-960 Budget Appropriations	100,000
02-8160-0101 Brush Pickup & Disposal, Wages - Hourly	100,000
<u>Highway Fund – Town Outside Villages</u>	<u>Increase</u>
13-599 Appropriated Fund Balance	105,000
13-960 Budget Appropriations	105,000
13-5110-0433 General Repairs, Resurfacing Materials	78,000
13-9901-0904 Transfers Out- Employee Health Self Ins. Fund	27,000

<u>Police Fund</u>	<u>Increase</u>
05-510 Estimated Revenues	62,400
05-0005-2680 Insurance Recoveries	36,000
05-0005-3389 State Aid – Traffic Safety Grant	8,400
05-0005-4389 Federal Aid – DEA Overtime Grant	18,000
05-599 Appropriated Fund Balance	125,600
05-960 Budget Appropriations	188,000
05-3120-0115 Police, Wages – Retirement Sellbacks	170,000
05-3120-0128 Police, Wages – DEA Overtime	18,000

<u>Recreation Filing Fee Fund</u>	<u>Increase</u>
37-599 Appropriated Fund Balance	248,950
37-960 Budget Appropriations	248,950
37-7000-200 Equipment & Capital Outlay	248,950

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, the Town Board is considering a proposed amended site plan for construction of a pre-engineered tubular steel framed building with nylon fabric roof and walls, prepared and submitted by Lee Cadby of Northeast Diversification, on a +/- 8.5 acre parcel located at 954 Ransom Road (SBL No. 95.00-4-22) 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 December 4, 2019 and recommended a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the expansion project using the Full 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 construction of a pre-engineered tubular steel framed building with nylon fabric roof and walls on a +/- 8.5 acre parcel prepared and submitted by Lee Cadby of Northeast Diversification, located at 954 Ransom Road (SBL No. 95.00-4-22) 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	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 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 amended site plan for construction of a pre-engineered tubular steel framed building with nylon fabric roof and walls on a +/- 8.5 acre parcel prepared and submitted by Lee Cadby of Northeast Diversification, located at 954 Ransom Road (SBL No. 95.00-4-22) 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: Cadby Industrial Park - # 9056

Location of Action: 954 Ransom Road (SBL No. 95.00-4-22) Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The project is described as construction of a pre-engineered tubular steel framed building with nylon fabric roof and walls for cold dry storage of topsoil/road salt, on a +/- 8.5 acre parcel.

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. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **No impact.**
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**

11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – N/A
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **No impact.**
14. Impact on Energy – **No impact.**
15. Impact on Noise, Odor and Light – **No impact.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **No impact.**
18. Consistency with Community Character – **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 GACZEWSKI, TO WIT:

WHEREAS, Lee Cadby, on behalf of Northeast Diversification, has prepared and submitted an amended site plan, dated October 11, 2019 and received October 15, 2019 for the construction of a pre-engineered tubular steel framed building with nylon fabric roof and walls on a +/- 8.5 acre parcel located at 954 Ransom Road (SBL No. 95.00-4-22) in the Town of Lancaster, and

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

WHEREAS, the Town, acting as Lead Agency has completed an environmental review on December 4, 2019 in conformance with the SEQRA (State Environmental Quality Review Act) regulations and on December 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 Lee Cadby, on behalf of Northeast Diversification, dated October 11, 2019 and received October 15, 2019 for the construction of a pre-engineered tubular steel framed building with nylon fabric roof and walls on a +/- 8.5 acre parcel located at 954 Ransom Road (SBL No. 95.00-4-22) in the Town of Lancaster, with the following conditions:

1. The structure is to be identified by building number.
2. An "as built" survey with grade elevation is to be submitted to the Building Department upon completion of the project.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

WHEREAS, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated December 9, 2019 has requested the purchase of one (1) new and unused 2020 E35 25HP-R Series Bobcat Compact Excavator for the use of the Highway Department, and

WHEREAS, this Excavator is available under New York State Bid Contract #PC67141/NYS, Group #40625, OGS Contract Award PGB #22792, from authorized State Vendor Clark Equipment Company, for a cost of \$57,999.22, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Highway Department will receive a trade-in allowance for their 2013 Kubota U35-4 with buckets and used hydraulic breaker, VIN #JKUUC354V01H10140 (930 hours) in the amount of \$31,500.00 which will bring the total expenditure for the new Excavator to \$26,499.22, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of the one (1) new and unused 2020 E35 25HP-R Series Bobcat Compact Excavator.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new and unused 2020 E35 25HP-R Series Bobcat Compact Excavator, from the authorized State Vendor Clark Equipment Company d/b/a Bobcat Company and Doosan Infracore Construction Equipment CNH Industrial America, LLC, through authorized reseller, Bobcat of Buffalo, 6511 South Transit Road., Lockport, New York, 14094-6329 under State Bid Contract #PC67141/NYS, Group #40625, OGS Contract Award PGB #22792, as proposed by the Superintendent of Highways of the Town of Lancaster in the sum not to exceed \$26,499.22 which includes a trade in allowance for their 2013 Kubota U35-4 with buckets and used hydraulic breaker, VIN #JKUUC354V01H10140 and shall be paid with funds from the Maintenance Vehicle and Equipment bond authorized May 20, 2019 for Highway Equipment.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

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

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Memorandum of Agreement with the Department of Justice, as presented.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

SUSPENDED RESOLUTION

Supervisor Coleman requested a suspension of the necessary rules for immediate consideration of the following resolutions:

UPON A MOTION DULY MADE BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, a suspension was granted.

SUSPENSION GRANTED

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

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Collective Negotiations Settlement Memorandum dated November 22, 2019 between the Town of Lancaster and the Civil Service Employee Association (CSEA), Town of Lancaster White Collar Unit, as presented, for a successor collective negotiation agreement with a stated term of January 1, 2019 through and including December 31, 2021.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

December 16, 2019

COMMUNICATIONS & REPORTS

897. **Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, and Building Inspector – Draft copy of minutes from November 20, 2019 Planning Board Meeting. Disposition = Planning Committee**
898. **Planning Board to Town Board – Memo recommending approval of Amended Preliminary Plat Plan for 375 & 391 Harris Hill Road. Disposition = Planning Committee**
899. **Town Clerk to Code Enforcement Officer – Copy of renewal application for a 2020 License to Conduct a Salvage Yard for Ransom Auto Parts, Inc., 867 Ransom Road. Disposition = Resolution 12/16/19**
900. **Supervising Code Enforcement Officer to Town Clerk – Request for resolution authorizing the issuance of a 2020 License to Operate a Salvage Yard for Ed Henning Inc., 911 Ransom Road. Disposition = Resolution 12/16/19**
901. **Dog Control Officer to Town Clerk – Dog Report for November 2019. Disposition = Received & Filed**
902. **Lancaster Village Clerk to Town Clerk – Notice of Site Plan Review for Plum Bottom Creek Properties, LLC, 15-40 W. Main Street on December 19, 2019 at 7:15PM at Council Chambers, Lancaster Municipal Building. Disposition = Received & Filed**
903. **Town Clerk to Code Enforcement Officer – Copy of renewal application for a 2020 License to Conduct a Salvage Yard for J. Renkas & Sons d/b/a AJA's Auto Parts & Salvage, 955 Ransom Rd. Disposition = Resolution 12/16/19**
904. **Lancaster Volunteer Ambulance Corp. to Town Clerk – LVAC calls for November 2019. Disposition = Received & Filed**
905. **Code Enforcement Officer to Drainage & Storm Sewer Committee – MS4 November 2019. Disposition = Received & Filed**
906. **Town Clerk to Various News Media – Press Release announcing that the Implementation Committee Meeting will be held on Monday, December 16, 2019 at 5:00PM in the Town Board Chambers. Disposition = Planning Committee**
907. **Erie County IDA to Town Clerk – Information regarding Bethlehem Steel Site Project Update: Public Meeting Tuesday, Dec. 17, 2019 at 6:00PM at St. Anthony's Church, Lackawanna, NY. Disposition = Received & Filed**
908. **Supervising Code Enforcement Officer to Town Board – Recommend renewal of Special Use Permit for Greg's Tree Service, 1230 Town Line Road. Disposition = Resolution 12/16/19**
909. **Code Enforcement Officer to Town Board – Recommend issuance of Dumping Permit for Thomas C. Suchy, Jr., Pavement Road; conditions noted. Disposition = Resolution 12/16/19**
910. **Supervising Code Enforcement Officer to Town Clerk – Request for resolution authorizing the issuance of a 2020 License to Operate a Salvage Yard for J. Renkas & Sons d/b/a AJ's Auto, LLC, 955 Ransom Road. Disposition = Resolution 12/16/19**

911. **Town Clerk to Town Board =**
Town Clerk Monthly Report for November 2019. Disposition = Received & Filed
912. **Supervising Code Enforcement Officer –**
Request for resolution authorizing the issuance of a 2020 License to Operate a Salvage Yard for Ransom Auto Parts, Inc., 867 Ransom Road.
Disposition = Resolution 12/16/19
913. **Jill Monacelli to Town Board –**
Request to be considered to serve as Chairman of the Town of Lancaster Zoning Board of Appeals. Disposition = For Re-Organizational Meeting
914. **Supervising Code Enforcement Officer to Town Board –**
Recommend approval of renewal of Special Use Permit for Royal Car Wash, 6645 Transit Road. Disposition = Resolution 12/16/19
915. **Charter Communications to Town Clerk –**
Upcoming changes to channel lineup. Disposition = Received & Filed
916. **NYS Agriculture & Markets to Supervisor –**
Dog Control Officer Inspection Report completed on 11/05/2019.
Disposition = Received & Filed
917. **NYS Agriculture & Markets to Supervisor –**
Municipal Shelter Inspection Report completed on 11/05/2019.
Disposition = Received & Filed
918. **Jesse Nikonowicz to Town Board –**
Request for reappointment to Lancaster Industrial Development Agency Board for 2020. Disposition = For Re-Organizational Meeting
919. **Steven Hoffman to Town Board –**
Request for reappointment to Lancaster Industrial Development Agency Board and appointment as Vice-Chairman to Lancaster Industrial Development Agency Board for 2020.
Disposition = For Re-Organizational Meeting
920. **Lee Chowaniec to Town Board –**
Comments regarding dog licensing and code enforcement.
Disposition = Public Safety Committee
921. **Kenneth O'Brien to Town Board –**
Request for reappointment to Lancaster Industrial Development Agency Board for 2020. Disposition = For Re-Organizational Meeting
922. **Town Clerk to Code Enforcement Officer –**
Copy of letter requesting renewal of Special Use Permit for PM Peppermint Inc., 31 Peppermint Road for topsoil shredding operations.
Disposition = Town Attorney
923. **Town Clerk to New Enterprise Stone & Lime Co., Inc. –**
Special Use Permit for 2020 to excavate sand, gravel and stone aggregates.
Disposition = Received & Filed
924. **Hamburg Industrial Development Agency to Lancaster Industrial Development Agency –**
Information regarding public hearing for Billy-Lee LLC. Project.
Disposition = Received & Filed
925. **Highway Superintendent to Town Board –**
Request for resolution to purchase one new and unused 2020 E35 25HP R-Series Bobcat Compact Excavator from Bobcat of Buffalo, Lockport, NY.
Disposition = Resolution 12/16/19

- 926. Town Clerk to Town Board –
Final Report – School Tax Collection 2019-2020. Disposition = Received & Filed**
- 927. Code Enforcement Officer to Town Board –
Information regarding 15 Ellie Court and the Town’s eligibility for
representation to file suit for failing to remediate current violations.
Disposition = Town Attorney**
- 928. Planning Board Chairman to Planning Board, Town Board, Engineering
Consultant, Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of minutes from December 4, 2019 Planning Board Meeting.
Disposition = Received & Filed**
- 929. Planning Board to Town Board –
Memo recommending approval of site plan review for Cadby Industrial
Park, 954 Ransom Rd. Disposition = Resolution 12/16/19**
- 930. Gail M. Wojtowicz to Town Board –
Request to be reappointed as Bingo Inspector for 2020.
Disposition = For Re-Organizational Meeting**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER WALTER AND CARRIED,** the meeting was adjourned in memory
of Kathleen D'Aguanno, Lorraine Stypa and Joshua Wright at 8:45 P.M.

Signed _____

Diane M. Terranova, Town Clerk