Town Board Minutes

August 3, 2020
Meeting No. 15

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was via teleconference on the 3rd day of August 2020 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
RONALD RUFFINO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU
JEFFREY SMITH, POLICE CAPTAIN

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, spoke to the Town Board on the following matter:

- Questions regarding Principal Personnel Clerk position and staffing for payroll.
PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held July 20, 2020 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 LEARY VOTED YES
COUNCIL MEMBER MAZUR VOTED YES
SUPERVISOR RUFFINO VOTED YES

August 3, 2020

File: RMIN (P1)
THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, 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. 61764 to Claim No. 61920 Inclusive
Total amount hereby authorized to be paid: $904,650.06

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 LEARY VOTED YES
COUNCIL MEMBER MAZUR VOTED YES
SUPERVISOR RUFFINO VOTED YES

August 3, 2020

File: Rclaims
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:

<table>
<thead>
<tr>
<th>Permit #</th>
<th>SW</th>
<th>Applicant Name</th>
<th>Address</th>
<th>STRUCTURE</th>
<th>Village</th>
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</thead>
<tbody>
<tr>
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<td>Paul Bumbalo</td>
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<td>5091 William St</td>
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<td>DH Home Improvements</td>
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<td>6360 Genesee St</td>
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<td>Lyndsay Zywczynski</td>
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<td>Michael Davis</td>
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<td>32 Heritage Dr</td>
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<td>Mark Catanaro</td>
<td>17 Plumb Creek Trl</td>
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<td>Jesse Shadle</td>
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<td>Mark Doherty</td>
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<td>Michael Stichert</td>
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<td>Jerome Miller</td>
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<td>Albert Addessa</td>
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<td>Marrano/Mare Equity Corp.</td>
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<td>Er. Pool-Abv Grnd</td>
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<td>Glenn Kelly</td>
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<td>31379</td>
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<td>Jerald Lewandowski</td>
<td>92 Sixth Ave</td>
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<td>Guardian Fences of WNY Inc.</td>
<td>11 W Main St</td>
<td>Er. Fence</td>
<td>(V/L)</td>
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</tbody>
</table>
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 LEARY | VOTED | YES |
| COUNCIL MEMBER MAZUR | VOTED | YES |
| SUPERVISOR RUFFINO | VOTED | YES |

August 3, 2020
THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore
held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town
of Lancaster, upon the application of Joanne Rocco, for a Special Use Permit for a Home
Occupation (Antiques, Home Décor, and Handcrafted Items Retail Store) on premises located
at 5300 William Street, Lancaster, New York, and the Board originally issued such Special
Use Permit on August 4, 2008, this Special Use Permit is subject to renewal upon application
by the property owner, and

WHEREAS, Joanne Rocco has requested that the Town Board renew
the Special Use Permit for an additional two (2) year period.

NOW THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home
Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of
Lancaster does hereby grant a Special Use Permit to Joanne Rocco, for a Home Occupation
(Antiques, Home Décor, and Handcrafted Items Retail Store) on premises located at 5300
William Street, Lancaster, New York, upon the terms and conditions as set forth in the Zoning
Ordinance.

2. That the applicant will continue in compliance with all conditions as
set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the
applicant continues to engage in the home occupation on the premises, including but not
limited to:
   a. This Special Use Permit terminates when the applicant no longer
resides on the premises.
   b. Permit must be renewed every two (2) years at no additional cost
to the applicant. Renewal is considered upon the property owner
submitting a written renewal request to the Town Clerk, on or
before August 3, 2022.
   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.
   d. Provide proof of a valid New York State Business License from
the appropriate regulatory agency for the business being
conducted.

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 LEARY  VOTED  YES
COUNCIL MEMBER MAZUR  VOTED  YES
SUPERVISOR RUFFINO  VOTED  YES

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

WHEREAS, on March 16, 2020 Jesse Gilbert was appointed to the position of Assistant Code Enforcement Officer in the Town of Lancaster Building Department, effective March 17, 2020 subject to compliance with the Town’s Residency Law, and

WHEREAS, by letter dated July 10, 2020, Code Enforcement Officer Matt Fischione, has requested that the Town Board grant Jesse Gilbert a six (6) month extension to become a Town resident in order to maintain his appointment as Assistant Code Enforcement Officer, and

WHEREAS, the Town Code of the Town of Lancaster Section 41-2(A) provides that the Town Board may grant a six (6)-month extension beyond the original six-month allotment if the appointee provides a written request demonstrating a hardship or other good cause, and

WHEREAS, the Town Board has given due review and consideration to the request for the extension.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster using the authority granted to it under Section 41-2(A), hereby approves the request by Assistant Code Enforcement Officer Jesse Gilbert for a six (6)-month residency requirement extension, which shall run from September 17, 2020 to March 17, 2021.

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

<table>
<thead>
<tr>
<th>COUNCIL MEMBER DICKMAN</th>
<th>VOTED</th>
<th>YES</th>
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<tr>
<td>COUNCIL MEMBER LEARY</td>
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<td>YES</td>
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<tr>
<td>COUNCIL MEMBER MAZUR</td>
<td>VOTED</td>
<td>YES</td>
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<tr>
<td>SUPERVISOR RUFFINO</td>
<td>VOTED</td>
<td>YES</td>
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</table>

August 3, 2020
THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused 2020 Ford F250 XL 4x4 Super Cab, 6 ¾’ Box Pickup, for use by the Highway Department, and

WHEREAS, two (2) bids were received, opened and reviewed on March 17, 2020, and

WHEREAS, by letter dated July 27, 2020, Highway Superintendent Daniel Amatura, has recommended awarding the bid for one (1) new and unused 2020 Ford F250 XL 4x4 Super Cab, 6 ¾’ Box Pickup to West Herr Ford, being the lowest responsible bidder in the amount of $42,590.06, and

WHEREAS, the Highway Department will receive a trade-in allowance for their 2015 Chevrolet Silverado 2500 4x4 (VIN# 1GC2KUEG3FZ534713) in the amount of $16,000.00 which will bring the total expenditure for the new and unused 2020 Ford F250 XL 4x4 Super Cab, 6 ¾’ Box Pickup, to $26,590.06.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Daniel Amatura, Highway Superintendent, hereby awards the bid for one (1) new and unused 2020 Ford F250 XL 4x4 Super Cab, 6 ¾’ Box Pickup, which includes a Trade-in Allowance for their 2015 Chevrolet Silverado 2500 4x4 (VIN# 1GC2KUEG3FZ534713) in the amount of $16,000.00, to West Herr Ford of Hamburg, 5025 Camp Road, Hamburg New York, 14075, for use by the Highway Department as it conforms to the specifications on file in the office of the Town Clerk, for a total amount not to exceed $26,590.06, which will be paid for with funds from the Highway Budget Line Item 13-5110-0220 Passenger Vehicles.

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 LEARY VOTED YES
COUNCIL MEMBER MAZUR VOTED YES
SUPERVISOR RUFFINO VOTED YES

August 3, 2020
WHEREAS, Kevin E. Loftus, Town Attorney for the Town of Lancaster, by letter dated July 29, 2020, has recommended the appointment of Donna Heist to the position of Clerk Typist in the Town of Lancaster Town Attorney’s Office, and

WHEREAS, Donna Heist is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that Donna Heist of Lancaster, New York, be and is hereby appointed to the position of Clerk Typist in the Town of Lancaster Town Attorney’s Office, effective August 17, 2020, at an annual salary of $40,341.00 on step which represents 85% of the full salary $47,460.00 contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of law and shall be governed by the same terms and conditions as apply to other non-represented, full-time permanent Town employees; and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

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

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Voted</th>
<th>Result</th>
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<tbody>
<tr>
<td>Dickman</td>
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<tr>
<td>Leary</td>
<td>Voted</td>
<td>Yes</td>
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<tr>
<td>Mazur</td>
<td>Voted</td>
<td>Yes</td>
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<tr>
<td>Ruffino</td>
<td>Voted</td>
<td>Yes</td>
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August 3, 2020
THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, Ronald Ruffino, Sr., Town Supervisor of the Town of Lancaster, by letter dated July 29, 2020, has requested the appointment of Marybeth Gianni to the position of Recreation Supervisor – Senior Citizens in the Town of Lancaster Senior Center, and

WHEREAS, Marybeth Gianni is currently appointed to the position of Recreation Supervisor – Senior Citizens (Provisional) in the Town of Lancaster Senior Center, and

WHEREAS, Marybeth Gianni qualifies for permanent appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that Marybeth Gianni of Lancaster, New York, be and is hereby appointed to the position of Recreation Supervisor – Senior Citizens in the Town of Lancaster Senior Center, effective August 3, 2020, at her current annual salary, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of law and shall be governed by the same terms and conditions as apply to other non-represented, full-time permanent Town employees; and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

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

<table>
<thead>
<tr>
<th>COUNCIL MEMBER DICKMAN</th>
<th>VOTED</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNCIL MEMBER LEARY</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>COUNCIL MEMBER MAZUR</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>SUPERVISOR RUFFINO</td>
<td>VOTED</td>
<td>YES</td>
</tr>
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</table>

August 3, 2020
THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Ronald Ruffino, Sr., Supervisor of the Town of Lancaster by letter dated July 30, 2020 has requested the creation of one (1) position of Principal Personnel Clerk Part-Time, in the Town of Lancaster Supervisor’s Office.

NOW, THEREFORE,
BE IT RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) for authorization by the County of Erie Department of Personnel to create one (1) position of Principal Personnel Clerk Part-Time in the Town of Lancaster Supervisor’s Office.

BE IT FURTHER,
RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

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 LEARY VOTED YES
- COUNCIL MEMBER MAZUR VOTED YES
- SUPERVISOR RUFFINO VOTED YES

August 3, 2020
SUSPENDED RESOLUTION

Supervisor Ruffino requested a suspension of the necessary rules for immediate consideration of the following resolution:

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

SUSPENSION GRANTED

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

WHEREAS, William Schutt Associates, the Town of Lancaster’s consultant on the ongoing Genesee Street and Townline Road Waterline Replacement Project received quotes from contractors currently under contract with the Town for a Change Order concerning the replacement of a 1500 linear foot section of the waterline on William Kidder Road under the original contract TLN-9B, and

WHEREAS, per its letter dated July 29, 2020, William Schutt Associates recommends the Town of Lancaster accept the lowest quote from New Frontier Excavating and Paving Inc., 7003 Brown Hill Road Boston NY, 14025 in the Lump Sum amount of $175,248.35 for Change Order No. 1.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to New Frontier Excavating and Paving Inc., with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 1:

Replacement of a 1500 If section of the 8-inch waterline on William Kidder Road which has been identified by the Erie County Water Authority as having a “high leak history”.

CHANGE ORDER NO. 1:

The original Contract Sum was ….. $1,278,435.00
The Contract Sum will be increased by this Change Order in the amount of… $175,248.35
The new Contract Sum increased including this Change Order will be $1,453,683.35, and

BE IT FURTHER, RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster, and

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 LEARY VOTED YES
COUNCIL MEMBER MAZUR VOTED YES
SUPERVISOR RUFFINO VOTED YES

August 3, 2020
375. Twin District Fire Company to Town Clerk –
    Change in roster. Disposition = Pulled

376. Jeffrey Smith, Detective Captain to Town Board –
    Request for resolution to purchase one new 2020 Chevrolet Equinox 2LT AWD
    from West Herr Chevrolet of Williamsville. Disposition = Resolution 7/20/20

377. Frank Todaro, Erie County Legislature to Supervisor –
    Information regarding Speed Reduction Traffic Study for Ransom Road.
    Disposition = Police

378. Town Attorney to NYSDEC, Erie County Water Authority, Erie County Health
    Department, Division of Sewerage Management, Erie County DPW and Erie
    County DEP –
    Request for lead agency designation regarding Lancaster Parkway Commercial
    Development, Construction of an 11,400 sq. ft. high bay storage.
    Disposition = Planning Committee

379. Duplicate communication

380. Concerned Lancaster Taxpayer to Whom It May Concern –
    Concerns regarding problems with owners at address on Apple Blossom Blvd.
    Disposition = Received & Filed

381. Frank Todaro, Erie County Legislator to Supervisor –
    Copy of resolution to be submitted to New York State Legislature opposing
    NYS Withholding Aid and Incentives for Municipalities Funding.
    Disposition = Received & Filed

382. Town Attorney to Town Board and Planning Board –
    SEQR response from Erie County Dept. of Public Works regarding Fieldstream
    Subdivision, 6061 Broadway/fronting on William St., Proj. #2020.
    Disposition = Planning Committee

383. Laura Fitzpatrick to Town Court Judge Colby –
    Notice to end employment with the Lancaster Town Court effective
    August 5, 2020. Disposition = Received & Filed

384. Planning Board Chairman to Town Board, Planning Board, Engineering
    Consultant, Town Attorney, Highway Superintendent and Building Inspector –
    Draft copy of minutes from July 15, 2020 Planning Board meeting.
    Disposition = Received & Filed

385. Planning Board to Town Board –
    Memo recommending approval of Site Plan Review for Commerce Heritage,
    condition noted. Disposition = For Resolution

386. Victor and Dawn Rizzi to Town of Lancaster –
    Letter confirming interest in lot 2 currently a portion of 272 Pavement Road.
    Disposition = Received & Filed

387. Park Crew Chief to Town Board –
    Request for resolution to accept donation from Vincent Vassallo for his
    Eagle Scout project. Disposition = For Resolution

388. Highway Superintendent to Town Board –
    Request for resolution to purchase one new and unused 2020 Ford F250 XL
    4X4 Super Cab, 6 ½’ Box Pickup from West Herr Automotive Group, Inc.,
    5025 Camp Rd., Hamburg, NY. Disposition = Resolution 8/3/20
389. Town Engineer to Town Board –
   Request for Town Board to accept Change Order No. 1 for Contract TLN-9B,
   Water Line Replacement on William Kidder Road.
   Disposition = Resolution 8/3/20

390. Town Attorney to Supervisor and Town Board –
   Request for resolution to hire Donna Heist, Lancaster NY for the position of
   Clerk-Typist in the Town Attorney’s Office. Disposition = Received & Filed

391. Police Chief to Town Clerk –
   Articles and communications. Disposition = Received & Filed

392. Town Supervisor to Town Board –
   Request for status of Marybeth Gianni, Recreation Supervisor – Senior Citizens
   Provisionally to be changed to permanent status. Disposition = Resolution 8/3/20

393. Town Clerk to Various News Media –
   Press Release announcing that a Special Meeting of the Lancaster Zoning Board
   of Appeals will be held via teleconference on Thursday, August 13, 2020 at
   6:45PM. Disposition = Received & Filed

394. Town Clerk to Various News Media –
   Press Release announcing that Sporting Licenses will go on sale at the Town
   Clerk’s Office on Monday, August 10, 2020 at 8:00AM.
   Disposition = Received & Filed

395. Supervisor to Town Board –
   Request for support of resolution to create the position of Principal Personnel
   Clerk, Part-Time. Disposition = Received & Filed
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MAZUR AND SECONDED BY

COUNCIL MEMBER LEARY AND CARRIED, the meeting was adjourned in memory of

Joyce Kerl and Terry Myers at 7:25 P.M.

Signed________________________

Diane M. Terranova, Town Clerk