

Town Board Minutes

August 17, 2020

Meeting No. 16

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 17th 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 TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
MICHELLE BARBARO, PARK CREW CHIEF
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

PERSONS ADDRESSING TOWN BOARD:

Puccio, Don, spoke to the Town Board on the following matter:

- Comments regarding drainage on Green Meadow Drive, Lucia Court and Warner Road.

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

- Questions regarding electronic recycling and hazardous waste pick up event in Cheektowaga.

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 August 3, 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 17, 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. 61921 to Claim No. 62072 Inclusive

Total amount hereby authorized to be paid: \$1,960,896.80

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 17, 2020

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER MAZUR WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER LEARY, 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
31285		Kimberly Wechter	25 Maple Ave	Er. Fence	(V/L)
31312		Lawrence Smith	39 Newberry Ln	Er. Fence	
31362		1 Way Floor Covering & Renov.	186 Laverack Ave	Er. Res. Alt.	(V/L)
31364		Timothy McKillen	50 Worthington Ln	Er. Porch/Porch Cover	
31414		Julie Smith	81 Michael Anthony Ln	Er. Fence	
31416		Fairway Hills Development LLC	21 Sedge Run	Er. Patio Home	
31423		Thomas Caros	6 Old Orchard Comm	Inst. Generator	
31424		Lisa Monaghan	43 Old Post Rd	Er. Fence	
31426		WNY Maintenance Group Inc.	5017 William St	Er. Res. Alt.	
31430		Shawn Falzone	102 Avian Way	Er. Shed	
31435		James Wabick	98 Stony Rd	Er. Porch	
31437		William Klink	5117 William St	Er. Pool-In Grnd	
31438		William Klink	5117 William St	Er. Fence	
31439		The Vinyl Outlet Inc.	12 Plumb Creek Trl	Er. Deck	
31440		Chris Hess	5825 Genesee St	Dem. Rear Struc.	
31441		Buffalo Roofing Co., LLC	2659 Wehrle Dr	Re-Roof	
31442		John Duszynski	713 Pavement Rd	Er. Garage	
31443		Lovejoy Builders Inc.	419 Lake Ave	Er. Porch Cover	
31444		Claudia Zavatti	62 Michael Anthony Ln	Er. Fence	
31445		Kirk Koenig	27 Lake Forest Pky W	Er. Pool-Abv Grnd	
31446		Matthew Mrowinski	18 Hampton Ct	Er. Pool-Abv Grnd	
31447		Marrano/Marc Equity Corp.	89 Avian Way	Er. Dwlg.-Sin.	
31448		Scott Cost	22 Pear Tree Ln	Er. Fence	
31449		R&D Contracting	1 Blackstone Ct	Er. Dwlg.-Sin.	
31450		Adam Patnella	48 Tranquility Trl	Er. Pool-In Grnd	
31451		Adam Patnella	48 Tranquility Trl	Er. Fence	
31452		Decks Etx. & Perfect Fence Inc	198 N Maple Dr	Er. Deck	
31455		Santoro Sign Inc.	5992 Genesee St	Er. Sign	
31456		James Rydzynski	1217 Penora St	Er. Fence	
31457		Santoro Sign Inc.	5900 Genesee St	Er. Sign	
31458		Besroi Construction	200 Pavement Rd	Er. Porch Cover	
31459		Richard Yaeger	98 Pheasant Run Ln	Er. Deck	
31460		David Budniewski	174 Enchanted Forest S	Re-Roof	
31461		Michael Colvin	3 Weathersfield Ln	Er. Shed	
31462		Theodore Staskiewicz	151 Seneca Pl	Re-Roof	
31463		Dalex Construction Inc.	427 Schwartz Rd	Re-Roof	
31464		Timothy Stearns	9 Main St	Er. Fence	
31465		Shed Express	5 Southwest Pky	Er. Shed	(V/L)
31466		J-Cap Contractors LLC	5 Juniper Blvd	Re-Roof	
31467		Trancend Wireless LLC	0 Barton Rd	Cell Tower – Alteration	
31468		Daniel Miller	14 Waltham Ave	Er. Res. Alt.	(V/L)
31469		Kenneth Koniak	27 Tanglewood Dr	Er. Shed	
31470		Forbes Homes Inc.	40 Deepwood Pl	Er. Dwlg.-Sin.	
31471		Forbes Homes, Inc.	35 Squirrel Run	Er. Dwlg.-Sin.	
31472		Buffalo Roofing Co., LLC	1 Nottingham Ln	Re-Roof	
31473		Buffalo Roofing Co., LLC	3 Red Clover Ln	Re-Roof	
31479		Cynthia Goss	36 Woodgate Dr	Er. Fence	
31480		Alliance Homes	7 Kevwood Ln	Er. Dwlg.-Sin.	
31481		Jeff Aguglia	682 Pleasant View Dr	Er. Fence	
31482		Justin Knauf	27 W Home Rd	Er. Fence	
31484		Justin Knauf	27 W Home Rd	Er. Shed	
31485		Hannah Demolition Inc.	325 Seneca Pl	Dem. Bldg	
31486		Hannah Demolition Inc.	6521 Broadway	Dem. Bldg	

31487	AGNL Pastry LLC	3765 Walden Ave	Re-Roof	(V/L)
31488	William Palmer	23 Michaels Walk	Er. Shed	
31489	CMK Builders of Alden, Inc.	1432 Townline Rd	Er. Porch/Porch Cover	
31491	Cooper Sign Company	4543 Walden Ave	Er. Sign	
31492	Stockmohr Co. Inc.	440 Aurora St	Re-Roof	
31496	Kenneth O'Brien	29 Lakeside Cres	Er. Fence	(V/L)
31498	LG Fence	73 Michaels Walk	Er. Fence	
31499	Mario's Custom Woodwork LLC	10 Brandel Ave	Er. Dwlg.-Sin.	(V/L)
31500	Scott Friedman	18 Fox Trace	Er. Fence	
31501	Raymond David	11 Glendale Dr	Re-Roof	
31502	Andrew Napier	16 Sussex Ln	Re-Roof	
31504	Gen-Tech Power Systems LLC	4835 William St	Inst. Generator	
31505	Gen-Tech Power Systems LLC	174 Nichter Rd	Inst. Generator	
31506	Gen-Tech Power Systems LLC	36 Via Donato E	Inst. Generator	
31507	Gen-Tech Power Systems LLC	1 Prairie Ln	Inst. Generator	
31508	Brian Lazzaro	142 Court St.	Re-Roof	(V/L)
31510	Christopher Cirrincione	17 Weathersfield Ln	Er. Fence	
31511	Riverside Door & Window Inc.	2039 Como Park Blvd	Re-Roof	(V/L)
31513	Timothy Campbell	7 Peachtree Ct	Re-Roof	
31516	David Chrapa	17 Rose St	Er. Fence	
31519	Star Construction	10 Weathersfield Ln	Er. Shed	
32522	Black Rock Roofing	2099 Como Park Blvd	Re-Roof	(V/L)

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 17, 2020

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

WHEREAS, the Town of Lancaster has a Band Shell to facilitate the community enjoyment of various outdoor performances/events located at 100 Oxford Avenue, within the Town of Lancaster, and

WHEREAS, Dance Spectrum, located at 4705 Transit Rd, Depew NY has requested permission to use the Band Shell on August 18-20, 2020 for a series of dance performances which will be limited to the participant family members only, and

WHEREAS, Dance Spectrum and staff will ensure all social distancing guidelines are adhered to with respect to attendance and parking, and per the current Erie County Department of Health guidelines this performance will be restricted to a maximum of fifty (50) participants and spectators. Should those guidelines change prior to the August 18-20, 2020 performance date, whatever existing guidelines are in place as of that date will be enforced, and

WHEREAS, Dance Spectrum will pay a one-time rental fee of \$500 for the use of the Bandshell for the August 18-20, 2020 dates. The Youth Bureau staff will supervise the Bandshell and surrounding area during said performances. The Youth Bureau Building will not be available, and

WHEREAS, Dance Spectrum will provide the Town of Lancaster the requisite Certificate of Insurance naming the Town as an Additional Insured for this performance, and sign off on the release and waiver approved by the Town Attorney.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes Dance Spectrum permission to use the Lancaster Band Shell located at 100 Oxford Ave for its August 18-20, 2020 performances.

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 17, 2020

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

WHEREAS, David Capretto, 470 Cayuga Road, Buffalo, New York, 14225 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Hidden Meadow Phase II Subdivision, and

WHEREAS, the Town Engineer has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Public Improvement Permit Application No. 822 of David Capretto, 470 Cayuga Road, Buffalo, New York 14225, for the installation of:

- Eight (8) light poles and fixtures on Hidden Meadow Crossing and Deepwood Place.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

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 17, 2020

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

WHEREAS, by letter dated July 23, 2020, Vincent Vassallo of Boy Scout Troop 545 has offered to weed and re-mulch the flower beds around the Lancaster Lion's Memorial Garden and reseed sections of the grass, as well as weeding and re-mulching the beds surrounding the Youth Bureau main entrance. Mr. Vassallo further offers to re-paint the roofed area in the Memorial Garden as well as power wash the walkway throughout the garden in order to complete his Eagle Scout Project, and

WHEREAS, according to Mr. Vassallo's letter dated July 23, 2020 the estimated expenses for the above referenced work include \$200.00 for the required 4 cubic yards of mulch, \$80.00 for approximately 10 Hosta plants, and \$40.00 for the paint.

WHEREAS, after due consideration, the Town Board of the Town of Lancaster has determined that it can make use of such a donation and that it is the interest of the community to accept this generous gift.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the offer of Vincent Vassallo to perform the various landscaping and painting throughout the Memorial Garden and Youth Bureau per his letter dated July 23, 2020 as part of his Eagle Scout 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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

August 17, 2020

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

WHEREAS, Anastasi Trucking and Paving, 4430 Walden Avenue, Lancaster, New York 14086, the contractor for the Partridge Walk Reconstruction Project, has submitted Change Order No. 1 in the amount of \$3,278.55 related to a small area at the south end of the roadway that required over excavation to remove unacceptable soils to the Town Board for their approval, and

WHEREAS, by letter dated August 4, 2020 Town of Lancaster Engineer Edward Schiller in consultation with Highway Superintendent Daniel Amatura recommends approval of said Change Order No. 1 in the amount of \$3,278.55 for Capital Project #206 which will be paid for out of Budget Line 206.206.200.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 from Anastasi Trucking and Paving, with respect to the outlined descriptions previously provided to the Town Board and referenced above, 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.

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 17, 2020

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

RESOLVED, by the Town Board of the Town of Lancaster, that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

BE IT FURTHER,

RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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 17, 2020

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

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

WHEREAS, a proposed Local Law of the year 2020 has been introduced, entitled “**ZONING**” which will amend **Chapter 50. Zoning, Articles I- XIV, and add Schedules A and B which will provide specifics on uses and design standards,** and

WHEREAS, the proposed local law and amended Zoning Code and Schedules can be viewed on the Town’s website <https://www.lancasterny.gov>, and

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

NOW, THEREFORE,

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

1. A virtual public hearing for the proposed Local Law is hereby set for the 24th day of August 2020 at 6:00 o'clock P.M. via Zoom
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

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

August 17, 2020

**NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW
AMENDING THE TOWN OF LANCASTER ZONING LAW**

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster will hold a public hearing on **August 24, 2020 at 6:00 p.m.** for the purposes of considering and possibly adopting a local law to amend the Town of Lancaster Zoning Code. Copies of the proposed local law and proposed amended Zoning Code can be reviewed at the Town Offices, by appointment, or by viewing copies on the Town's website, <https://www.lancasterny.gov>. At the time stated above, all interested members of the public shall be heard.

The public hearing will be held virtually via Zoom with a telephone dial-in number, as permitted by Executive Order 202.1 and Executive Order 202.15, as extended. The ZOOM public meeting at which the public hearing will be conducted will be accessible either with a computer, smartphone, or tablet with internet connection at the following link: <https://zoom.us/j/95670859884?pwd=RWtEdVI3ei9YT3hjcDdPQzFwdTIUdz09>. The Zoom meeting ID number is 956 7085 9884, and the passcode is 971162. Alternatively, the meeting may be joined via telephone by dialing (929) 205-6099 and entering passcode 971162 when prompted.

The Town Board is accepting written public comments on the below matters by e-mail to Diane Terranova, Town Clerk, at DTerranova@lancasterny.gov, by fax to (716) 683-2094, or by U.S. mail to the Town Clerk at 21 Central Avenue, Lancaster, New York 14086. Written public comments shall be accepted until the close of the public hearing. The Town Board asks residents who wish to speak at the public hearing to please let us know in advance by e-mail to Diane Terranova, Town Clerk, at DTerranova@lancasterny.gov, by fax to (716) 683-2094, or by U.S. mail to the Town Clerk at 21 Central Avenue, Lancaster, New York 14086. Registration is highly encouraged, but spoken comments will be accepted at the meeting even in the absence of such registration.

TOWN BOARD OF THE TOWN OF LANCASTER
BY: DIANE TERRANOVA, TOWN CLERK

August 17, 2020

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

WHEREAS, Edbauer Construction, the contractor for the reconstruction of the Erie Street Culvert over Plum Bottom Creek, has submitted Change Order No. 1 in the amount of \$3,454.56 for tree removal due to a conflict with location of waterline replacement and replacement of a one section pre-cast concrete box culvert due to sanitary sewer conflict to the Town Board for their approval, and

WHEREAS, by letter dated August 10, 2020 Town of Lancaster Engineer Edward Schiller recommends approval of said Change Order No. 1 in the amount of \$3,454.56.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 from Edbauer Construction, with respect to the outlined descriptions previously provided to the Town Board and referenced above, 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.

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 17, 2020

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

WHEREAS, Anastasi Trucking and Paving, 4430 Walden Avenue, Lancaster, New York 14086, the contractor for the Partridge Walk Reconstruction Project, has submitted Change Order No. 2 in the amount of \$18,028.74 related to two small areas on Old Post Road that required excavation to remove unacceptable soils beneath the asphalt to the Town Board for their approval, and

WHEREAS, by letter dated August 11, 2020 Town of Lancaster Engineer Edward Schiller recommends approval of said Change Order No. 2 in the amount of \$18,028.74 for Capital Project #206 which will be paid for out of Budget Line 206.206.200.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 2 from Anastasi Trucking and Paving, with respect to the outlined descriptions previously provided to the Town Board and referenced above, 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.

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 17, 2020

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

WHEREAS, Ronald Ruffino, Sr., Town Supervisor for the Town of Lancaster, by letter dated August 11, 2020 has recommended the appointment of Karen D. Bonvissuto to the position of Principal Personnel Clerk Part-time in the Town of Lancaster Supervisor’s Office, and

WHEREAS, Karen D. Bonvissuto 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 Karen D. Bonvissuto of Lancaster, New York, be and is hereby appointed to the position of Principal Personnel Clerk, part-time provisional, in the Town of Lancaster Supervisor’s Office, effective August 10, 2020, at an hourly rate of \$21.00 per hour, contingent upon approval by Erie County Department of Personnel, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees.

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 17, 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 is considering the proposal submitted by H. Christopher Streng of Kulback's Construction for the 33,150 square foot single story metal building addition to the Orville's operating warehouse facility on a 9.2 acre parcel located at 3979 Walden Avenue, (SBL# 105.00-1-25.2), 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 August 5, 2020 meeting, and

WHEREAS, the Town, acting as Lead Agency has completed an environmental review on June 17, 2020, in conformance with the SEQRA (State Environmental Quality Review Act) regulations and on June 17, 2020 a Negative Declaration was issued.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan prepared and submitted by H. Christopher Streng of Kulback's Construction for the 33,150 square foot, single story metal building addition to the Orville's operating warehouse facility on a 9.2 acre parcel located at 3979 Walden Avenue, (SBL# 105.00-1-25.2), in 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 17, 2020

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

WHEREAS, the Town through consulting Engineer DiDonato Associates, Engineering, and Architecture P.C. previously advertised for bids for the proposed reconstruction of Aurora street over the Cayuga Creek Bridge Rehabilitation, and

WHEREAS, six (6) bids were received, opened, and reviewed on July 9, 2020, and

WHEREAS, DiDonato Associates, Engineering, and Architecture P.C., the project's consulting engineer, by letter dated August 11, 2020, has recommended awarding the bid to Huntington Valley Construction, Inc., 825 Rein Rd. Cheektowaga NY, 14225, as being the lowest responsible bidder in the amount of \$607,329.00;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the proposed Reconstruction of Aurora Street over Cayuga Creek Bridge Rehabilitation to Huntington Valley Construction Inc., 825 Rein Rd. Cheektowaga NY, 14225 in the amount of \$607,329.00 as being the lowest responsible bidder in conformance with the specifications on file of the office of consulting engineer DiDonato Associates, Engineering, and Architecture P.C.

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 17, 2020

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

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER".

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held via teleconference **1-716-800-4267 Access Pin 1232**, on the 8th day of September, 2020 at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Official Newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

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

August 17, 2020

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 17th day of August 2020, the said Town Board will hold a Public Hearing on the 8th day of September, 2020, at 7:15 o'clock P.M., Local Time, via teleconference **1-716-800-4267 Access Pin 1232.**, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

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

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto following:**

Cross Creek Subdivision

STREET NAME	INTERSECTING STREET	SIGN LOCATION
Weathersfield Ln	Northfield Ln	N. E. Corner

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

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

August 20, 2020

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

WHEREAS, Diane M. Terranova, Town Clerk for the Town of Lancaster,
 by letter dated August 12, 2020 has recommended the appointment of the following
 individual to the following part-time permanent position.

NOW, THEREFORE,

BE IT RESOLVED, that the following individual is hereby appointed to the
 following part-time permanent position in the Town of Lancaster Town Clerk’s Office,
 working not more than nineteen and three-quarter hours per week, and that this being a part-
 time position, provides no health insurance, sick days, vacations, or other fringe benefits not
 specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Linda Shepard Lancaster, NY	Clerk	\$17.56	August 10, 2020

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 17, 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 is considering the proposal submitted by Churchill Architecture, 4181 Tonawanda Creek Road, North Suite B, Pendleton, New York 14120, for the construction of a 271,000 sq. ft. manufacturing and warehouse with associated infrastructure on a 73.36 acre parcel located at 0 Walter Winter Drive, (Lot 1 SBL# 105.00-1-19/ Lot 2 SBL# 105.00-1-4.5/ Lot 3 SBL# 105.00-1-24), 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 August 5, 2020 and recommended a Negative Declaration be issued; and

WHEREAS, the Town Board has duly considered the plans for the expansion project using the Long Form 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 as Type 1 Action per 6 CRR-NY 617.4 (b) (6) under SEQRA.

NOW, THEREFORE,

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

1. This project is described as the construction of a 271,000 sq. ft. manufacturing and warehouse with associated infrastructure on a 73.36 acre parcel located at 0 Walter Winter Drive, (Lot 1 SBL# 105.00-1-19/ Lot 2 SBL# 105.00-1-4.5/ Lot 3 SBL# 105.00-1-24), in the Town of Lancaster, and 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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

August 17, 2020

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: August 17, 2020

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 construction of a 271,000 sq. ft. manufacturing and warehouse with associated infrastructure on a 73.36 acre parcel located at 0 Walter Winter Drive, (Lot 1 SBL# 105.00-1-19/ Lot 2 SBL# 105.00-1-4.5/ Lot 3 SBL# 105.00-1-24), 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: Commerce Heritage Warehouse

Location of Action: 0 Walter Winter Drive, (Lot 1 SBL# 105.00-1-19/ Lot 2 SBL# 105.00-1-4.5/ Lot 3 SBL# 105.00-1-24), Lancaster, New York 14086, Erie County.

SEQR Status: Type 1 Action

Description of Action: The project is described as the construction of a 271,000 sq. ft. manufacturing and warehouse with associated infrastructure

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. Impact 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 – **Yes there will be an impact. 100’ of Buffer will be left and vegetation added as per the landscape plan with a 3-5 year growth outlook to mitigate this impact.**
10. Impact on Historical and Archeological Resources - **No impact.**

- 11. Impact on Open Space and Recreation - No impact.**
- 12. Impact on Critical Environmental Areas – The Town of Lancaster has not established a Critical Environmental Area (CEA).**
- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – Small impact due to heating or cooling of more than 100,000 square feet of building area.**
- 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 COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Town Board is considering the proposal submitted by Churchill Architecture for the construction of a 271,000 sq. ft. manufacturing and warehouse with associated infrastructure on a 73.36 acre parcel located at 0 Walter Winter Drive, (Lot 1 SBL# 105.00-1-19/ Lot 2 SBL# 105.00-1-4.5/ Lot 3 SBL# 105.00-1-24), 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 July 15, 2020 meeting, with the following conditions;

1. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
2. Private Improvement Permits are required
3. 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.
4. Building Permits will not be issued until all Town and Village Engineering concerns are addressed

WHEREAS, the Town, acting as Lead Agency has completed an environmental review on August 17, 2020, in conformance with the SEQRA (State Environmental Quality Review Act) regulations and on August 17, 2020 a Negative Declaration was issued.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the construction of a 271,000 sq. ft. manufacturing and warehouse with associated infrastructure on a 73.36 acre parcel located at 0 Walter Winter Drive, (Lot 1 SBL# 105.00-1-19/ Lot 2 SBL# 105.00-1-4.5/ Lot 3 SBL# 105.00-1-24), in the Town of Lancaster.

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

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

August 17, 2020

COMMUNICATIONS & REPORTS

396. **Jeanne Feldmann to Town Clerk –
Notice of leaving part-time position in the Town Clerk’s Office effective immediately. Disposition = Received & Filed**
397. **Assessor to Town Board and Town Attorney –
Request for employment contract to be amended to include the option of dental insurance offered by the Town. Disposition = Received & Filed**
398. **Code Enforcement Officer to Drainage & Storm Sewer Committee –
MS4 for July 2020. Disposition = Received & Filed**
399. **Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment and Planning regarding Commerce Heritage Warehouse Project, Commerce Parkway & Walter Winter Drive. Disposition = Planning Committee**
400. **Town Clerk to Town Board –
Request for resolution approving the temporary appointment of Linda Shepard, Lancaster, NY to the position of Clerk, part-time in the Office of the Town Clerk effective August 10, 2020. Disposition = Received & Filed**
401. **Town Attorney to Planning Board, Town Board Liaison, Building Inspector and Town Engineer –
Notice of SEQR Review: Lancaster Parkway Commercial Development, 9 Lancaster Parkway on Wednesday, April 19 at the Planning Board Meeting. Disposition = Planning Committee**
402. **Richard Young to Supervisor –
Information regarding Heritage House to be located on the corner of Pavement Road and Broadway. Disposition = Received & Filed**
403. **Town Engineer to Town Supervisor –
Memo recommending approval of Change Order #1 Partridge Walk Partial Reconstruction. Disposition = Resolution 8/17/20**
404. **Town Clerk to Town Board –
Town Clerk Monthly Report for July 2020. Disposition = Received & Filed**
405. **Town Clerk to Town Board –
Final report of the 2020 County/Town tax collection. Disposition = Received & Filed**
406. **Dog Control Officer to Town Board –
Dog Control Monthly Report for July 2020. Disposition = Received & Filed**
407. **Town Engineer to Town Board –
Recommend approval of Change Order #1 Erie St. Culvert Replacement. Disposition = Resolution 8/17/20**
408. **Town of Cheektowaga Office of Building Inspections to Town Clerk –
Notice of Public Meeting (by virtual meeting) to consider application for Area Variance for 6700 Transit Road on August 19, 2020 at 7:00PM. Disposition = Received & Filed**
409. **Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. Of Sewerage Management, Erie County DPW, and Erie County DEP –
Request for lead agency designation regarding Coordinated Review for Advanced Thermal Solutions Amended Site Plan, 15 Enterprise Dr. Disposition = Planning Committee**

410. Nancy Norman to Town Board –
 Comments regarding changes to increase in bulk trash pick-up.
 Disposition = Received & Filed
411. NYS Dept. of Environmental Conservation to Town Clerk –
 Notice that NYSDEC proposed to amend the Wetland Map for Erie County to
 adjust the State regulated freshwater wetland boundary of Wetland LA-14 in
 the Town of Lancaster. Disposition = Received & Filed
412. Dog Control Officer to Town Clerk –
 Comments regarding assistance from Lancaster Dog Control following a
 vicious attack on a dog by an unlicensed dog. Disposition = Received & Filed
413. Captain Marco Laurienzo to Supervisor –
 Request for ordinance relative to placement of stop sign at northeast
 corner on Wcathersfield Lane @ Northfield Lane.
 Disposition = Resolution 8/17/20
414. Joseph's Catering Service to Supervisor –
 Request for forgiveness of late tax payments due to loss of revenue resulting
 from COVID pandemic. Disposition = Received & Filed
415. Charles Huber to President R.J. Zima Underground Inc. –
 Copy of letter with concerns regarding employees doing underground work
 on his property for National Fuel. Disposition = Received & Filed
416. DiDonato Engineering to Supervisor –
 Recommend that the Town of Lancaster accept the bid from Huntington Valley
 Construction for Aurora Street over Cayuga Creek Bridge Rehabilitation.
 Disposition = Received & Filed
417. Town Engineer to Supervisor –
 Recommend approval of Change Order #2 for the Old Post Road Spot
 Repairs. Disposition = Resolution 8/17/20
418. Supervisor to Town Board –
 Request for support of resolution to appoint Karen D. Bonvissuto to the
 position of Principal Personnel Clerk Part-Time effective August 10, 2020.
 Disposition = Resolution 8/17/20
419. Town Clerk to Town Board –
 Request for resolution to appoint Linda Shepard to the position of Clerk,
 part-time in the Office of the Town Clerk effective August 10, 2020.
 Disposition = Resolution 8/17/20
420. Planning Board Chairman to Planning Board, Town Board, Town Engineer,
 Town Attorney, Highway Superintendent and Building Inspector –
 Draft copy of minutes from August 5, 2020 Planning Board meeting.
 Disposition = Received & Filed
421. Planning Board to Town Board –
 Memo recommending approval of Amended Site Plan Review for Orville's
 Appliance Warehouse, 3979 Walden Avenue; Proj. #1751.
 Disposition = Resoution 8/17/20
422. Planning Board to Town Board –
 Memo recommending approval of Sketch Plan Review for Fieldstream
 Subdivision, 6061 Broadway – Fronting on William St.; Proj. #2020.
 Disposition = For Resolution

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER LEARY AND SECONDED BY
COUNCIL MEMBER MAZUR AND CARRIED,** the meeting was adjourned in memory
of Mildred Whittaker at 7:42 P.M.

Signed _____

Diane M. Terranova, Town Clerk