

**Town Board Minutes**

April 5, 2021

Meeting No. 7

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held via teleconference on the 5<sup>th</sup> day of April 2021 at 7:00 P.M. and there were

**PRESENT:** ADAM DICKMAN, COUNCIL MEMBER  
ROBERT LEARY, COUNCIL MEMBER  
DAVID MAZUR, COUNCIL MEMBER  
MICHAEL WOZNIAK, 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.

**EXECUTIVE SESSION:**

AT 8:45 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER WOZNIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

At 9:20 P.M., the Town Board reconvened with all members present. The Supervisor reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- Questions and comments regarding the AC Power14, LLC project.
- Questioned any savings on energy bills.

**Lemaster, Kevin**, spoke to the Town Board on the following matters:

- Comments regarding the AC Power14, LLC project.
- Asked if residents can personally contact the Town Attorney with questions about various projects.

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

- Comments regarding drainage tiles and rodents in the Greenbriar Drive and Lucia Court area.

**Rinow, David**, spoke to the Town Board on the following matters:

- Comments regarding the AC Power14, LLC project.
- Questions about conflict of interest.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** Increase/Improvements of Facilities Consolidated Water District (Phase I Improvements – 2021)

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER WOZNIAK AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon an Increase and Improvements of Facilities of the Town of Lancaster Consolidated Water District (Phase I Improvements – 2021) matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**NAME OF PERSONS ADDRESSING  
THE BOARD ON THIS SUBJECT**

**Proponent/  
Opponent/  
Comments/Question**

NONE

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:17 P.M.

Decision on this matter was reserved.

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At 7:35 PM, a motion was made by Council Member Leary, seconded by Council Member Dickman, to hire an attorney to determine the legality of Resolution number 21, AC Power14, LLC project, to be on the April 5, 2021 Town Board Agenda.

The question was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	YES
COUNCIL MEMBER LEARY	YES
COUNCIL MEMBER MAZUR	NO
COUNCIL MEMBE WOZNIAK	NO
SUPERVISOR RUFFINO	NO

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**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  
March 15, 2021 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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

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File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MAZUR, 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. 64506 to Claim No. 64700 Inclusive

Total amount hereby authorized to be paid: \$1,251,702.95

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER MAZUR 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
31696		Glassco Management LLC	22 Ashwood Ct	Er. Deck	
32131		Barbara Kraska	113 Sawyer Ave	Er. Fence	(V/L)
32170		Anderson Water Systems Inc.	22 Hidden Meadow Cros	Inst. Generator	
32273		Cory Cwiklinski	56 Ivy Way	Er. Pool-Abv Grnd	(V/L)
32277		Tina Ingalsbe	27 Trentwood Trl N	Re-Roof	
32278		Besroi Construction	74 Stony Brook Dr	Re-Roof	
32279		Besroi Construction	71 Irwinwood Rd	Re-Roof	(V/L)
32281		Besroi Construction	63 Westwood Rd	Re-Roof	
32289		ProSigns	370 Central Ave	Er. Sign - Pole	
32294		Best of Buffalo Home Impr.	20 Hunters Dr	Re-Roof	
32295		Flexlume Sign Corp.	4937 Transit Rd	Er. Signs	
32298		Besroi Construction	281 Aurora St	Re-Roof	(V/L)
32299		Ulrich Sign Co. Inc	5341 Broadway	Er. Sign	(V/L)
32301		Kenneth Zollitsch	1 Silent Meadow Ln	Er. Patio	
32302		Cortese Brothers Construction	74 Wilma Dr	Er. Res. Add.	(V/L)
32303		Cortese Brothers Construction	122 Irwinwood Rd	Er. Res. Alt.	(V/L)
32304		Travis Copece	21 Brandel Ave	Er. Res. Alt.	(V/L)
32305		R&D Contracting	5 Blackstone Ct	Er. Dwlg.-Sin.	
32306		Roman Cefali	3 Field Ave	Er. Fence	(V/L)
32307		Home Power Systems LLC	139 Siebert Rd	Inst. Generator	
32308		Sitzmans Appliance Center	723 Ransom Rd	Inst. Generator	
32309		Riverside Door & Window Inc	24 Ashwood Ct	Re-Roof	
32310		Riverside Door & Window Inc	8 Avian Way	Re-Roof	
32311		Dalex Construction Inc	47 Nichter Rd	Re-Roof	
32312		Schuster Construction LLC	4 Ravenwood Dr	Re-Roof	
32313		Zenner & Ritter Co. Inc.	81 Harvey Dr	Inst. Generator	(V/L)
32314		Ben Schlum	83 Woodlawn Ave	Er. Porch	(V/L)
32316		Joseph Polniak	2 Sawgrass Ln	Er. Porch	
32317		Essex Homes of WNY, Inc	30 Weathersfield Ln	Er. Dwlg.-Sin.	
32318		Essex Homes of WNY, Inc	7 Northfield Ln	Er. Dwlg.-Sin.	
32319		Michael Stegmeier	24 Whitestone Ln	Er. Fence	
32320		Michael Wozniak	17 Katelyn Ln	Er. Shed	
32321		Junior Enterprises Management	6456 Broadway	Er. Shed	
32322		Russell Green	85 Parkview Ct	Er. Fence	(V/L)
32323		Richard P. Macey	4 Pear Tree Ln	Er. Shed	
32324		Z Man Home Improvements	90 Kennedy Ct	Re-Roof	
32325		Sahlems Roofing & Siding Inc	82 Impala Pky	Re-Roof	
32326		Corinne Rudz	79 Banner Ave	Er. Fence	(V/L)
32329		Michael Yager	287 Aurora St	Er. Fence	(V/L)
32330		Maria Becker	19 Running Brook Dr	Er. Shed	
32331		JLB Installations	58 Tranquility Trl	Er. Pool-In Grnd	
32332		Michelle Nero	612 Harris Hill Rd	Er. Fence	
32334		Colley's Pool Sales Inc.	33 Pear Tree Ln	Er. Pool-In Grnd	
32335		David Malkowski	46 Squirrel Run	Er. Fence	
32336		Buffalo's Best Roofing	9 Riemers Ave	Re-Roof	
32338		Pro Signs	5821 Broadway	Er. Sign - Pole	
32339		Richard Thompson	2 Trails End	Er. Res. Alt.	
32341		Buscaglia Decks	74 Grambo Dr	Er. Deck	
32344		Tina Powell	42 Heritage Dr	Er. Res. Alt.	
32345		Turkmasters Contracting LLC	9 Juniper Blvd	Re-Roof	
32346		Michael Clura	37 Chicory Ln	Er. Porch Cover	
32353		Merle Whitehead	4909 Transit Rd	Re-Roof	
32354		Thomas Demier	5210 Genesee St	Er. Fence	
32355		Niagara Building Systems	2 Walnut Creek Trl	Re-Roof	

32356	James B. Ketterman	7 Sweet Brier Ct	Er. Fence	
32357	John Walker	3 Trentwood Trl	Er. Pool-Abv Grnd	
32358	Robin McConville	118 Stony Rd	Er. Fence	
32359	Joseph Shields	51 Sussex Ln	Er. Fence	
32363	Jane Malone	94 Court St	Er. Fence	(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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, Michelle Barbaro, Park Crew Chief of the Town of Lancaster, by letter dated March 16, 2021 has requested authorization to solicit bids for the purchase of one (1) new and unused **2022 Ford F-250 XL 4x4 Super Cab Short Bed Pickup with Snowplow** for the use by the Department of Parks, Recreation & Forestry, and

**WHEREAS**, the Parks Department will be considering a trade-in allowance for a 2015 Ford F-350 4x4 Regular Cab 8' Box Pick-up (VIN# 1FTRF3B68FEC26758 (w/approx. 57,2000 mi.) to offset the cost, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public's interest to invite public bids in conformance with General Municipal Law §103 of the State of New York; and

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

1. That all Sealed Bids for the purpose of purchasing One (1) new and unused **2022 Ford F-250 XL 4x4 Super Cab Short Bed Pickup with Snowplow** for the use of the Parks Department, shall be received in the Office the Town Clerk by April 22, 2021, at 10:00 A.M. Local Time and opened thereafter in the Council Chamber of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof;

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

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

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**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in her office located at 21 Central Avenue, Lancaster, New York, up to **10:00 A.M.**, Local Time, on the **22<sup>nd</sup> day of April, 2021**, for the purpose of providing to the Town of Lancaster One (1) new and unused **2022 Ford F-250 XL 4x4 Super Cab Short Bed Pickup with Snowplow**, for use by the Parks, Recreation & Forestry Department, in accordance with specifications on file in the Town Clerk's Office.

A Certified Check or Bid Bond in an amount representing five (5%) of the Total Gross Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

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

April 8, 2021

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

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Police Traffic Services (PTS) program to reduce unsafe driving behaviors within the Town, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Town of Lancaster Police Captain, Marco Laurienzo, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor and Chief of Police be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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
COUNCIL MEMBER WOZNIAK	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 MAZUR, TO WIT:

**WHEREAS**, Sugarman Law Firm LLP (“Sugarman”) has from time to time represented and currently represents the Town of Lancaster (the “Town”) in a variety of matters and values the Town as a client, and

**WHEREAS**, Sugarman has been asked by Kinney Drugs and Liberty Mutual Insurance Company to defend Kinney Drugs in a complex, mass tort pharmaceutical litigation brought by over 40 counties, cities, towns across New York, including the Town of Lancaster, arising out of the current opioid epidemic.

**WHEREAS**, Sugarman has made the following representation to the Town: The case is currently venued in Yates County and may be transferred to Suffolk County, in consolidation with other opioid cases against other categories of defendants. The closest Kinney Drugs location that is at issue in the opioid case is 150 miles and over 2 hours from the Town. Kinney Drugs is headquartered in Gouverneur, NY and predominantly services the North County of New York. Thus, their operations have no geographical nexus to the Town’s claims and any alleged damages the Town may have suffered from the alleged conduct in this case. Further, the Town does not assert any direct claims against Kinney Drugs. Further, this mass tort action is wholly unrelated to the type of work that the Sugarman currently does for the Town, and its defense of Kinney Drugs will have no impact on its independent professional judgment and loyalties to the Town in connection with Sugarman’s current representations of the Town. Thus, Sugarman believes that this is a waivable legal conflict consistent with our professional obligations and ask that you consent to its representation of these pharmacies. Sugarman has asked the same of Kinney Drugs, and it has consented.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the Town Board of the Town of Lancaster as follows:

1. That the Town hereby agrees to waive any conflict of Sugarman as the result of the representation described above.
2. This Resolution shall be effective immediately.

COUNCIL MEMBER DICKMAN	VOTED	NO
COUNCIL MEMBER LEARY	VOTED	NO
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, on March 1, 2021 the Town Board awarded the bid for the Highway Department purchase of one (1) new and unused **2021 16'Long/8'Wide All Aluminum Constructed Enclosed Tandem Axle Cargo Trailer** to PJ Niagara Falls Blvd Auto, Inc., 6885 Shawnee Road, North Tonawanda, New York, 14120, and

**WHEREAS**, by letter dated March 22, 2021, Highway Superintendent Daniel Amatura, has submitted Change Order # 1 to that purchase in the amount of \$1,620.00 to the Town Board for their approval, based on the addendum of additional cost of necessary materials provided to the Town Board.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves Change Order No.1 to PJ Niagara Falls Blvd Auto, Inc., with respect to the addendum previously provided to the Town Board:

**DESCRIPTION OF CHANGE ORDER # 1:**

Additional compensation is for the 12% cost increase of wood and materials required to build trailer for Highway Department.

**CHANGE ORDER:**

The original Contract Sum was .....	\$13,520.43
The Contract Sum will be <b>increased by this Change Order</b> in the amount of....	\$ 1,620.00
The new Contract Sum increased including this Change Order will be	\$15,140.43

**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 that the increased cost will be paid for with funds from the Town's 2021 Highway Equipment, Passenger Vehicle Budget (Line Item 13-5110-220).

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, the Town of Lancaster previously entered into an agreement with Greater Niagara Mechanical, Inc., to provide preventative inspection and maintenance services for the HVAC system located within the Town of Lancaster's Police and Court Building, and

**WHEREAS**, said contract is set to expire according to its terms on March 31, 2021, and

**WHEREAS**, by letter dated March 26, 2021, Michelle Barbaro, Parks Crew Chief, has requested to continue the agreement for preventative inspection and maintenance services for the HVAC system located at the Lancaster Police and Court Building with Greater Niagara Mechanical, Inc, for another year, and

**WHEREAS**, funding for this service is available from the Town's 2021 Buildings, Miscellaneous Contractual Services Budget (Line Item 01-1620-411).

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves and authorizes the Supervisor to execute the proposal between the Town of Lancaster and Greater Niagara Mechanical, Inc., to continue to provide preventative inspection and maintenance services to the HVAC system located within Town of Lancaster's Police and Court Building, commencing April 1, 2021 and terminating March 31, 2022 at a cost not to exceed \$4980.00 per their proposal dated March 19, 2021, and which will be paid for with funds available in the Town's Buildings, Miscellaneous Contractual Services Budget, Line Item 01-1620-411.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster on property owned by the Twin District Volunteer Fire Co., Inc., at 4999 William Street in said Town for the years 2021 and 2022, and

**WHEREAS**, the Town Attorney has prepared, an Agreement setting forth the terms and conditions upon which such recreational area will be utilized by the Town of Lancaster.

**NOW, THEREFORE,**

**BE RESOLVED**, as follows:

1. That the Supervisor is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc., for the Lease of said Fire Company's play area on its premises at 4999 William Street in Lancaster, to the Town of Lancaster for the operation of the Town's Recreation Program during its normal summer season for the years of 2021 and 2022, and

2. That the Town Attorney will distribute the executed copies of said Agreement to the appropriate parties.

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
COUNCIL MEMBER WOZNIAK	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 WOZNIAK, TO WIT:

**WHEREAS**, grant monies are available to local governments through the New York State Department of Transportation Bridge NY program to provide up to 100% of the funding necessary to rehabilitate or replace bridges and/or culverts, and

**WHEREAS**, the Town of Lancaster seeks funding to replace the culvert carrying Scajaquada Creek under Warner Road (Warner Road culvert).

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Rotella Grant Management be authorized to complete the necessary application, forms, etc. to be submitted to the New York State Department of Transportation for the purpose of securing this grant and payment shall not exceed the monthly retainer amount listed in the 2020 agreement letter (\$1,800.00), and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and the acquisition of said funding.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, by letter dated March 25, 2021, Patrol Captain, Marco Laurienzo, has advised the Town Board that the Lancaster Police Department no longer has use for the following law enforcement radio equipment and has requested that the Town Board deem these items to be surplus property:

1. (26) Motorola HT750 with chargers and lapel mics.
2. (8) Motorola EX500 with chargers.
3. (7) Motorola MTS2000 Flashport with chargers.
4. (5) Motorola CP185 with chargers.
5. (1) Motorola VISAR , and

**WHEREAS**, the Captain Laurienzo would like to dispose of these items by selling them to All Seasons Distribution, which specializes in 2-way radio liquidation, for a price of five-hundred and sixty dollars (\$560.00) per their quote (# 9989) dated March 22, 2021, and

**WHEREAS**, the Town Board has given due consideration to the request of the Lancaster Police Patrol Captain and deems it in the public interest to declare the beforementioned radio equipment to be surplus property.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned radio equipment as surplus property and resolves that the Lancaster Police Patrol Captain may so dispose of the equipment by selling it to All Season Distribution, 1759 County Route 37, West Monroe, NY for a price of five-hundred and sixty dollars (\$560.00) per their quote (# 9989) dated March 22, 2021 and the funds received are to be turned over to the Supervisor's Office for deposit into the appropriate account.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021



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

**WHEREAS**, Michelle Barbaro, the Town of Lancaster's Parks, Recreation & Forestry Department's Crew Chief, has requested the Town Board approve expending funds to furnish and install new fencing at various locations within the Town of Lancaster's Parks, and

**WHEREAS**, the Park Crew Chief solicited three Requests for Proposals for the purchase and installation of fencing within the various Town's parks pursuant to §104 of General Municipal Law and in accordance with the Town of Lancaster's Procurement Policy, and

**WHEREAS**, by letter dated March 30, 2021, the Park Crew Chief has recommended that the Town of Lancaster authorize Oneida Fence, Inc., to supply and install various fencing within the Town's parks for a total amount not to exceed \$12,230.00 per their attached quote, and

**WHEREAS**, this project will be paid for with funds from the Town's 2021 Recreation Filing Fees Budget, Line Item 37.7000.200.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to accept and execute the quote, as previously presented, for various fencing within the Town's parks, from Oneida Fence, Inc., 100 W. Drullard Avenue, Lancaster, NY, for an amount not to exceed \$12,230.00 and to be paid for with funds from the Town's 2021 Recreation Filing Fees Budget, Line Item 37.7000.200.

**BE IT FURTHER,**

**RESOLVED**, there shall no execution of the proposal by the Supervisor or reimbursement for either product or services until the required insurances are received and approved by the Town Attorney.

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

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

April 5, 2021

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

**WHEREAS**, on March 11, 2021, President Biden signed the American Rescue Act into law, and

**WHEREAS**, the Act allows public and private employers to voluntarily continue to provide paid sick leave under the Emergency Paid Sick Leave Act and/or the Federal Medical Leave Act and receive a tax credit due to the ongoing Covid crisis; and

**WHEREAS**, these Federal benefits were set to expire on March 31, 2021 but have been continued beginning April 1, 2021 and can be extended through September 30, 2021.

**NOW THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster approves extending the Federal emergency paid sick leave benefits for all qualifying employees through the federally extended expiration date of September 30, 2021.

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

April 5, 2021

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

**WHEREAS**, the Town Board is considering the proposed construction of a +/- 6,161 S.F. brewery building with 90 indoor seats for bar/restaurant, 56 new parking spaces and utility improvements submitted by Herb Schaub of Brazen Brewing, on a +/- 2.11 acre parcel located at 5839 Genesee Street (SBL No. 94.00-2-11.2) in the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the environmental impact of this expansion project pursuant to SEQRA regulations at their meeting on March 17, 2021 and recommended a Negative Declaration be issued, and

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

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

**WHEREAS**, the proposed action has been labeled an "Unlisted" action under SEQRA.

**NOW, THEREFORE,**

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

1. This project is described as the proposed construction of a +/-6,161 S.F. brewery building with 90 indoor seats for bar/restaurant, 56 new parking spaces and utility improvements located on a +/- 2.11 acre parcel at 5839 Genesee Street (SBL No. 94.00-2-11.2) 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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: April 5, 2021**

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 construction of a +/-6,161 S.F. brewery building with 90 indoor seats for bar/restaurant, 56 new parking spaces and utility improvements submitted by Herb Schaub of Brazen Brewing, on a +/- 2.11 acre parcel located at 5839 Genesee Street (SBL No. 94.00-2-11.2); 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:** Brazen Brewery #2063

**Location of Action:** 5839 Genesee Street (SBL No. 94.00-2-11.2), Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted

**Description of Action:** Construction of a proposed 6,161 sf brewery building. Typical brewing operations will occur onsite. The building will include 90 indoor seats for bar/restaurant customers. The development will include 56 new parking spaces and utility improvements. The site is currently vacant with mixed vegetated cover. The site is located on the south side of Genesee Street (NYS Route 33) and approximately 700 feet west of Gunnville Road in the Town of Lancaster. The total site acreage is 2.11 +/- ac., of which approximately 1.76 +/- ac. will be disturbed. The site is zoned (LI) Light Industrial District.

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**

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

**For Further Information:**

Contact Person: Kevin E. Loftus, Town Attorney

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

Telephone Number: (716) 684-3342

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

**WHEREAS**, Herb Shaub of **Brazen Brewery**, has submitted a site plan prepared by Carmina Wood Morris, DPC, dated December 2020 with a final revision date of February 5, 2021 and received February 10, 2021 consisting of Drawings V-101 (Topographic Survey) dated October 4, 2020, C-001 dated December 2, 2020 with a January 2, 2021 revision date, C-002 dated December 2, 2020, C-100 dated December 2, 2020 with a February 5, 2021 revision date, C-101 dated December 2, 2020 with a January 21, 2021 revision date, C-200 dated December 2, 2020 with a February 5, 2021 revision date, C-300 dated December 2, 2020 with a January 21, 2021 revision date, C-301 dated December 2, 2020, C-400 dated December 2, 2020 with a February 5, 2021 revision date; C-401, C-402 and C-403 dated December 2, 2020, C-500 dated December 2, 2020 with a January 21, 2021 revision date; C-501 and C-502 dated December 2, 2020, and L-100 dated December 2, 2020 with a February 5, 2021 revision date for the proposed construction of a 6,161 SF brewery with 90 indoor seats for bar/restaurant, 56 new parking spaces and utility improvements on a +/- 2.11 acre parcel located at 5839 Genesee Street (SBL No. 94.00-2-11.2) in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was approved at their March 17, 2021 meeting, and

**WHEREAS**, the Planning Board completed an environmental review on March 17, 2021, in conformance with SEQR (State Environmental Quality Review) regulations; and the Town Board, acting as Lead Agency, issued a Negative Declaration on April 5, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Herb Shaub of **Brazen Brewery** and prepared by Carmina Wood Morris, DPC, dated December 2020 with a final revision date of February 5, 2021 and received February 10, 2021 consisting of Drawings V-101 (Topographic Survey) dated October 4, 2020, C-001 dated December 2, 2020 with a January 2, 2021 revision date, C-002 dated December 2, 2020, C-100 dated December 2, 2020 with a February 5, 2021 revision date, C-101 dated December 2, 2020 with a January 21, 2021 revision date, C-200 dated December 2, 2020 with a February 5, 2021 revision date, C-300 dated December 2, 2020 with a January 21, 2021 revision date, C-301 dated December 2, 2020, C-400 dated December 2, 2020 with a February 5, 2021 revision date; C-401, C-402 and C-403 dated December 2, 2020, C-500 dated December 2, 2020 with a January 21, 2021 revision date; C-501 and C-502 dated December 2, 2020, and L-100 dated December 2, 2020 with a February 5, 2021 revision date for the proposed construction of a 6,161 SF brewery with 90 indoor seats for bar/restaurant, 56 new parking spaces and utility improvements on a +/- 2.11 acre parcel located at 5839 Genesee Street (SBL No. 94.00-2-11.2) in the Town of Lancaster, with the following conditions:

1. Obtain Special Use Permit application approval as required per Town Code Chapter 50, Article VI, (20) (B) (i)(o).
2. Private Improvement Permit will be required to initiate site construction.
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 filed in the Office of the Erie County Clerk as a deed restriction on the property prior to a Certificate of Occupancy being issued.
4. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.

5. Drain time of stormwater wells to be noted and system monitoring to be established.

**BE IT FURTHER,**  
**RESOLVED,** that the Town Supervisor is hereby authorized to execute the Stormwater Control Facility Maintenance Agreement for this 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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, Gary Costello, on behalf of the **Hull House Foundation**, has submitted a site plan, prepared by Carmina Wood Morris, DPC, which contained a Topographic Survey, prepared by Wm. Schutt & Associates, P.C. December 18, 2006, in addition to drawing C-001 (Demo & Erosion Control Plan), drawing C-100 (Site Plan), and drawing C-200 (Grading Plan) all dated January 25, 2021 and received January 25, 2021 for the proposed reconstruction of a 30' x 40' (1,200 square foot) barn and associated grading improvements on a +/- 9.9 acre parcel on the existing site located at 5976 Genesee Street (SBL No. 83.00-5-27), in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was recommended for approved at their February 17, 2021 meeting, and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act ("SEQRA") has identified the relevant areas of environmental concern and determined the action to be a Type II action under SEQRA.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Gary Costello, on behalf of the Hull House Foundation, prepared by Carmina Wood Morris, DPC, which contained a Topographic Survey, prepared by Wm. Schutt & Associates, P.C. December 18, 2006, in addition to drawing C-001 (Demo & Erosion Control Plan), drawing C-100 (Site Plan), and drawing C-200 (Grading Plan) all dated January 25, 2021 and received January 25, 2021 for the proposed reconstruction of a 30' x 40' (1,200 square foot) barn and associated grading improvements on a +/- 9.9 acre parcel on the existing site located at 5976 Genesee Street (SBL No. 83.00-5-27), in the Town of Lancaster with the following conditions:

1. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
2. Private Improvement Permit will be required to initiate site construction.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021



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, Article XIV Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Ronald M. Fronckowiak**, for a Special Use Permit for a Home Occupation (Mortgage Broker Office) on premises located at 10 Sussex Lane, Lancaster, New York, and the Board issued such Special Use Permit on March 2, 2009, this Special Use Permit is subject to renewal upon application by the property owner, and

**WHEREAS**, by letter dated February 3, 2021, Ronald M. Fronckowiak has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Supervising Code Enforcement Officer has recommended approval of this Special Use Permit Renewal in his letter dated March 25, 2021.

**NOW THEREFORE,**

**BE IT RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Article IV-Residential Districts, Section 14 (B)(2)(b) Home Occupation, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant the renewal of a Special Use Permit to **Ronald M. Fronckowiak**, for a Home Occupation (Mortgage Broker Office) on premises located at 10 Sussex Lane, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning March 2, 2021 and ending March 1, 2023, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article XIV, Section 78, of the Code of the Town of Lancaster and to any additional conditions listed herein, as long as the applicant continues to engage in the home occupation on the premises, namely:

- 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 applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, on or before March 1, 2023.
- C. Provide a copy of the business' New York State Tax/Federal Employer Identification Number and, where required, a copy of a valid State License issued by 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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, by resolution dated April 5, 2021, the Town Board of the Town of Lancaster authorized the application for Federal and State Aid with the New York State Department of Transportation to secure funding for the Warner Road Culvert Grant project, and

**WHEREAS**, on March 18, 2019 the Town created a pre-approved list of professional supplemental engineering firms to address specific engineering needs that may arise within the Town, and

**WHEREAS**, by memo dated March 24, 2021 Town Engineer, Edward Schiller, PE has solicited proposals from the five (5) pre-qualified Highway & Bridge Firms and has recommended DiDonato Engineering & Architectural Professionals be selected to assist with the NYSDOT Bridge NY Grant application for an amount not to exceed \$2,500.00 per their proposal dated March 18, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the proposal, as presented, between the Town of Lancaster and DiDonato Associates, for professional services needed to complete the New York State Department of Transportation's Bridge NY Grant application for the Warner Road Culvert Project within the Town of Lancaster in the amount of \$2,500.00 per the proposal dated March 18, 2021 and to be paid for with funds available from the General Fund.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, Michelle Barbaro, the Town of Lancaster’s Parks, Recreation & Forestry Department’s Crew Chief, has made the Town Board aware of the need to upgrade the lighting at the Lancaster Police Gun Range, and

**WHEREAS**, the Park Crew Chief solicited three Requests for Proposals to purchase new and replace existing fluorescent lighting fixtures within the Lancaster Police Gun Range pursuant to §104 of General Municipal Law and in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, by letter dated March 30, 2021, the Park Crew Chief has recommended that the Town of Lancaster authorize Frey Electric, to supply new and replace the existing fluorescent lighting fixtures within the Lancaster Police Gun Range for a total amount not to exceed \$16,800.00 per their attached quote, and

**WHEREAS**, this project will be paid for with funds from the Town’s 2021 Police Joint Activity Fund Budget, Line Item 5.5.2390.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to accept and execute the quote, as previously presented, to provide new and replace the existing lighting fixtures within the Lancaster Police Gun Range, from Frey Electric, 100 Pearce Avenue, Tonawanda, NY, for an amount not to exceed \$16,800.00 and which will be paid for with funds from the Town’s 2021 Police Joint Activity Fund Budget, Line Item 5.5.2390.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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 has recommended the appointment of Mark Norton as a member of the Town of Lancaster Ethics Review Board.

**NOW, THEREFORE,**

**BE IT RESOLVED** that Mark Norton, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Ethics Review Board for the term of April 5, 2021 through December 31, 2025, thereby filling the expired term of Jennifer Uldrich.

**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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

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

**WHEREAS**, the Town Board of the Town of Lancaster has held a public hearing on March 1, 2021, pursuant to Chapter 50-Zoning, Article XIV. Administration and Enforcement, 50-78 of the Code of the Town Lancaster, upon the application of Andrea DeBernardis of AC Power 14, LLC for a Special Use Permit to install two (2) Co-located Ballasted Community Solar PV Facilities to be located on two (2) parcels on Gunnville Road, locally identified as SBL Nos. 83-00-5-6.1 and 84.3.1-1, in the Town of Lancaster, Erie County, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE,**

**BE IT RESOLVED**, that pursuant to Chapter 50-Zoning, Article XL Solar Energy Facilities, §50-57(B) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Andrea DeBernardis of AC Power 14, LLC for a Special Use Permit to install two (2) Co-located Ballasted Community Solar PV Facilities to be located on two (2) parcels on Gunnville Road, locally identified as SBL Nos. 83-00-5-6.1 and 84.3.1-1, in the Town of Lancaster, New York, upon the conditions as set forth in Chapter 50-Zoning, Article XL, §50-57 Major solar systems and Article XIV, §50-78 Special use permits, and the following conditions:

1. 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 April 4, 2023.
2. 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.
3. That the applicant, AC Power 14, LLC or Landowner satisfactorily address and remedy all of the concerns or deficiencies found as a result of the NYSDEC's investigation and assessment of the proposed property including but not limited to performing remedial work to deficiencies in the landfill cap and any impacts to wildlife, prior to the start of any work associated with the construction of Solar Facility.
4. The applicant, AC Power 14, LLC shall post a Decommission Surety Bond ensuring the proper removal of all equipment associated with this solar facility project and restoration of the landfill to its present pre-existing state. The Decommission Surety Bond shall be in the amount of all factors including but not limited to environmental liabilities, decommissioning costs, and reclamation costs as outlined in a Reclamation Cost Estimate which shall be submitted by the applicant and the estimate shall take into account the costs associated with inflation, changes in recycling standards, returning the land to its original contour and establishing sustainable vegetation. The Decommission Surety Bond and Reclamation Cost Estimate shall be

submitted prior to the start of any work associated with this solar facility.

5. The applicant AC Power 14 LLC will advise the Lancaster Town Board of the supplier of all Solar Panels to be used in the Lancaster Solar project(s) and what country the parts for the Solar Panels came from and what country the Solar Panels were assembled in BEFORE THEY ARE INSTALLED.
6. The applicant AC Power 14 LLC will give the Lancaster Town Board a complete list as to what entities and individuals are financing the Solar Project and their percentage of ownership in the Lancaster Solar Project(s) before Construction begins.

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	NO
COUNCIL MEMBER LEARY	VOTED	NO
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 5, 2021

## **COMMUNICATIONS & REPORTS**

- 215. Daniel Amatura, President Frank's Grille to Town Clerk –  
Notice that Frank's Grille will be renewing its Liquor License effective  
April 30, 2021. Disposition = Town Attorney**
- 216. Frank Todaro, Erie County Legislator to Supervisor –  
Update on the latest Erie County sales tax revenue figures.  
Disposition = Received & Filed**
- 217. Timothy R. Schaefer to Supervisor –  
Notice of intent to resign from the position of Public Safety Dispatcher with  
the Lancaster Police Dept. effective April 12, 2021.  
Disposition = Received & Filed**
- 218. Jesse G. Gilbert to Supervisor –  
Notice of intent to resign from the position as Assistant Code Enforcement  
Officer in the Town of Lancaster Building Dept. effective March 27, 2021.  
Disposition = Received & Filed**
- 219. Park Crew Chief to Town Board –  
Request for authorization to publicize a bid for a new and unused 2022 Ford  
F-250 XL 4X4 Super Cab Short Bed Pickup with snowplow.  
Disposition = Resolution 4/5/21**
- 220. Town Engineer to Town Board –  
Information regarding Town Wide Water System.  
Disposition = Received & Filed**
- 221. President Arbor Day Foundation to Supervisor –  
Congratulations to Town of Lancaster on earning recognition as a  
2020 Tree City USA. Disposition = Received & Filed**
- 222. Supervisor to Town residents –  
Emergency Executive Order declaring a local State of Emergency in the  
Town of Lancaster on March 14, 2021 and shall remain in effect for 5 days  
or until removed due to COVID-19 disease. Disposition = Received & Filed**
- 223. Supervisor to Town residents –  
Local State of Emergency declared in the Town of Lancaster on March 15, 2021  
and continuing for a period not to exceed 30 days due to COVID-19 disease.  
Disposition = Received & Filed**
- 224. Supervisor to Town residents –  
Emergency Executive Order declaring a local State of Emergency in the  
Town of Lancaster on March 19, 2021 and shall remain in effect for 5 days  
or until removed due to COVID-19 disease. Disposition = Received & Filed**
- 225. Town Engineer to Town Board –  
Information regarding Town Wide Water System.  
Disposition = Received & Filed**
- 226. Dr. Michael Basinski and Mary Virginia O'Brien to Supervisor =  
Comments and concerns regarding proposed pedestrian/bicycle access on  
Pleasant View Drive. Disposition = Received & Filed**
- 227. Kathryn Puzan and James Nowak to Supervisor—  
Letter of opposition to proposed Pleasant View Drive pedestrian/bicycle  
access. Disposition = Received & Filed**

228. **Monica P. Wallace, Member of NYS Assembly to Supervisor –**  
**Comments regarding pedestrian and bicycle safety on Pleasant View Drive**  
**and support for the proposal to establish school speed zones along**  
**Pleasant View Drive. Disposition = Received & Filed**
229. **Highway Superintendent to Town Board –**  
**Request for a change order to the original resolution approved on February 5,**  
**2021, regarding the purchase of a new and unused 2021 16' long/8' Wide All**  
**Aluminum Constructed Enclosed Tandem Axle Cargo Trailer.**  
**Disposition = Resolution 4/5/21**
230. **Town Attorney to Town Board and Planning Board –**  
**SEQR responses from Erie County Dept. of Environment & Planning and**  
**Division of Sewerage Management regarding Rolite Manuf. 6,000 sq. ft. Bldg.,**  
**10 Wendling Court, Proj. #1703. Disposition = Planning Committee**
231. **Town Clerk to Code Enforcement Officer –**  
**Copy of request for renewal of a Special Use Permit for 1035 Ransom Road,**  
**three (3) bay truck repair and small office. Disposition = Code Enforcement**
232. **Gloria Chaves to Supervisor and Town Board –**  
**Invitation to attend the National Day of Prayer event in Lancaster on Thursday,**  
**May 6, 2021. Disposition = Received & Filed**
233. **Town Attorney to Town Board and Planning Board –**  
**SEQR response from Erie County Dept. of Public Works regarding**  
**Rolite Manufacturing Amend, 10 Wendling Court, Proj. #1703.**  
**Disposition = Planning Committee**
234. **Planning Board Chairman to Town Board, Planning Board, Town Attorney,**  
**Engineering Consultant, Highway Superintendent and Building Inspector –**  
**Draft copy of minutes from March 17, 2021 Planning Board meeting.**  
**Disposition = Received & Filed**
235. **Planning Board to Town Board –**  
**Memo recommending approval of Site Plan Review for Brazen Brewery,**  
**5839 Genesee Street, Proj. #2063; conditions noted.**  
**Disposition = Resolution 4/5/21**
236. **Supervisor to Town residents –**  
**Emergency Executive Order declaring a local State of Emergency in the**  
**Town of Lancaster on March 24, 2021 and shall remain in effect for 5 days**  
**or until removed due to COVID-19 disease. Disposition = Received & Filed**
237. **Town Clerk to Code Enforcement Officer –**  
**Transmittal of Commercial Special Use Permit Application for**  
**Pavement Road @ Pleasantview Drive. Disposition = Town Attorney**
238. **Supervising Code Enforcement to Town Board –**  
**Recommend renewal of Special Use Permit for 10 Sussex Lane, Ronald**  
**Fronckowiak. Disposition = Resolution 4/5/21**
239. **Charter Communications to Town Clerk –**  
**Upcoming changes to channel line-up. Disposition = Received & Filed**
240. **Patrol Captain Laurienzo to Supervisor and Town Board –**  
**Request for resolution to deem certain radio property as surplus to be sold**  
**to All Seasons Distribution, 1759 County Road 37, West Monroe, NY.**  
**Disposition = Resolution 4/5/21**



- 241. Supervisor to Town Residents –  
Emergency Executive Order declaring a local State of Emergency in the  
Town of Lancaster on March 29, 2021 and shall remain in effect for 5 days  
or until removed due to COVID-19 disease. Disposition = Received & Filed**
- 242. Park Crew Chief to Town Board –  
Request for resolution to enter into a service agreement for preventative  
maintenance with Greater Niagara Mechanical, Inc., 7311 Ward Rd., North  
Tonawanda, NY for testing and inspecting of HVAC units at the Police and  
Court Building. Disposition = Resolution 4/5/21**
- 243. JoAnne Green Schneider to Town Clerk –  
Notice Form for providing 30-day advanced notice for renewal of a liquor  
license for Longnecker’s, Inc., 3587 Walden Ave., Lancaster, NY.  
Disposition = Town Attorney**
- 244. Park Crew Chief to Town Board –  
Request for resolution for purchase and installation of fencing at various  
Town Parks from Oneida Fence, Inc., 100 W. Drullard Ave., Lancaster, NY.  
Disposition = Resolution 4/5/21**
- 245. Park Crew Chief to Town Board –  
Request for resolution to award the job to upgrade the lighting at the Lancaster  
Gun Range to Frey Electric, 100 Pearce Ave., Tonawanda, NY.  
Disposition = Resolution 4/5/21**
- 246. Lancaster Garden Club to Town Board –  
Request for permission to hold a Plant and Garden Décor Sale in the parking  
lot of the Lancaster Senior Center on Saturday, June 5, 2021.  
Disposition = Received & Filed**
- 247. Town Engineer to Highway Superintendent –  
Information regarding 2021 Culverts Bridge NY Grant Application.  
Disposition = Received & Filed**
- 248. Patrol Captain Laurienzo to Planning Board Chairman –  
No objection to Proj. #1709 – Amended Site Plan Review.  
Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER DICKMAN AND SECONDED BY  
COUNCIL MEMBER MAZUR AND CARRIED,** the meeting was adjourned  
in memory of Michele Dudek, Robert Farmer and Richard McGuire at 9:21 P.M.

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk