

**Town Board Minutes**

June 20, 2022

Meeting No. 12

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 20<sup>th</sup> day of June 2022 at 7:00 P.M. and there were

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

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
THOMAS FOWLER, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
WILLIAM KARN, CHIEF OF POLICE  
MICHELLE BARBARO, DEP. HIGHWAY SUPERINTENDENT  
JOHN PILATO, HIGHWAY SUPERINTENDENT  
WILLIAM SCHUTT, ENGINEER, WM. SCHUTT & ASSOC.

**EXECUTIVE SESSION:**

AT 7:40 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER LEARY, for the purpose of entering into an Executive Session to discuss 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 and collective bargaining negotiations per Article 14 of Civil Service Law.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

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

At 8:14 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER LEARY, to close the Executive Session.

The question of closing the Executive Session was duly put to a vote on roll call, which resulted as follows:

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

June 20, 2022

**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.:** No. 1 – Special Use Permit –  
Telecommunication Tower Co-Location Mohawk Place

MOTION WAS MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD to open the public hearing.

The question of entering into a Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

At 7:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit for a Telecommunication Tower Co-Location at Mohawk Place T-Mobile Northeast, LLC matter.

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

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
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None

MOTION WAS MADE BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER LEARY to close the public hearing at 7:06 P.M.

The question of closing the Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

Decision on this matter was reserved.

June 20, 2022

**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.:** No. 2 – Local Law Home Occupation Residential Districts and Schedule A Revision

MOTION WAS MADE BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER BURKARD to open the public hearing.

The question of entering into a Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

At 7:06 P.M., the Town Board held a Public Hearing to hear all interested persons upon adopting a Local Law to update and correct requirements for Home Occupations within the Residential Districts and Schedule A matter.

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

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
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None

MOTION WAS MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER MAZUR to close the public hearing at 7:08 P.M.

The question of closing the Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

Decision on this matter was reserved.

June 20, 2022

**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.:** No. 3 – Special Use Permit Brazen Brewing

MOTION WAS MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER BURKARD to open the public hearing.

The question of entering into a Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

At 7:08 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit Brewfun Enterprises/Brazen Brewing 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

MOTION WAS MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR to close the public hearing at 7:10 P.M.

The question of closing the Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

Decision on this matter was reserved.

June 20, 2022

**PRESENTATION OF PREFILED RESOLUTIONS:**

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

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
June 6, 2022 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

June 20, 2022

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:

Check Run #06202022

Total amount hereby authorized to be paid: \$4,559,042.14

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

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

June 20, 2022

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

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

**CODES:**

- (SW) = Sidewalks as required by Chapter 310 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
31038		David Rinow	15 Weathersfield Ln	Er. Fence	
33313		Decks Unlimited Construction	57 Running Brook Dr	Er. Shed	
34261		Sitzmans Appliance Center	89 Wilkshire Pl	Inst. Generator	(V/L)
34268		Franks Commercial & Home	33 Allen St	Inst. Res. Plumbing	(V/L)
34269		Turkmasters Contracting LLC	51 Beach Ave	Re: Roof	(V/L)
34271		Buffalo's Best Roofing	84 Carter St	Re-Roof	(V/L)
34272		Dalex Construction Inc.	45 Lombardy St	Re-Roof	(V/L)
34278		George Lund	720 Townline Rd	Er. Res. Alt.	
34279		Johnathan White	49 First Ave	Er. Res. Alt.	(V/L)
34280		Daniel Brandel	31 Doris Ave	Er. Fence	(V/L)
34281		Dalex Construction Inc.	20 Windsor Ridge Dr	Re-Roof	
34282		Ledge Creek Development Inc.	5077 Transit Rd	Er. Comm. Bldg.	
34283		Jeffrey Crawford	115 William Kidder Rd	Er. Shed	
34284		Kimberly Wechter	25 Maple Ave	Er. Fence	(V/L)
34285		First Buffalo Total Basement	9 Sagebrush Ln	Er. Res. Alt.	
34286		Thomas Spanos	523 Harris Hill Rd	Er. Fence	
34287		Janelle Juda	59 Woodgate Dr	Er. Pool-Abv Grnd	
34288		Dale Horn	45 Grant St	Er. Fence	(V/L)
34289		Joshua Bush	72 Carter St	Er. Fence	(V/L)
34290		Joshua Bush	72 Carter St	Er. Shed	(V/L)
34291		All Square Roofing	5236 William St	Re-Roof	
34292		Malvestuto Construction, Inc.	1190 Ransom Rd	Er. Pool-In Grnd	
34293		Patricia LeBarron	36 Hinchey Ave	Er. Pool-Abv Grnd	(V/L)
34294		Michael Myszka	32 Partridge Walk	Er. Shed	
34295		The Vinyl Outlet Inc.	11 Richmond Ave	Er. Fence	(V/L)
34298		Anthony Mastroddi	8 Petersbrook Cir	Er. Pool-Abv Grnd	
34299		Nancy Kenlon	561 Lake Ave	Er. Fence	
34300		House Crafters LLC	23 Oakwood Comm	Re-Roof	
34301		Koz Contracting	37 Lake Forest Pky W	Er. Fence	
34302		Jason Shurmatz	40 Hidden Meadow Cros	Er. Shed	
34303		Vincent Piatt	55 Fourth Ave	Er. Fence	(V/L)
34304		Michael Meier	20 W Home Rd	Er. Shed	
34305		Michael Meier	20 W Home Rd	Er. Fence	
34307		Majestic Pools Inc.	12 Schilling Ct	Er. Pool-In Grnd	
34308		Kyle Maier	130 Avian Way	Er. Fence	
34309		Gary Lelonek	151 Nathan's Trl	Er. Fence	
34310		Parco Building Systems, Inc.	17 Elm Pl	Er. Garage	(V/L)
34311		Race Storage Sheds LLC	4 Trails End	Er. Garage	
34312		David Wargala	89 Newberry Ln	Inst. Generator	
34313		Mister Pool Enterprises	151 Nathan's Trl	Er. Pool-In Grnd	
34314		Getterr Done Construction	13 Wren Ave	Dem. Bldg	(V/L)
34315		Zenner & Ritter Co. Inc.	53 Sussex Ln	Inst. Generator	
34316		LarryPennell	14 Sedge Run	Er. Pergola	
34317		Aide Boujaoude	68 Kennedy Ct	Er. Fence	
34318		Donald Wegst	48 Deerpath Dr	Er. Porch/Porch Cover	
34319		Amish Valley Sheds	65 Worthington Ln	Er. Shed	
34320		Marino Construction Inc.	3949 Walden Ave	Er. Comm. Add./Alt.	
34321		Linda Bernfeld	25 Veterans Dr	Er. Fence	(V/L)
34322		Pelican Lake Trust	3803 Bowen Rd	Re-Roof	
34323		Niagara Pole Barn	101 Simme Rd	Er. Pole Barn	
34324		Niagara Pole Barn	101 Simme Rd	Er. Pole Barn	



34325	Barry Smith	17 Kevwood Ln	Er. Shed	
34326	Nearmeremodel, LLC	42 Brunck Rd	Re-Roof	
34328	Morelli Remodeling Inc.	2 Hidden Trl	Er. Res. Alt.	
34329	Thomas Shipman	13 Kurtz Ave	Er. Deck	(V/L)
34330	John Gusza	83 Stutzman Rd	Er. Fence	
34331	James Frascati	16 Northfield Ln	Er. Fence	
34332	Marrano/Marc Equity	9 Mary Rachel Pl	Er. Townhouses	
34333	Marrano/Marc Equity Corp.	11 Mary Rachel Pl	Er. Townhouses	
34334	Homes Unlimited	68 Pleasant View Dr	Er. Deck	
34335	Lauren Nichter	73 Wilma Dr	Er. Shed	(V/L)
34336	Lauren Nichter	73 Wilma Dr	Er. Fence	(V/L)
34337	Forbes Homes, Inc.	34 Deepwood Pl	Er. Dwlg.-Sin.	
34338	Forbes Homes, Inc.	26 Deepwood Pl	Er. Dwlg.-Sin.	
34339	Total Construction & Home	89 Wilma Dr	Er. Deck	(V/L)
34340	Marrano/Marc Equity Corp.	7 Henslow Way	Er. Patio Home	
34341	Marrano/Marc Equity Corp.	5 Henslow Way	Er. Patio Home	
34342	Hometeck Roofing & Remodel	5 Pinetree Dr	Re-Roof	
34343	Sean Kavanaugh	18 Schiffler Ct	Er. Pool-Abv Grnd	
34344	Superior Decks & Gazebos	1 Stony Brook Dr	Er. Deck	
34345	Douglas Muth	42 Squirrel Run	Er. Shed	
34346	WNY Backyard Enclosure	706 Pleasant View Dr	Er. Porch/Porch Cover	
34347	Robert Harder	113 Albert Dr	Er. Fence	(V/L)
34348	Mark Paladino	23 Steinfeldt Rd	Er. Fence	
34351	Black Rock Roofing	18 Washington St	Re-Roof	(V/L)
34352	Marchewka Contractors Inc.	12 Weathersfield Ln	Inst. Fireplace/Stove	
34353	Misty Hastings	1349 Ransom Rd	Er. Pool-In Grnd	
34354	Tracey DeGeorge	6 Commonwealth Ln	Er. Shed	
34355	Jennifer Lanning	10 Montauk Ln	Er. Pool-Abv Grnd	
34356	George Parillo	34 Spruceland Ter	Er. Fence	
20227915	Stephen Kowalski	1 Lake Forest Pky W	Er. Pool-Abv Grnd	

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

June 20, 2022

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

**WHEREAS**, Joseph David, of Thorny Events, LLC, has submitted an application for a Special Use Permit to allow **The Angry Buffalo** to operate a restaurant with outdoor patio seating on premises located at 2753 Wehrle Drive (SBL# 82.03-2-3.11), in the Town of Lancaster in accordance with provisions of Chapter 400-Zoning, Article V. Commercial Districts, §50-17 Light Commercial (B)(1)(v) of the Code of the Town of Lancaster, and

**WHEREAS**, Chapter 400-Zoning, Article XIV Administration and Enforcement, §400-78 Special use permits of the Zoning Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that pursuant to §400-78 Special use permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for **The Angry Buffalo** to operate a restaurant with outdoor patio seating on premises located at 2753 Wehrle Drive (SBL# 82.03-2-3.11), in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 5<sup>th</sup> day of July, 2022, at 7:05 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

June 20, 2022

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT – THE ANGRY BUFFALO  
2753 WEHRLE DRIVE, LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 "SPECIAL USE PERMITS" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 20<sup>th</sup> day of June, 2022 the said Town Board will hold a Public Hearing on the 5<sup>th</sup> day of July, 2022, at 7:05 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Joseph David, of Thorny Events, LLC, for a Special Use Permit to allow **The Angry Buffalo** to operate a restaurant with outdoor patio seating on premises located at 2753 Wehrle Drive (SBL# 82.03-2-3.11), in the Town of Lancaster, County of Erie, State of New York.

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

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

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

June 23, 2022

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

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated June 6, 2022, has requested the addition of two (2) members to the roster of said fire association.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

**ADDITIONS:**

William Radder Jr.                      Rubey Tomaszewski

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

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

June 20, 2022

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

**WHEREAS**, Tara Mathias, Development Manager for The Broadway Group, LLC, has submitted site plans, which contain a Title Survey prepared by Control Point Associates, Inc., PC (File No. 09-210177-00) signed December 14, 2021 and drawings C-101, C-102, C-201, C-401, C-501, C-601, C-602, C-702, C-901, C-902, and C-903 dated December 7, 2021 prepared by BOHLER Engineering along with a Fixture Plan (F1) prepared by AIG Engineering Consultants dated November 3, 2021, all received on January 28, 2022; also drawings C-301 and C-701 dated December 7, 2021 with revision dates of April 25, 2022; and drawings identified as Sheet A2, A2.1, and A7 prepared by AIG Engineering Consultants dated November 3, 2021 with revision dates of April 20, 2022, and received April 26, 2022 for the proposed construction of a 10, 640 Sq. Ft. free-standing retail **Dollar General** store to be located at 5807 Broadway (SBL No. 116.31-3-57.211) 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 May 4, 2022 meeting, and

**WHEREAS**, the Town Planning Board has completed an environmental review for the project on May 4, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on June 6, 2022.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plans submitted by Tara Mathias, Development Manager for The Broadway Group, LLC, which contain a Title Survey prepared by Control Point Associates, Inc., PC (File No. 09-210177-00) signed December 14, 2021 and drawings C-101, C-102, C-201, C-401, C-501, C-601, C-602, C-702, C-901, C-902, and C-903 dated December 7, 2021 prepared by BOHLER Engineering along with a Fixture Plan (F1) prepared by AIG Engineering Consultants dated November 3, 2021, all received on January 28, 2022; also drawings C-301 and C-701 dated December 7, 2021 with revision dates of April 25, 2022; and drawings identified as Sheet A2, A2.1, and A7 prepared by AIG Engineering Consultants dated November 3, 2021 with revision dates of April 20, 2022, and received April 26, 2022 for the proposed construction of a 10, 640 Sq. Ft. free-standing retail **Dollar General** store to be located at 5807 Broadway (SBL No. 116.31-3-57.211) in the Town of Lancaster, with the following conditions:

1. PIP permit will be required to initiate construction.
2. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.

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

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

June 20, 2022

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

**WHEREAS**, John Pilato, Highway Superintendent of the Town of Lancaster, by letter dated June 3, 2022, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Highway Department, for a period not to exceed five (5) months, and that these being part-time position(s) provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Gianluca Fulciniti Lancaster, NY	Laborer	\$14.50	June 6, 2022
Cooper Bazulka Lancaster, NY	Laborer	\$14.50	June 7, 2022
Jered Voelker Lancaster, NY	Laborer	\$14.50	June 7, 2022

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

June 20, 2022

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

**WHEREAS**, Jeremy A. Colby, Town Justice for the Town of Lancaster, by letter dated June 13, 2022, has recommended the appointment of the following individual to the position of Court Officer part-time provisional in the Town Justice Court Department of the Town of Lancaster, and

**WHEREAS**, the following individual qualifies 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 the following individual is hereby appointed to the position of Court Officer part-time provisional in the Town Justice Court Department in the Town of Lancaster, contingent upon approval by Erie County Department of Personnel, working not more than nineteen and three-quarter hours per week and that these being part-time positions, provide no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
David R. Hanitz Lancaster, NY	Court Officer	\$19.10	June 20, 2022

**BE IT FURTHER,**

**RESOLVED**, that when Mr. Hanitz is called upon to serve as Court Officers, they shall receive a minimum of three (3) hours pay, or pay for the actual number of hours worked, whichever is greater, and

**BE IT FURTHER,**

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

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

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

June 20, 2022

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

**WHEREAS**, PM Peppermint Inc., 5636 Transit Road, Depew, New York 14043 has applied for a Dumping Permit for property situated on 31 Peppermint Road, within the Town of Lancaster, pursuant to Chapter 287-8 of the Code of the Town of Lancaster, and

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

**WHEREAS**, the Building Inspector and Town Engineer have completed their review of this application and by letter dated June 14, 2022 the Building Inspector made a formal, favorable recommendation to the Town Board.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that PM Peppermint, Inc., 5636 Transit Road, Depew, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 31 Peppermint Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

**BE IT FURTHER,**

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

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
5. Dust from the site shall also be prevented from migrating off site.
6. Fill shall only be placed in the areas which are indicated on the plot plan.
7. No signage for dumping allowed.
8. Vehicles are to remain on a paved surface and at no time is vehicle traffic onto unpaved areas allowed.
9. Stormwater Pollution Management practices are employed and maintained.



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

**BE IT FURTHER,**  
**RESOLVED,** that pursuant to Chapter 287-8 of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

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

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

June 20, 2022

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

**WHEREAS**, Robert M. Broadway, 216 Westside Square, Huntsville, Alabama 35801 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster within 5807 Broadway, and

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

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Private Improvement Permit Application No. 841 for 5807 Broadway, Lancaster, New York 14086 which is a permit for Private Improvements for:

- Redevelopment of 5807 Broadway to a general variety retail store including asphalt pavement for vehicle use areas, installation of a storm pond and underground storm detention facilities, connecting to existing public water services.

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

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

June 20, 2022

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

**WHEREAS**, the Town Board has previously duly advertised for bids for the installation of new fencing and gates at the Town of Lancaster Police Department's impound area, and

**WHEREAS**, two (2) bids were received, opened and reviewed on May 5, 2022, and

**WHEREAS**, by letter dated June 1, 2022, the Town's Consulting Engineer, Edward Schiller, has recommended awarding the bid for new impound fencing to Woodsmith Fence, Corp., being the lowest responsible bidder in the amount of \$64,200.00.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster, upon the recommendation of the Town's Consulting Engineer, Edward Schiller, hereby awards the bid for the installation of new fencing and gates at the Town of Lancaster Police Department's impound area, to Woodsmith Fence Corp., 5610 Old Saunders Settlement Road, Lockport, NY 14094, as it conforms to the specifications on file in the office of the Town Clerk, for a total amount not to exceed **\$64,200.00** and which will be paid for with funds available in the Town's 2022 Police other Capital Outlay Budget (Line item 005.3120.0260) and the Police Fund Balance, and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor is and hereby authorized to execute the contact 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

June 20, 2022

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

**WHEREAS**, Town of Lancaster Patrol Captain, Marco Laurienzo, by letter dated June 3, 2022, has advised the Town Board that the Police Department no longer has use for the following vehicles and has therefore requested that the Town Board deem these vehicles to be surplus and permit them to be placed on an online auction.

<u>Vehicle</u>	<u>VIN#</u>	<u>Mileage (approx.)</u>
2019 Dodge Charger	2C3CDXKT2KH647259	117,176
2019 Dodge Charger	2C3CDXKT0KH647261	110,100
2019 Dodge Charger	2C3CDXKT9KH647257	101,500, and

**WHEREAS**, the Town Board has given due consideration to the request of Captain Laurienzo and deems it in the public interest to declare the three (3) 2019 Dodge Chargers to be surplus and permits placement of said vehicles on an online auction for public bid.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the three (3) aforementioned 2019 Dodge Chargers to be a surplus vehicles and authorizes Police Patrol Captain Laurienzo to place said vehicles up for public bid at an online auction with Auctions International, [www.auctionsinternational.com](http://www.auctionsinternational.com), 11167 Big Tree Road, East Aurora, New York 14052, beginning June 23, 2022 and concluding July 10, 2022, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

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

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

June 20, 2022

**PUBLIC AUCTION**  
**OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Board of the Town of Lancaster has deemed the following 2019 Dodge Chargers surplus:

<u>Vehicle</u>	<u>VIN#</u>	<u>Mileage (approx.)</u>
2019 Dodge Charger	2C3CDXKT2KH647259	117,176
2019 Dodge Charger	2C3CDXKT0KH647261	110,100
2019 Dodge Charger	2C3CDXKT9KH647257	101,500

This vehicle will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>, 11167 Big Tree Road, East Aurora, New York 14052, beginning June 23, 2022, and concluding on July 10, 2022.

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

The surplus equipment may be inspected at the Town of Lancaster's Police Department, 525 Pavement Road, Lancaster, New York by contacting Captain Marco Laurienzo at 683-2800 to make an appointment.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER

By: DIANE M. TERRANOVA  
TOWN CLERK

June 23, 2022

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

**WHEREAS**, Town of Lancaster Police Patrol Captain, Marco Laurienzo, by letter dated May 31, 2022, has requested the purchase of **five (5) new and unused 2022 Dodge Chargers AWD Vehicles**, for the use by the Police Department, and

**WHEREAS**, the above-referenced vehicles are available for purchase under New York State's "Piggybacking" Law through the Onondaga County Division of Purchase, 071-05 Police and Administrative Vehicles, Bid Reference No. 8771, Contract ID No. 3197 from authorized vendor Robert Green Auto and Truck (Vendor Code #5521), which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, Captain Laurienzo has recommended the purchase of the five (5) 2022 Dodge Chargers AWD vehicles, in accordance with said specifications, be made from Robert Green Auto and Truck, for a **unit price of \$35,138.35 each** per their purchase agreements identified by Stock Nos. N647, N668, N670, N671, N683, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of said vehicle.

**NOW, THEREFORE,**

**BE IT RESOLVED** as follows, that the Town Board of the Town of Lancaster hereby approves the purchase of **five (5) new and unused 2022 Dodge Chargers AWD Vehicles**, through the Onondaga County Division of Purchase, 071-05 Police and Administrative Vehicles, Bid Reference No. 8771, Contract ID No. 3197 from authorized vendor Robert Green Auto and Truck (Vendor Code #5521), P.O. Box 8002, Rock Hill, New York 12775, as proposed by the Town of Lancaster Patrol Captain, Marco Laurienzo, for a unit price of **\$35,138.35** each per their purchase agreements identified by Stock Nos. N647, N668, N670, N671, N683 which equates to a total expenditure of **\$175,691.75**, which will be paid for with funds from the Town's 2022 Public Safety, Equipment Passenger Vehicle Budget, Line Item P005-3120-0220.

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

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

June 20, 2022

**PREFILED RESOLUTION NO. 14 – MEETING OF JUNE 20, 2024**

14. Mazur/\_\_\_\_\_ Authorize & Direct Supervisor To Accept Funds New York State Office Of Parks, Recreation & Historic Preservation Grant Program & Execute Project Agreement Re: Financial Assistance Westwood Park All Inclusive Park Improvement Project

This resolution was withdrawn by Council Member Mazur for further study.

**PREFILED RESOLUTION NO. 15 – MEETING OF JUNE 20, 2022**

15. Mazur/\_\_\_\_\_ Approve Purchase Of 650 CY Screened Topsoil To Thomann Asphalt  
For Brickyard Softball Field Westwood Park

This resolution was withdrawn by Council Member Mazur for further study.



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

**WHEREAS**, William J. Karn, Jr., Chief of Police for the Town of Lancaster, by letter dated June 13, 2022 has recommended the appointment of Lynda J. West to the position of Clerk Typist in the Town of Lancaster Police Department, and

**WHEREAS**, Lynda J. West 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 Lynda J. West of Lancaster, New York, be and is hereby appointed to the full-time position of Clerk Typist, in the Town of Lancaster Police Department, effective July 5, 2022, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the CSEA White Collar Union and all applicable provisions of law.

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

June 20, 2022

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

**WHEREAS**, Michelle Barbaro, Deputy Highway Superintendent of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 14, 2022 has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Dean Wendel Lancaster, NY	Recreation Attendant	\$14.00	June 21, 2022
Natalia Surdej Lancaster, NY	Recreation Attendant	\$14.00	June 21, 2022
Kyla Eisman Lancaster, NY	Recreation Attendant	\$14.00	June 21, 2022

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

June 20, 2022

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

**WHEREAS**, Matt Fischione, Code Enforcement Officer for the Town of Lancaster, by letter dated June 3, 2022 has recommended the appointment of Craig Blanchard to the position of Assistant Code Enforcement Officer in the Town of Lancaster Building Department, and

**WHEREAS**, Craig Blanchard 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 Craig Blanchard of Lancaster, New York, be and is hereby appointed to the full-time position of Assistant Code Enforcement Officer, in the Town of Lancaster Building Department, effective June 20, 2022, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the CSEA White Collar Union and all applicable provisions of law.

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

June 20, 2022

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

**WHEREAS**, Edward Schiller of Wm. Schutt Associates, P.C., the  
Town of Lancaster’s consulting engineer, has requested that the Town Board authorize an  
invitation to bid for the Lancaster Public Library employees’ restroom, kitchen and hallway  
renovations, within the Town of Lancaster, and

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

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster  
hereby invites public bids for the Lancaster Public Library employees’ restroom, kitchen and  
hallway renovations project; said bids are to be in conformance with the plans and  
specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central  
Avenue, Lancaster, New York 14086 and to be received in the Office of the Town Clerk, 21  
Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on July 14, 2022  
and opened thereafter.

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

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

June 20, 2022

**NOTICE TO BIDDERS**

FOR THE

**TOWN OF LANCASTER**

**LANCASTER PUBLIC LIBRARY VARIOUS RENOVATIONS 5466 BROADWAY**

Sealed bids for the renovation of various areas at the Lancaster Public Library will be received by the Town Clerk at her office in the Town Hall, 21 Central Avenue, Lancaster, New York on or before 10:00 A.M. local time on July 14, 2022 at which time they will be publicly opened and read aloud.

Contract Documents will be available on June 24, 2022 and may be examined at the office of the Town Clerk and at the office of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents may be obtained at the office of the ENGINEER.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percent (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percent (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the Work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in this Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

Consulting Engineers:  
William Schutt & Associates, P.C.  
37 Central Avenue  
Lancaster, NY 14086-2143  
(716) 683-5961  
Date: June 23, 2022

By the Order of the Town Board of  
Lancaster, Erie County, New York  
  
Diane Terranova  
Town Clerk

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

**WHEREAS**, the Town of Lancaster Town Board (“Board”) is proposing a Local Law revising the site plan extension requirements within Zoning 400-75 (D)(9) of the Code of the Town of Lancaster (“Code”) (“Action”), and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the environmental impact of this Action pursuant to SEQR regulations at their meeting on June 15, 2022 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Board has duly considered the Action, the Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), and such other information deemed appropriate, and

**WHEREAS**, the 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.

**NOW, THEREFORE,  
BE IT RESOLVED, AS FOLLOWS:**

1. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.

2. The attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration.

3. The Town Clerk is hereby authorized and directed to distribute copies of the Resolution as necessary.

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

June 20, 2022

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

**Town of Lancaster Town Board**

**Dated: June 20, 2022**

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

The Town of Lancaster Town Board (“Board”), as lead agency, has determined that adoption of Local Law 5 of 2022 revising the site plan extension requirements within Zoning 400-75 (D)(9) of the Code of the Town of Lancaster (“Code”) (“Action”) will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Adoption of Local Law 5 of 2022 Revising the site plan extension requirements within Zoning 400-75 (D)(9) of the Town Code.

**Location of Action:** The Town of Lancaster, New York.

**SEQRA Status:** Type I Action.

**Description of Action:** The Board has reviewed the Local Law revising the site plan extension requirements within Zoning 400-75 (D)(9), Site plan review procedure of the Code of the Town of Lancaster.

**Reasons Supporting this Determination:**

The Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Board compared the Action with 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 in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

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

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

**For Further Information:**

Contact Person: Thomas E. Fowler, Jr., 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 DICKMAN, TO WIT:

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

**WHEREAS**, a proposed Local Law of the Year 2022 entitled “**SITE PLAN REVIEW PROCEDURES REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Mazur on the 16<sup>th</sup> day of May, 2022, and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type I action and has issued a negative declaration, and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on June 6, 2022, where all interested parties were allowed to address the proposed Local Law.

**NOW, THEREFORE,**

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

1. The attached Local Law **No. 5 of 2022** is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

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

June 20, 2022

**LEGAL NOTICE  
NOTICE OF ADOPTION  
LOCAL LAW NO. 5 OF THE YEAR 2022  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on June 20, 2022, Local Law No. 5 of the Year 2022, which amends Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review procedures of the Town Code of the Town of Lancaster. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

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

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

**June 23, 2022**

**Town of Lancaster  
Local Law No. 5 of 2022**

**A Local Law Amending § 400-75(D)(9) Site Plan Review Procedures of the Town Code to Include Recommendations be Provided by the Town's Planning Board/Department Prior to Granting an Extension.**

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

**Section 1.** Section 400-75(D)(9) of Chapter 400 of Article XIV of the Town Code is hereby amended to read in its entirety as follows:

**Section 400-75(D)(9) Zoning, Site plan review**

**D.** Site plan review procedure.

**9.** Except for subdivisions that have been duly filed in the office of the County Clerk, if construction of an approved development (site plan) has not commenced within two (2) years from the date of site approval, that approval shall be deemed revoked. A one-time additional one-year (1) extension **may** be granted by the Town Board upon receipt of the following:

**A.** A written request for extension must be submitted to the Town Board, Town Clerk, and Town Attorney's Office.

**B.** Request must include a current Environmental Assessment Form, and comply with current State, County and Town Zoning and Building Codes/Laws/Regulations.

**C.** Applicant must present to and receive approval recommendation from, the Town's Planning Board/Department.

**Section 2. Severability Clause.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**Section 3. Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.

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

**WHEREAS**, the Town Board desires to pursue funding opportunities for flood control along Ellicott Creek from Harris Hill road to Pavement Road, in the Town of Lancaster, Ellicott Creek Flood Mitigation Project, and

**WHEREAS**, the Town Board desires to remedy the flooding and erosion in these areas at the lowest possible cost to the Town and Town Taxpayers, and

**WHEREAS**, the Town Board desires to apply for financial assistance from the NYS Homeland Security and Emergency Services Hazard Mitigation Grant Program (“HMGP”), which provides funds to administer grant programs that support hazard mitigation planning and long-term mitigation measures that avoid loss of life, reduce damages to property and enhance the State’s resiliency, and

**WHEREAS**, the Town Board commits to providing the required local matching funds of 10% to the total cost for the Project Scoping/initial engineering phase to insure the timely implementation of the proposed project.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Supervisor of the Town of Lancaster, is hereby authorized and directed to accept funds from the HMGP in accordance with the provisions of Advance Assistance Subapplication, in an amount not to exceed \$168,579.00 (90% of the total cost of the Project Scoping/initial engineering phase), and

**BE IT FURTHER,**

**RESOLVED**, that the Town shall make available at least \$18,731.00 (10% of the total cost of the Project Scoping/initial engineering phase) in matching funds to satisfy the requirements of the HMGP, and

**BE IT FURTHER,**

**RESOLVED**, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Project Scoping/initial engineering phase of the NYS Homeland Security and Emergency Services Hazard Mitigation Grant Program Project Scoping/Advance Assistance Subapplication.

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

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

June 20, 2022

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

**WHEREAS**, to E&R General Construction, Inc., 38 Saint David's Drive, West Seneca, New York 14224 the contractor awarded the bid for the Town of Lancaster's 2021 Meadow Lea Drive 36-inch Storm Sewer Project has submitted Change Order No. 1 in the amount of (\$7,841.19) to the Town Board for their approval, based on the description of work previously 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 E&R General Construction, Inc., with respect to the outlined descriptions provided to the Town Board:

**DESCRIPTION OF CHANGE ORDER NO. 1:**

A decrease in compensation due to reconciliation of Bid Items from the As-Bid Contract quantity to the As-Built quantity.

**CHANGE ORDER NO. 1:**

The original Contract Sum was .....	\$	194,300.00
The Contract Sum will be <b>decreased</b> by this Change Order in the amount of.....	\$	(7,841.19)
The new Contract Sum including this Change Order will be	\$	186,458.81, and

**BE IT FURTHER,**

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

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

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

June 20, 2022

## COMMUNICATIONS & REPORTS

391. Town Clerk to Town Board –  
Copy of fourth 2022 Monthly County Settlement payment.  
Disposition = Received & Filed
392. Legal Assistant to Town Board and Planning Board –  
SEQR response from Erie County Dept. of Environment and Planning regarding  
Local Law Chapter 400 Amend Lot Sizes. Disposition = Planning Committee
393. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Sewerage Management and the Dept.  
of Environment and Planning regarding Try-It Distributing, 4155 Walden Ave.,  
Proj. #4642. Disposition = Planning Committee
394. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Dept. of Environment and Planning regarding  
Warehouse Addition, 4401 Walden Ave., Proj. #3211.  
Disposition = Planning Committee
395. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDEC regarding Amended Car Wash, 3620 Walden  
Ave. & 371 Central Ave., Proj. #1920. Disposition = Planning Committee
396. Town Clerk to Town Board –  
Town Clerk Monthly Report for May 2022. Disposition = Received & Filed
397. Code Enforcement Officer to Town Board –  
Request for resolution appointing Craig Blanchard to the position of Assistant  
Code Enforcement Officer effective June 20, 2022.  
Disposition = Resolution 6/20/22
398. Town Clerk to Town Engineer and Building Inspector –  
Copy of resubmitted application for a Dumping Permit for 31 Peppermint Rd.  
Disposition = Resolution 6/20/22
399. Planning Board Chairman to Planning Board, Town Board, Town Attorney,  
Engineering Consultant, Highway Superintendent and Building Inspector –  
Draft copy of minutes from June 1, 2022 Planning Board meeting.  
Disposition = Received & Filed
400. Patrol Captain Marco Laurienzo to Supervisor and Town Board –  
Request for resolution to deem listed vehicles as surplus property to be sold  
at public auction. Disposition = Resolution 6/20/22
401. Dog Control Officer to Town Board –  
Dog Control Report for May 2022. Disposition = Received & Filed
402. Town Engineer to Town Board –  
Recommend Award of Contract to Woodsmith Fence Corp., 5610 Old Saunders  
Settlement Rd., Lockport, NY for fencing for the Police Impound Area at  
525 Pavement Rd. Disposition = Resolution 6/20/22
403. Stephen Orel to Supervisor, Town Board, Highway Superintendent & Police Chief  
Request for sign to inform drivers of Autistic Child at 6 Clermont Court.  
Disposition = Received & Filed
404. Frank Todaro, Erie County Legislator to Supervisor –  
Update regarding Erie County Sewer District No. 4 Contract No. 58 Warner Road  
and Bowmansville Pump Station Valve Installations Project.  
Disposition = Received & Filed

405. Sal Carlino, Depew Middle School to Supervisor –  
Appreciation for participating as a judge for the 48<sup>th</sup> annual Freedom in America program. Disposition = Received & Filed
406. Town Line Volunteer Fire Department Inc. to Town Clerk –  
Change in roster. Disposition = Resolution 6/20/22
407. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDOT regarding Warehouse Addition, 4401 Walden Ave., Proj. #3211. Disposition = Planning Committee
408. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDEC regarding Warehouse Addition, 4401 Walden Ave., Proj. #3211. Disposition = Planning Committee
409. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Dept. of Health regarding Division Street, Proj. #2836. Disposition = Planning Committee
410. Town Engineer to Town Board –  
Requirements satisfied regarding Application for a Dumping Permit for 31 Peppermint Rd. Disposition = Planning Committee
411. Charter Communications to Town Clerk –  
Upcoming Spectrum channel lineup change. Disposition = Received & Filed
412. Town Clerk to Various News Media –  
Press releasing announcing that the Town Supervisor has made changes to the Town Board meeting dates for August and September 2022.  
Disposition = Received & Filed
413. Highway Superintendent to Town Board –  
Request for resolution to appoint three (3) individuals to the position of laborer for the 2022 summer season in the Town Highway Department.  
Disposition = Resolution 6/20/22
414. NYS Department of Public Service to Supervisor –  
Information regarding Summer campaign to provide ways to reduce energy consumption. Disposition = Received & Filed
415. Town Clerk to Town Board –  
Minutes from Ethics Board Meeting held on June 13, 2022.  
Disposition = Received & Filed
416. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDOT regarding Robert James Sales Inc., 4543 Walden Ave., Site Amendment #8109. Disposition = Planning Committee
417. Town Clerk to Various News Media –  
Press Release announcing that the Drainage Committee Meeting has been changed to August 8, 2022. Disposition = Received & Filed
418. Town Justice to Supervisor and Town Board –  
Request for approval of David Hanitz to fill the vacant position of Court Officer part-time provisional at Lancaster Town Court effective June 20, 2022.  
Disposition = Resolution 6/20/22
419. Code Enforcement Officer to Town Board –  
Comments regarding approval of Application for Dumping Permit for PM Peppermint, Inc., 31 Peppermint Road. Disposition = Planning Committee

- 420. Legal Assistant to Town Attorney to Town Clerk –  
Request for resolution issuing Private Improvement Permit for Pavement &  
Curb, Detention Basin, Storm Sewer and Water Line for Dollar General; Proj.  
#2102. Disposition = For Resolution**
- 421. Police Chief to Supervisor and Town Board –  
Request for approval of the appointment of Lynda J. West to the vacant position  
of clerk typist/records clerk in the Lancaster Police Department effective  
July 5, 2022. Disposition = Resolution 6/20/22**
- 422. Deputy Highway Superintendent to Supervisor and Town Board –  
Request for resolution appointing three (3) individuals to the position of part-time  
temporary seasonal employee for the summer of 2022 in the Parks, Recreation &  
Forestry Department effective June 21, 2022. Disposition = Resolution 6/20/22**
- 423. Town Engineer to Town Board –  
Request for resolution awarding HVAC Service Contract to Mollenberg-Betz,  
300 Scott St., Buffalo, NY. Disposition = For Resolution**
- 424. Town Engineer to Town Board –  
Recommendation to accept Change Order No. 1 for Town of Lancaster,  
Meadow Lea 36-inch Storm Sewer. Disposition = Resolution 6/20/22**
- 425. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed**
- 426. Stanley Keysa to Town Clerk and Town Board –  
Request for reappointment as member of the Town of Lancaster Planning  
Board. Disposition = Received & Filed**



**ADJOURNMENT:**

**MOTION WAS MADE BY COUNCIL MEMBER DICKMAN AND  
SECONDED BY COUNCIL MEMBER MAZUR,** to adjourn the meeting in memory of  
Frank Atlas, James A. Till and Renee Ziders at 8:14 P.M.

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

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

MEETING ADJOURNED.

June 20, 2022

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk