

Town Board Minutes

July 5, 2022

Meeting No. 13

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 5th day of July 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
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, DEP. HIGHWAY SUPERINTENDENT
JOHN PILATO, HIGHWAY SUPERINTENDENT
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

PERSONS ADDRESSING TOWN BOARD:

Canaski, David, spoke to the Town Board on the following matter:

- Commented on the stormwater management and property maintenance issues on Sterling Place, Hanover Street and Carlisle Street.

PUBLIC HEARING SCHEDULED FOR 7:05 P.M.: Sp Use Pmt – The Angry Buffalo

MOTION WAS MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD, to open the Public Hearing.

ALL IN FAVOR. MOTION CARRIED.

At 7:12 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit The Angry Buffalo 2753 Wehrle Drive 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
Joseph David, Owner – The Angry Buffalo	Proponent
Jacob Metzger – Metzger Engineering	Proponent

MOTION WAS MADE BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER DICKMAN to close the public hearing.

ALL IN FAVOR. MOTION CARRIED.

The Public Hearing was closed at 7:16 P.M.

Decision on this matter was reserved.

July 5, 2022

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
June 20, 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

July 5, 2022

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:

Check Run #07052022

Total amount hereby authorized to be paid: \$503,591.33

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

July 5, 2022

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 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
34142		Daniel Palumbo	64 Pardee Ave	Dumpster - Temp.	(V/L)
34182		Flour Construction, LLC	4779 Transit Rd	Er. Comm. Add./Alt.	
34264		Frank Schoner	27 Doris Ave	Er. Fence	(V/L)
34296		Franks Commercial & Home	21 Milton Dr	Inst. Res. Plumbing	(V/L)
34297		Modern Disposal Services	11W Main St	Dumpster - Temp.	(V/L)
34306		General Dynamics Network	0 Penora St	Inst. Generator	
34349		Sitzmans Appliance Center	52 Stony Brook Dr	Inst. Generator	
34350		Capital Heat, Inc.	31 Albert Dr	Inst. Generator	(V/L)
20215589		G&V Property Holdings LLC	5153 Transit Rd	Er. Townhouses	
20215590		G&V Property Holdings LLC	5153 Transit Rd	Er. Townhouses	
20215670		G&V Property Holdings LLC	5153 Transit Rd	Er. Townhouses	
20216587		Amanda Rejman	2 Parkedge Dr	Er. Garage	
20227482		Ulrich Sign Co. Inc.	515 Pavement Rd	Er. Sign	
20227496		Timothy Hineman	1280 Ransom Rd	Er. Garage	
20227510		Buscaglia Decks	27 Sedge Run	Er. Deck	
20227605		David Weiss	175 Peppermint Rd	Er. Pole Barn	
20227765		Broadway Construction Co. LLC	5807 Broadway	Er. Comm. Bldg.	
20227766		Broadway Construction Co. LLC	5807 Broadway	Er. Signs	
20227841		Tara Doster	4 Spruceland Ter	Er. Deck	
20227860		Bilt-Rite Concrete	397 Seneca Pl	Er. Porch/Porch Cover	
20227866		Majestic Pools Inc.	6 Weathersfield Ln	Er. Pool-In Grnd	
20227867		Majestic Pools Inc.	14 Stone Hedge Dr	Er. Pool-In Grnd	
20227877		Picone Construction Corp.	85 Central Ave	Er. Comm. Add./Alt(V/L)	
20227880		Daniel Zwolinski	56 Robert Dr	Er. Res. Alt.	(V/L)
20227882		CamCo General Contracting	4429 Walden Ave	Er. Comm. Add./Alt.	
20227883		Sitzmans Appliance Center	811 Ransom Rd	Inst. Generator	
20227895		F&D Construction Inc.	118 Avian Way	Er. Porch/Porch Cover	
20227899		Leandro Petronio	99 Avian Way	Er. Porch/Porch Cover	
20227903		Lintner Building Inc.	3 Country Pl	Er. Porch Cover	
20227916		Reilly Holdings LLC	5429 Broadway Rear	Dumpster - Temp.	(V/L)
20227918		Dawn Gaczewski	182 Central Ave.	Re-Roof	(V/L)
20227920		Hometeck Roofing & Remodel	57 Church St	Re-Roof	(V/L)
20227922		Hometeck Roofing & Remodel	5643 Broadway	Re-Roof	(V/L)
20227923		Thrify Roofs LLC	39 Benson Dr	Re-Roof	(V/L)
20227924		Majestic Pools Inc.	654 Pleasant View Dr	Er. Pool-In Grnd	
20227926		Besroi Construction Corp.	5434 Genesee St	Er. Sign - Temp	
20227927		Michael Caputo	6139 Broadway	Re-Roof	(V/L)
20227928		Dalex Construction Inc.	36 Wayne St	Re-Roof	(V/L)
20227929		Dalex Construction Inc.	6 Cidermill Ct	Re-Roof	
20227930		Anderson Water Systems	5080 William St	Inst. Generator	
20227932		Jebadiah Smith	55 Tranquility Trl	Er. Fence	
20227933		O'Connor Contracating	46 Sawyer Ave	Re-Roof	(V/L)
20227934		The Vinyl Outlet Inc.	133 Central Ave	Er. Deck	(V/L)
20227935		Essex Homes of WNY Inc.	33 Weathersfield Ln	Er. Dwlg.-Sin.	
20227936		House Crafters LLC	39 School St	Re-Roof	(V/L)
20227938		Radon Construction & Remodel	70 Lancaster Ave	Er. Garage	(V/L)
20227939		Donald Hayes	133 Central Ave	Er. Deck	(V/L)
20227942		F&D Construction Inc.	122 Avian Way	Er. Porch Cover	
20227943		Dino Garrett	33 Hampton Ct	Er. Fence	
20227944		Buffalo Roofing Co. LLC	50 Camner Ave	Re-Roof	(V/L)

20227946	Petschke Inc.	430 Central Ave	Inst. Generator	
20227947	Michele Papero	85 Robert Dr	Er. Fence	(V/L)
20227951	Leandro Petronio	99 Avian Way	Er. Shed	
20227953	Zenner & Ritter Co. Inc.	8 Thomas Dr	Inst. Generator	
20227954	Caleb Sexton	32 Maple Ave	Er. Deck	(V/L)
20227955	Zenner & Ritter Co. Inc.	43 Hill Valley Dr	Inst. Generator	
20227957	Besroi Construction	16 Chestnut Corner	Re-Roof	
20227958	Besroi Conatruction	40 Sawgrass Ln	Re-Roof	
20227959	Besroi Construction	54 Parkdale Dr	Re-Roof	
20227960	Besroi Cconstruction	5 Old Schoolhouse Rd	Re-Roof	
20227961	Besroi Construction	4 Chestnut Corner	Re-Roof	
20227962	Besroi Construction	7 Village View	Re-Roof	
20227965	Try-Lock Roofing Co. Inc.	22 W Home Rd	Re-Roof	
20227966	Steven Danielski	81 Sawyer Ave	Er. Fence	(V/L)
20227967	J-Cap Contractors LLC	61 Garfield St	Re-Roof	(V/L)
20227970	Majestic Pools Inc.	37 Newberry Ln	Er. Pool-In Grnd	
20227972	David Staffeldt	214 Brunck Rd	Er. Fence	
20227973	Gerald Kocialski	257 Enchanted Forest N	Er. Shed	
20227974	Besroi Construction	6 Fox Trace	Re-Roof	
20227975	Donald Anstett	4 Ravenwood Dr	Er. Shed	
20227976	Sean Maher	144 Siebert Rd	Er. Fence	
20227977	Black Rock Roofing	4791 William St	Re-Roof	
20227978	William C. Rott & Sons Inc.	399 Lake Ave	Re-Roof	
20227979	The Vinyl Outlet Inc.	1218 Penora St	Er. Fence	
20227980	Damien Fugate	102 Newberry Ln	Er. Fence	
20227981	J-Cap Contractors LLC	11 Stony Brook Dr	Re-Roof	
20227986	Ronald Ast	31 Country Pl	Er. Fence	
20227987	Zenner & Ritter Co. Inc.	21 Hemlock Ln	Inst. Generator	
20227992	Thomas Chamberlain	26 Matthews Dr	Er. Fence	
20227994	William Cognion	1 Chestnut Corner	Er. Fence	
20227995	Thrifty Roofs LLC	115 Aurora St	Re-Roof	(V/L)
20227996	Ahmad Mafi	7 Northfield Ln	Er. Shed	
20227997	The Gutter People of WNY Inc.	17 Walter St	Re-Roof	(V/L)
20228000	Nicholas LaManna	95 Avian Way	Er. Shed	

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

July 5, 2022

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

WHEREAS, the Town Board of the Town of Lancaster has received a rezone and concept site plan application from Kyle Banasik, on behalf of S & G properties, LLC, proposing to rezone 6218 Broadway Street (SBL No. 117.00-1-1), a +/- 1-acre parcel from Agricultural Residential (A-R) to Light Commercial (LC) to construct a private office and attached classis automobile storage and showroom (“The Action”), and

WHEREAS, the Town Board of the Town of Lancaster (the “Town Board”) must comply with SEQRA and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Action, and

WHEREAS, the Town Board is an involved agency pursuant to SEQRA, and

WHEREAS, the Town Board has determined that the Action is a “Type I” action under SEQRA, requiring a coordinated review, and

WHEREAS, the Town Board intends to serve as the Lead Agency for the coordinated SEQRA review of the Action.

NOW, THEREFORE,

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

1. The Action is hereby determined to be a Type I action under SEQRA.
2. The Town Board hereby declares its intent to act as Lead Agency, pursuant to SEQRA, for the purpose of conducting the environmental review of the Action.
3. The Town Board hereby directs the Town Attorney to send the Notice of Intent to Act as Lead Agency to the other involved/interested agencies, pursuant to SEQRA.
4. This Resolution shall be 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 DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

July 5, 2022

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 updating and correcting requirements for Home Occupations within the Agricultural Residential (A-R), single-Family Residential (R), Multifamily Residential Mixed-Use (MFMU) Districts and Zoning 400 Attachment 1, Schedule A, (400 Attachment 1:3) 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

July 5, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: July 5, 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 6 of updating and correcting requirements for Home Occupations within the Agricultural Residential (A-R), single-Family Residential (R), Multifamily Residential Mixed-Use (MFMU) Districts and Zoning 400 Attachment 1, Schedule A, (400 Attachment 1:3) of the Code of the Town of Lancaster 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 6 of 2022 updating and correcting requirements for Home Occupations within the Agricultural Residential (A-R), single-Family Residential (R), Multifamily Residential Mixed-Use (MFMU) Districts and Zoning 400 Attachment 1, Schedule A, (400 Attachment 1:3) of the Code of the Town of Lancaster

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

SEQRA Status: Type I Action.

Description of Action: The Board has reviewed the Local Law updating and correcting requirements for Home Occupations within the Agricultural Residential (A-R), single-Family Residential (R), Multifamily Residential Mixed-Use (MFMU) Districts and Zoning 400 Attachment 1, Schedule A, (400 Attachment 1:3) of the Code of the Town of Lancaster 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 LEARY, 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 “**RESIDENTIAL DISTRICTS AND SCHEDULE A REVISION**”, which will amend the Code of the Town of Lancaster by updating and correcting requirements for Home Occupations within the Agricultural Residential (A-R), Single-Family Residential (R), Multifamily Residential Mixed-Use (MFMU) Districts and Zoning 400 Attachment 1, Schedule A, (400 Attachment 1:3), was introduced to the Town Board of the Town of Lancaster by Council Member Mazur on the 6th day of June, 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 20, 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. 6 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

July 5, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 6 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 July 5, 2022, Local Law No. 6 of the Year 2022, which will amend the Code of the Town of Lancaster by updating and correcting requirements for Home Occupations within the Agricultural Residential (A-R), Single-Family Residential (R), Multifamily Residential Mixed-Use (MFMU) Districts and Zoning 400 Attachment 1, Schedule A, (400 Attachment 1:3) 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**

July 7, 2022

**Town of Lancaster
Local Law No. 6 of 2022**

A Local Law Amending the Code of the Town of Lancaster by updating and correcting requirements for Home Occupations within the Residential Districts and Zoning 400 Attachment 1, Schedule A.

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

Section 1. Section 400-13(B)(2)(c) of Chapter 400 of Article IV of the Town Code is hereby amended to read in its entirety as follows:

(c) Home occupations (**with Special Use Permit**).

Section 2. Section 400-14(B)(2)(b) of Chapter 400 of Article IV of the Town Code is hereby amended to reach in its entirety as follows:

(b) Home occupations (**with Special Use Permit**).

Section 3. Section 400-15 (B)(2)(a) of Chapter 400 of Article IV of the Town of Code is hereby amended to read in its entirety as follows:

(a) Home Occupations (**with special Use Permit**).

Section 4. 400 Attachment 1, Town of Lancaster Schedule A is hereby amended as follows:

Permitted principal use	P
Permitted accessory use	A
Principal use with special use permit	PSUP
Accessory use with special use permit	ASUP
Principal use with special use permit and site plan	PSUP/SP
Accessory use with special use permit and site plan	ASUP/SP
Not permitted	N

Section 5. Home occupations within Zoning 400 Attachment 1:3, Schedule A is hereby amended as follows:

Use	AR	R	MFMU	LC	GC	LI	GI
Home occupations	ASUP	ASUP	ASUP	N	N	N	N

Section 6. 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 7. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

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

WHEREAS, the Town Board of the Town of Lancaster has previously held public hearings, pursuant to Chapter 400-Zoning Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the applications of **Gregory A. Sojka, Owner of Greg's Tree Service**, for Special Use Permits to **operate a contractor's storage yard with storage of tree grind and firewood** on premises locally known as 1230 Town Line Road (SBL. No. 95.00-3-22.1), currently zoned General Industrial (GI), and the Board issued such Special Use Permits on December 19, 2016, which are subject to a yearly renewal upon application by the property owner, and

WHEREAS, by resolution adopted December 20, 2021, **Gregory A. Sojka** was granted a six (6) month renewal of said Special Use Permit which expired according to its terms on June 30, 2022, and

WHEREAS, by letter dated May 11, 2022, **Gregory A. Sojka**, has requested that the Town Board renew the Special Use Permit for the remainder of the 2022 calendar year (six months), and

WHEREAS, Matt Fischione, the Town's Code Enforcement Officer, by letter dated June 17, 2022 has indicated receipt the Special Use Permit site plan application submission and recommended approval for the six (6) month extension.

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

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, Section 21(B)(1)(h) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Gregory A. Sojka, Owner of Greg's Tree Service**, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning January 1, 2022, and ending June 30, 2022, and

2. That the applicant will continue in compliance with conditions as set forth in § 400-21 Industrial Districts and § 400-78 Special use permits of the Code of Town of Lancaster and with the following conditions:

- A. No more than 200 cubic yards of tree grind and firewood are to be stored at one time on the site.
- B. Permit shall expire on December 31, 2022. The original applicant can renew the permit at no additional cost provided it is for the same location that the original permit was issued under.
- C. Renewal is considered upon the applicant submitting a request in writing to the Town Clerk, on or before December 31, 2022.
- D. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

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

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

July 5, 2022

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

WHEREAS, by resolution dated June 20, 2022, the Town Board of the Town of Lancaster approved the appointment of Craig Blanchard of Lancaster, New York to the position of Assistant Code Enforcement Officer, full-time in the Building Department effective June 20, 2022, and

WHEREAS, Matt Fischione, Code Enforcement Officer of the Building Department, by letter dated June 28, 2022, has requested an effective starting date change for Craig Blanchard's appointment to the position of Assistant Code Enforcement Officer.

NOW, THEREFORE,

BE IT RESOLVED, that the effective date of the appointment of Craig Blanchard to the position of Assistant Code Enforcement Officer, full-time in the Building Department be and is hereby corrected from June 20, 2022 to July 5, 2022.

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

July 5, 2022

PREFILED RESOLUTION NO. 9 – MEETING OF 7/5/2022

9. Mazur/_____ Authorize Special Use Permit Telecommunication Tower Co-Location T-Mobile Northeast, LLC Mohawk Place

A motion was made by Council Member Mazur to table the resolution, Seconded by Council Member Leary.

ALL IN FAVOR. MOTION CARRIED.

The resolution was tabled.

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

WHEREAS, the Town Board of the Town of Lancaster held a public hearing on June 20, 2022, pursuant to Chapter 400-Zoning, Section 78 entitled Special use permits, of the Code of the Town Lancaster, upon the application of **Herb and Andrew Schaub** on behalf of **BrewFun Enterprises, LLC/Brazen Brewing**, for a Special Use Permit to operate a microbrewery/taproom which includes retail sales, restaurant and outdoor seating on premises locally known as 5839 Genesee Street (SBL No. 94.00-2-11.2) 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, and

WHEREAS, Code Enforcement Officer, Matt Fischione, has reviewed the Use and found it compliant to the Zoning District of this Special Use Permit request per his letter dated January 27, 2021.

**NOW, THEREFORE,
BE IT RESOLVED,**

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(1)(o) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Herb and Andrew Schaub** on behalf of **BrewFun Enterprises, LLC/Brazen Brewing**, for a Special Use Permit to operate to operate a microbrewery/taproom which includes retail sales, restaurant and outdoor seating on premises locally known as 5839 Genesee Street (SBL No. 94.00-2-11.2) in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance as set forth in the Zoning Ordinance for the period beginning July 5, 2022, through July 4, 2024, and

2. That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District, and §400-78 Special use permits, 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 occupation listed above on the premises namely:

- A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, **on or before July 4, 2024.**
- B. Hours of operation for outdoor seating be limited to no later than Ten O'clock Post Meridiem (10:00 P.M.).
- C. There shall be no amplified sound transmitted to the outside seating area.
- D. Applicant will provide a copy of the business' New York State/Federal Tax Employer Identification Number and when applicable a License from the appropriate regulatory agency for the service being provided.

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

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

July 5, 2022

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

WHEREAS, the Town Board is considering the proposed subdivision development submitted by Elliot Lasky of Pleasant View Gardens, LLC consisting of 6 single-family home lots on a +/- 2.2 acre-parcel located at 538 Pavement Road (SBL No.94.15-1-23) in the Town of Lancaster, and

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

WHEREAS, the Town Board has duly considered the plans for the subdivision 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 a proposed 6-Lot single-family home subdivision submitted by Elliot Lasky of Pleasant View Gardens, LLC which is to be located at 538 Pavement Road (SBL No. 94.15-1-23) 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; for this reason the Town 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

July 5, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: July 5, 2022

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 6-Lot single-family home subdivision submitted by Elliot Lasky of Pleasant View Gardens, LLC which is to be located at 538 Pavement Road (SBL No. 94.15-1-23). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Cross Creek Subdivision, Phase 9

Location of Action: 538 Pavement Road (SBL No. 94.15-1-23), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The proposed action consists of the development of a 6 lot single family detached residential subdivision located on an approximately 2.20 acre parcel at 538 Pavement Road (“project site”). The Project Site is properly zoned MFMU. The proposed project includes all related site improvements as depicted on the project plans. The proposed action has been defined to include all required discretionary approvals and permits as well as all proposed site improvements. The project is an Unlisted action pursuant to SEQRA since the impacts cross the thresholds of a Type 1 action contained in 6 NYCRR Part 617.4.

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? **Small 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? **Small impact.**

7. Will the proposed action impact existing:
 - a. public/private water supplies? **Small Impact, increased need for new homes.**
 - b. public/private wastewater treatment utilities? **Impact. Per the New York State Department of Conservation's January 31, 2022 letter, a detailed Downstream Sewer Capacity Analysis must be performed.**
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? **Very Small impact.**
11. Will the proposed action create a hazard to environmental resources or human health? **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 LEARY, TO WIT:

WHEREAS, Elliot Lasky of Pleasant View Gardens, LLC, 4430 Walden Avenue, Lancaster, NY, has heretofore applied for approval of a 6 lot single family home development to be known as “Cross Creek Phase 9 Subdivision” located at 538 Pavement Road (SBL No. 94.15-1-23) in the Town of Lancaster, and

WHEREAS, the Preliminary Plat was submitted to the Planning Board and was approved at their June 15, 2022 meeting, and

WHEREAS, the Planning Board, has completed an environmental review on June 15, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board acting as Lead Agency issued a Negative Declaration on July 5, 2022, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision.

NOW, THEREFORE,

BE IT RESOLVED as follows:

That the Town Board of the Town of Lancaster hereby approves the proposed 6 lots single family home development Preliminary Plat as prepared by GPI Engineering, Landscape Architecture & Surveying, LLP, dated December 16, 2021 and filed with the Town Clerk on January 7, 2022 for said development to be known as the “Cross Creek Phase 9 Subdivision” with the following conditions:

1. Required topsoil volume computations shall be provided per the Town’s adopted Subdivision Regulations.
2. All Easements to be shown on individual lot surveys when lots are sold.
3. Prior to acceptance of any Public Improvement Permits the contractor shall provide a 2-Year Maintenance guarantee as required per Town Code §206-10(D).
4. Prior to construction the contractor is to provide a Performance guarantee when PIP applications are submitted with an amount equal to construction costs.
5. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
 - As-built survey will identify the Stormwater System and shall be provided to the Town prior to the Town’s acceptance of said system.
6. Seven (7) copies of the Filed Map Cover with proof of filing delivered to the Town Clerk’s Office.
7. Proof of Erie County Water Authority, Erie County Department of Environment and Planning Division of Sewerage Management, and Erie County Department of Public Works approvals be provided to the Town.

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

July 5, 2022

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

WHEREAS, John Trojanowsky, Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated June 16, 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 Youth Bureau, 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>
Katie Lutz Lancaster, NY	Tutor	\$17.00	July 6, 2022
Kevin Koperski Germantown, MD	Tutor	\$16.50	July 6, 2022
Linda Conroy Batavia, NY	Tutor	\$14.00	July 6, 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

July 5, 2022

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

WHEREAS, the Lancaster Depew Baseball League (“The League”) has requested to use the Town of Lancaster’s LDB Indoor Training Facility Parking Lot located within Westwood Park for a Chicken BBQ, presented by Carrubba’s Chicken Pit, fundraiser which will be held on Sunday, July 10, 2022 from 11:00 A.M.to 3:00 P.M., and

WHEREAS, the Town Attorney’s Office has prepared a Release of Liability and Assumption of Risk which provides the terms and conditions for use of the LDB Indoor Training Facility Parking Lot located within Westwood Park and which the League has executed and submitted the required proof of liability insurances in advance of the event taking place which have also been approved by the Town Attorney’s Office.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby grants Lancaster Depew Baseball League’s request to use Town of Lancaster’s LDB Indoor Training Facility Parking Lot located within Westwood Park for a Chicken BBQ, presented by Carrubba’s Chicken Pit, fundraiser which will be held on Sunday, July 10, 2022 from 11:00 A.M. to 3:00 P.M.

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

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

July 5, 2022

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

WHEREAS, Jean Karn, Dog Control Officer for the Town of Lancaster Dog Control Department, by letter dated June 29, 2022, has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE,

BE IT RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Town of Lancaster Dog Control Department, working not more than nineteen and three-quarter hours per week, 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 permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Marc Accurso Tonawanda, NY	Dog Control Officer	\$16.00	July 6, 2022

BE IT FURTHER,

RESOLVED, that this individual shall be compensated for any scheduled work shift for the actual number of hours worked but shall be compensated for any unscheduled call-ins for a minimum of four hours.

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

July 5, 2022

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

WHEREAS, by resolution adopted June 1, 2020, the Town of Lancaster entered into two (2) maintenance agreements with Mollenberg-Betz, Inc., to provide semi-annual maintenance services on the HVAC systems within the Town's Highway Office Building, Mental Health Center, Recreation Department, Senior Center, Town Hall, Youth Bureau, and OEM, and

WHEREAS, the agreements expired according to their terms on May 31, 2022, and

WHEREAS, the Town's Building and Grounds Department requested that the Town's Consulting Engineer, Edward Schiller, solicit RFPs for semi-annual maintenance services for the various HVAC, heating, cooling, and hot water systems located within all of the Town owned facilities, and

WHEREAS, Edward Schiller, received two (2) RFPs responses and by letter dated June 13, 2022, has recommended that the Town enter into a new agreement with Mollenberg-Betz, Inc., to provide semi-annual HVAC inspections and preventative maintenance services on the heating, cooling, and hot water systems within all the Town facilities for an annual cost of \$12,280.00 per their quote dated May 16, 2022 (#RS2022-115).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster accepts the agreement from Mollenberg-Betz, Inc., 300 Scott Street, Buffalo, New York 14204, to provide semi-annual HVAC inspections and necessary preventative maintenance on the heating, cooling, and hot water systems located within the Dog Control Facility, Highway Department Garage, Highway Office Building, Mental Health/Outpatient Center, OEM, Recreation Department Building, Senior Center, Town Hall, and Youth Bureau to commence June 1, 2022 and terminate on May 31, 2023; for a cost not to exceed \$12,280.00 per their quote dated May 16, 2022 (#RS2022-115) which will be paid for with funds available from the Town's 2022 Buildings, Other Capital Outlay Budget (Line Item 01-1620-0260), and

BE IT FURTHER,

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute said agreement pending receipt and approval of the required insurance documents by the Town Attorney'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

July 5, 2022

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

WHEREAS, Michelle Barbaro, Deputy Highway Superintendent, has requested permission to replace the compressor within the HVAC unit at the Town of Lancaster’s Police Department, located at 525 Pavement Road, and

WHEREAS, the Deputy Highway Superintendent has obtained a proposal for the removal of the existing compressor and the purchase and installation of a new one from Greater Niagara Mechanical, Inc., for a total cost of \$8,655.00 in accordance with the Town of Lancaster’s Procurement Policy, and

WHEREAS, by letter dated June 27, 2022, the Deputy Highway Superintendent has recommended accepting the proposal for replacing the Town of Lancaster Police Department’s HVAC unit’s compressor with a new one from Greater Niagara Mechanical, Inc., and

WHEREAS, funding for this service is available from the Town’s 2022 Buildings Equipment, Other Capital Outlay Budget (Line Item 01-1620-0260).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby accepts and authorizes the Supervisor, to sign the proposal for the replacement of the compressor within the Town of Lancaster Police Department’s HVAC unit, located at 525 Pavement Road, from Greater Niagara Mechanical, 7311 Ward Road, Tonawanda, NY, dated June 24, 2022, for an amount not to exceed \$8,655.00, and which will be paid for with funds available in the Town’s 2022 Buildings Equipment, Other Capital Outlay Budget (Line Item 01-1620-0260).

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

July 5, 2022

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

WHEREAS, there are several private residential properties on Sterling Place, Hanover Street and Carlisle Street in the Town of Lancaster that are not in compliance with the provisions of the Code of the Town of Lancaster as relate to Stormwater Management and Property Maintenance, and

WHEREAS, there are at least two Homeowners' Associations similarly not in compliance as above described, and

WHEREAS, the non-compliant parties have been given notice of their status and corrective action has been demanded by the Senior Codes Enforcement Officer of the Town of Lancaster Building Department, and

WHEREAS, the non-compliant parties have been notified that continued non-compliance will result in the Town initiating corrective action and property maintenance at the expense of the non-compliant party, and

WHEREAS, the non-compliant parties remain out of compliance.

NOW, THEREFORE,

BE IT RESOLVED, as follows the Town Board of the Town of Lancaster directs the Lancaster Town attorney and the Lancaster Codes Enforcement Officer to take corrective action by any and all means authorized under the law.

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

July 5, 2022

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

WHEREAS, CSEA Local 815-6763-01 (“CSEA”) and the Town of Lancaster (“Town”) are parties to a collective bargaining agreement (“Contract”), and

WHEREAS, there is contractual language limiting overtime hours that may be both worked and paid annually, and

WHEREAS, the Lancaster Police Department is in the process of hiring and then training a candidate for the position of Clerk Typist, and

WHEREAS, until such time as the above-described position can be filled, Police Chief William Karn has requested that two current employees be allowed to perform certain functions necessary to the public safety, and

WHEREAS, the Lancaster Police Chief William Karn has requested that the contractual overtime limitation be temporarily suspended for Clerk Typist Amy Sharkey and Clerk Stenographer Karen Plewik, and

WHEREAS, the Parties to the contract agree that it is in their respective best interests to temporarily suspend the contractual limitation on overtime, and

WHEREAS, the Parties agree that the most efficient method to accomplish their mutual goals is execution of a Memorandum of Agreement.

NOW, THEREFORE,

BE IT RESOLVED, as follows, the Town hereby authorizes execution of a Memorandum of Agreement with the following provisions:

It is hereby agreed by and between the Parties as follows:

1. The Town will allow the two positions one Clerk Typist (Amy Sharkey) position and one Clerk Stenographer position (Karen Plewik) at the Police Department to be paid for all hours of overtime worked, not limiting these hours to 40; and
2. This suspension of the overtime limit shall expire on September 30, 2022, unless extended by subsequent Agreement, and
3. This Agreement is made as an accommodation to the Town which will not, does not and cannot be relied upon at any future date for any reason as a past precedent, and
4. All other terms of the collective bargaining agreement not addressed herein shall remain unchanged and are in full force and effect, and

BE IT FURTHER,

RESOLVED, that the overtime limitation for the individuals in these two positions shall be suspended retroactively as of May 16, 2022.

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

July 5, 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 one (1) new and unused **one (1) new and unused Remote Controlled Tracked Mower**, for use by the Highway Department, and

WHEREAS, one (1) bid was received, opened and reviewed on June 23, 2022, and

WHEREAS, by letter dated June 24, 2022, Highway Superintendent John Pilato, has recommended awarding the bid for **one (1) new and unused Remote Controlled Tracked Mower**, to J & J Equipment, 8913 Terex Drive, Brewerton, NY, being the sole responsible bidder in the amount of \$59,995.00.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of John Pilato, Highway Superintendent, hereby awards the bid for **one (1) new and unused Remote Controlled Tracked Mower** to J & J Equipment, 8913 Terex Drive, Brewerton, NY, being the sole responsible bidder in the amount of \$59,995.00 for use by the Highway Department, as it conforms to the specifications on file in the office of the Town Clerk., for an amount not to exceed \$59,995.00 which will be paid for with funds available from the Town's 2022 Highway Equipment Passenger Vehicles Budget (Line Item 13-5110-0220).

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

July 5, 2022

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

WHEREAS, Erie County has submitted a proposed three (3) year agreement whereby they will reimburse the Town of Lancaster for maintaining snow and ice removal on County highways within its jurisdiction, and

WHEREAS, the Town Attorney and the Highway Superintendent have reviewed the terms and conditions of the proposed agreement and recommend approval of same, and

WHEREAS, the Town Board of the Town of Lancaster has given due consideration to this request and deems it in the interest of public safety to enter into a Snow Removal and Ice Control Agreement with the County of Erie, New York.

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized and directed to execute a three (3) year Snow Removal and Ice Control Agreement, commencing September 1, 2022 and terminating August 31, 2025 between the Town of Lancaster and the County of Erie, whereby the County will reimburse the Town for removing snow and controlling ice from County Highways located within the Town's jurisdiction, in accordance with the terms and conditions contained therein.

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

July 5, 2022

COMMUNICATIONS & REPORTS

427. Code Enforcement Officer to Town Board –
Recommend approval of Special Use Permit Renewal for Greg’s Tree Service,
1230 Townline Rd. Disposition = Resolution 7/5/22
428. Mike Reinhold to Town Clerk –
Letter of interest for the open position on the Town Planning Board.
Disposition = Received & Filed
429. Town Clerk to Code Enforcement Officer –
Copy of letter from Joanne Rocco requesting renewal of her Special Use Permit
for a Home Occupation located at 5300 William St. Disposition = For Resolution
430. Town Attorney to NYSDEC, Erie County Water Authority, Erie County Health
Dept., Division of Sewerage Management, NYSDOT, Erie County DEP –
Request for lead agency designation regarding Rezone from Agricultural
Residential to General Commercial for 00 Broadway for proposed office and
storage facility of hardwood flooring materials.
Disposition = Planning Committee
431. Planning Board Chairman to Planning Board, Town Board, Town Attorney,
Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from June 15, 2022 Planning Board meeting.
Disposition = Received & Filed
432. Planning Board to Town Board –
Memo recommending approval of Preliminary Plat Review for Cross Creek
Phase 9, 538 Pavement Rd.; no conditions. Disposition = Planning Committee
433. Planning Board to Town Board –
Memo recommending approval of Site Review for Broadway and Bowen
Development, 5827 Broadway; no conditions. Disposition = Planning Committee
434. Planning Board to Town Board –
Memo recommending approval of SEQR Review of Local Law 400-75
(D) (9). Disposition = Planning Committee
435. Planning Board to Town Board –
Memo recommending approval of SEQR Review of Home Occupation Law and
Zoning 400 Attachment 1, Schedule A. Disposition = Planning Committee
436. Planning Board to Town Board –
Memo recommending approval of SEQR Review for Cross Creek Phase 9
538 Pavement Rd.; no conditions. Disposition = Planning Committee
437. Town Engineer to Town Board –
Request for resolution to award contract for Dog Control Facility Exterior
Fencing to Iroquois Fence, Inc., 51 North America Dr., West Seneca, NY.
Disposition = For Resolution
438. Family of William J. Faulhaber to Town Clerk and Town Board –
Thank you for Memorial Resolution for William J. Faulhaber.
Disposition = Received & Filed
439. Lee Chowanec to Town Board –
Request for live-streaming of pre-Town Board meeting works sessions.
Disposition = Received & Filed
440. Town Clerk to Town Board –
Request for appointment of Karen Loecher to the position of Clerk Typist in
in the Tax Department effective August 1, 2022. Disposition = For Resolution

441. **Town Engineer to Town Board –**
Request for approval of Change Order 5R submitted by MGR Constructors, Inc. for the Lancaster Dog Control Facility. Disposition = For Resolution
442. **Highway Superintendent to Town Board –**
Request for resolution to purchase one new and unused Remote Controlled Tracked Mower from J&J Equipment, 8913 Terex Dr., Brewerton, NY. Disposition = Resolution 7/5/22
443. **Deputy Highway Superintendent to Town Board –**
Request for resolution to purchase a compressor from Greater Niagara Mechanical, Inc., 7311 Ward Rd., North Tonawanda, NY to replace the compressor at the Police Department. Disposition = Resolution 7/5/22
444. **Mayor of the Village of Lancaster to Supervisor –**
Request for the Town of Lancaster to consider renaming the Lancaster Historical Museum in memory of former Town Historian Edward Mikula. Disposition = Received & Filed
445. **Code Enforcement Officer to Town Board –**
Request for resolution to appoint Craig Blanchard to the position of Assistant Code Enforcement Officer in the Town Building Department effective July 5, 2022. Disposition = Resolution 7/5/22
446. **Deputy Highway Superintendent to Town Board –**
Request for resolution to allow Lancaster Depew Baseball to hold a Chicken Barbecue with Carrubba's Chicken Pit at Westwood Park on Sunday, July 10, 2022. Disposition = Received & Filed
447. **Town Engineer to Town Board –**
Recommend awarding the contract for Exterior Fencing at the Dog Control Facility Iroquois Fence, Inc., 51 North America Dr., West Seneca, NY. Disposition = For Resolution
448. **Deputy Highway Superintendent to Town Board –**
Revised request for resolution to allow Lancaster Depew Baseball to hold a Chicken Barbeque with Carrubba's Chicken Pit at Westwood Park on Sunday, July 10, 2022. Disposition = Resolution 7/5/22
449. **Executive Director Youth Bureau to Supervisor and Town Board –**
Request for resolution to appoint several individuals to various part-time temporary seasonal positions in the Youth Bureaus's Summer Skills Reinforcement & Enrichment Programs effective July 6, 2022. Disposition = Resolution 7/5/22
450. **Dog Control Officer to Supervisor and Town Board –**
Request for resolution to appoint Mark Accurso, Tonawanda, NY to the position of part-time, permanent employee in the Lancaster Dog Control Department effective July 6, 2022. Disposition = Resolution 7/5/22
451. **Police Chief to Town Clerk –**
Articles and communications. Disposition = Received & Filed
452. **Stormwater Management Officer to Drainage & Storm Sewer Committee –**
MS4 Report for June 2022. Disposition = Received & Filed
453. **Police Chief to Town Board and CSEA White Collar Union –**
Request for the Town and White Collar Union to complete an M.O.A. allowing two clerks to be paid for all overtime hours until a new records clerk is appointed and trained. Disposition = Resolution 7/5/22

**454. Village of Lancaster Project Team to Supervisor –
Information regarding construction of the Downtown Lancaster Roundabouts
and a stakeholder meeting on July 6, 2022 at Village Hall.
Disposition = Received & Filed**

ADJOURNMENT:

**MOTION WAS MADE BY COUNCIL MEMBER LEARY AND
SECONDED BY COUNCIL MEMBER MAZUR,** to adjourn the meeting in memory of
Jean Dennis, Timothy D. Heintz, John Kegler, Matthew Pluta, Kimberly Stribing and Henry
Zalenski at 8:00 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.

July 5, 2022

Signed _____

Diane M. Terranova, Town Clerk