

Town Board Minutes

January 3, 2023

Meeting No. 1

An Organizational and 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 3rd day of January 2023 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
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU
RONALD ROZLER, OFFICE OF EMERGENCY MANAGEMENT

PERSONS ADDRESSING TOWN BOARD:

Ciccarelli, Carmen, spoke to the Town Board on the following matter:

- Asked why the position of Park Crew Chief is not being filled.

Hartwig, Kelly, spoke to the Town Board on the following matter:

- Spoke about additional parks in the Town.

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

- Statement pertaining to leading the Town Board.

Rozler, Ronald, Office of Emergency Management, spoke to the Town Board on the following matter:

- Gave an overview of the recent blizzard and changes to be made for future emergencies.

Sojka, Greg, spoke to the Town Board on the following matter:

- Spoke about the lack of personnel in the Supervisor's office.

Sroda, John, spoke to the Town Board on the following matter:

- Proponent for the promotion of Carmen Ciccarelli as Park Crew Chief.

Szarzynski, Scott, spoke to the Town Board on the following matter:

- Questions about the Partridge Park proposal.

Trojanowsky, John, Youth Bureau Director, spoke to the Town Board on the following matter:

- Thanked Ron Hoffman and Carmen Ciccarelli for their emergency work on a flooded Youth Bureau on Christmas Day.

PRESENTATION OF ORGANIZATIONAL RESOLUTIONS:

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

WHEREAS, the Town Board of the Town of Lancaster wishes to implement a policy establishing certain requirements relative to the Town's procurement of public works projects to be performed by outside contractors on Town property.

NOW, THEREFORE,

BE IT RESOLVED, as follows that all Town of Lancaster Departments seeking to have any public works projects performed by outside contractors on Town property will be required to adhere to the following provisions:

1. Shall be procured in a manner consistent with the requirements specified in General Municipal Law §103.

2. Selected Contractors Shall provide a written contract/proposal/agreement/estimate/quote stipulating the task/work to be performed which will be signed & dated by both the contractor and a town official and which will include the following language above the signatures "The Town of Lancaster is listed as an additional insured on a primary and non-contributory basis for all ongoing and completed operations". In addition, contractors shall provide proof of current Workers' Compensation and NYS Disability coverage or a Certificate of Exemption (Form CE-200) from the NYS Workers' Compensation Board. They will also provide Liability insurance coverages for the categories required and, in the amounts specified by the Town. The aforementioned documents are to be provided to the Town Attorney's Office for review and approval prior to any work being initiated.

3. Shall be authorized/approved by the Town of Lancaster Town Board via a resolution.

4. Any professional service engagements entered into after August 20, 2018, which are reasonably anticipated to cost seventy-five thousand dollars (\$75,000.00) or more per fiscal year shall require issuance of a Written Request for Proposals to be reviewed by the Town Board, awards of professional services will be made in conjunction with items 1, 2 & 3 above where applicable, and

BE IT FURTHER,

RESOLVED, Town of Lancaster department heads be and are hereby authorized to sign contracts/proposals/agreements/estimates/quotes for public works projects in the amount of **two-thousand five-hundred dollars (\$2,500.00) or less in conjunction with the provisions stated above**; public works projects in the amount of **two-thousand five-hundred dollars and one cent (\$2,500.01) or more require the Town Supervisor's signature** in conjunction with the provisions stated above, and

BE IT FURTHER,

RESOLVED, in the event of an urgent and unexpected emergency situation where health and public safety or the conservation of public resources is at risk, or where the time sensitive nature of the work requires immediate action, the contract can be executed and approved by the Town Board retroactively in conjunction with all the provisions stated above, and

BE IT FURTHER,

RESOLVED, this resolution is effective immediately and shall supersede any previous versions of such policy.

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

January 3, 2023

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

WHEREAS, it is essential to the orderly and efficient conduct of regular and special meetings of the Town Board of the Town of Lancaster to adopt Rules of Order so that the business of the Town of Lancaster may be conducted with dispatch and decorum.

NOW, THEREFORE,

BE IT RESOLVED, that in accordance with Section 63 of the Town Law of the State of New York, the Town Board of the Town of Lancaster hereby adopts, for the year 2023, the following amendments to the Rules of Order for the conduct of regular and special meetings:

RULES OF ORDER
TOWN BOARD
TOWN OF LANCASTER

RULE 7 TIME FOR PRESENTATION TO THE CLERK

Resolutions to be prepared by the Town Attorney's Office containing a Legal Notice shall be submitted to the Town Attorney's Office by 4:00 P.M. on the Monday preceding a Town Board meeting.

Fully prepared resolutions containing a Legal Notice shall be submitted as a Microsoft Word document to the Town Clerk by 12 Noon on the Wednesday preceding a Town Board meeting.

Resolutions without a Legal Notice to be prepared by the Town Clerk, Town Attorney or Supervisor, must be delivered, with all appropriate and required documents, to the respective offices by 12 Noon on the Tuesday preceding a Town Board Meeting.

Fully prepared resolutions not containing a Legal Notice shall be submitted as a Microsoft Word document to the Town Clerk before 3 P.M. on the Thursday preceding a Town Board meeting for presentation by the Town Clerk at the next Town Board meeting.

Town Board Communications shall be submitted to the Town Clerk before 3 P.M. on the Thursday preceding a Town Board meeting for presentation by the Town Clerk at the next Town Board meeting.

In the event of a holiday occurring on the Thursday or Friday preceding a Town Board Meeting, presentations of resolutions or requests for preparation of resolutions shall be delivered to the Town Clerk, Town Attorney and Supervisor one day earlier than the aforementioned days and times.

The resolutions, communications, and as far as practical, a fully prepared agenda shall be transmitted by the Town Clerk to the Town Board members on the Friday evening preceding each regular Town Board meeting.

The Town Clerk, Town Attorney and Supervisor are authorized to promote rules and regulations deemed necessary to implement Rule 7.

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

January 3, 2023

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

Resolved that the following appointments be and are hereby made by the Town Board of the Town of Lancaster. These appointments shall be effective January 1, 2023. The individuals so appointed shall serve at the will of the Town Board unless otherwise specified by law, and compensation, if any, shall be paid consistent with the applicable Schedule of Salaries adopted by the Town Board for the 2023 calendar year.

GENERAL ADMINISTRATIVE APPOINTEES

DICKMAN, ADAM, be and is hereby appointed the alternate voting delegate to represent the Town of Lancaster at official meetings of the Northeast-Southtowns (NEST) Solid Waste Management Board.

FISCHIONE, MATTHEW, be and is hereby appointed 1st Alternate Natural Disaster Service Coordinator.

FOWLER JR., THOMAS, be and is hereby appointed Town Attorney, under his current terms and conditions of employment.

FOWLER JR., THOMAS, be and is hereby appointed Town Prosecutor, under his current terms and conditions of employment.

FOWLER JR., THOMAS, be and is hereby appointed 2nd Alternate Affirmative Action Officer, in compliance with Title VIII of the Civil Rights Act of 1968.

KARN, WILLIAM, be and is hereby appointed 2nd Alternate Natural Disaster Service Coordinator.

ORLANDO, EMILY, be and is hereby appointed Deputy Town Attorney, under her current terms and conditions of employment.

PILATO, JOHN, be and is hereby appointed Drainage Officer.

ROZLER, RONALD, be and is hereby appointed Natural Disaster Services Coordinator, part-time.

RUFFINO SR., RONALD, be and is hereby appointed Affirmative Action Officer, in compliance with Title VIII of the Civil Rights Act of 1968.

RUFFINO SR., RONALD, be and is hereby appointed the voting delegate to represent the Town of Lancaster at official meetings of the Northeast-Southtowns (NEST) Solid Waste Management Board.

TERRANOVA, DIANE M., be and is hereby appointed Registrar of Vital Statistics.

WOJTOWICZ, GAIL MARIE, be and is hereby appointed Account Clerk, part-time, (Games of Chance Auditor).

BINGO INSPECTORS, PART-TIME

CRINZI, JOHN, be and is hereby appointed Bingo Inspector, part-time.

DALCANZO, JUDY, be and is hereby appointed Bingo Inspector, part-time.

FARRUGGIO, PATRICK, be and is hereby appointed Bingo Inspector, part-time.

WOJTOWICZ, GAIL MARIE, be and is hereby appointed Bingo Inspector, part-time.

HISTORIAN

MONNIN, MARY JO, be and is hereby appointed Town Historian.

MEMBERS OF AGENCIES, BOARDS, BUREAUS, COMMISSIONS, COUNCILS:

ASSESSMENT REVIEW BOARD

BRANIECKI, CATHERINE, be and is hereby appointed Chairman, Assessment Review Board for the term of one years beginning January 1, 2023 and ending December 31, 2023.

ETHICS BOARD

STOERR, KEITH, be and is hereby appointed Member, Ethics Board for the term of five years beginning January 1, 2023 and ending December 31, 2027.

INDUSTRIAL DEVELOPMENT AGENCY:

GETZONI, GRANT, be and is hereby appointed Member, Industrial Development Agency to serve at will of the Town Board.

LEARY, ROBERT, be and is hereby appointed Member, Industrial Development Agency to serve at will of the Town Board.

LEMASTER, KEVIN, be and is hereby appointed Member, Industrial Development Agency to serve at will of the Town Board.

MCNICHOL, SHANNON, be and is hereby appointed Member, Industrial Development Agency to serve at the will of the Town Board.

PETERSON, KEVIN, be and is hereby appointed Member, Industrial Development Agency to serve at the will of the Town Board.

RINOW, DAVID, be and is hereby appointed Member, Industrial Development Agency to serve at will of the Town Board.

RUDA, LYNNE, be and is hereby appointed Member, Industrial Development Agency to serve at will of the Town Board.

PLANNING BOARD:

DIRIENZO, CARLO, be and is hereby appointed Chairman, Planning Board for the period January 1, 2023 to December 31, 2023.

DIRIENZO, CARLO, be and is hereby appointed Member, Planning Board for the period January 1, 2022 to December 31, 2029.

YOUTH BOARD:

KERL, KEITH, be and is hereby appointed Chairman, Youth Board.

MARCHIOLI, CESAR, be and is hereby appointed Vice Chairman, Youth Board.

CANDELLA, MICHAEL, be and is hereby appointed Member, Youth Board.

DEHN, ELLE, be and is hereby appointed Member, Youth Board.

FINLAYSON, CHLOE, be and is hereby appointed Member, Youth Board.

JACKSON, KAYLIE, be and is hereby appointed Member, Youth Board.
JACOBS, SUZANNE, be and is hereby appointed Member, Youth Board.
KUFEL, ANDREW, be and is hereby appointed Member, Youth Board.
LUPINI, JAMES, be and is hereby appointed Member, Youth Board.
MARELLA, GIANNA, be and is hereby appointed Member, Youth Board.
MARRANO, ANTHONY, be and is hereby appointed Member, Youth Board.
PARKER, JOHN, be and is hereby appointed Member, Youth Board.
PAVELJACK, DANIEL, be and is hereby appointed Member, Youth Board.
SANTORO, JILL, be and is hereby appointed Member, Youth Board.
SCHEER, REV. RICHARD, be and is hereby appointed Member, Youth Board.
SINGH, HARBIR, be and is hereby appointed Member, Youth Board.
STELLER, REV. PAUL, be and is hereby appointed Member, Youth Board.
SKOK-WATSON, DEB, be and is hereby appointed Member, Youth Board.
WITT, BRIAN, be and is hereby appointed Member, Youth Board.

ZONING BOARD OF APPEALS:

MIKOLEY, JOHN, be and is hereby appointed Chairman, Zoning Board of Appeals, for the period January 1, 2023 to December 31, 2023.

MIKOLEY, JOHN, be and is hereby appointed Member, Zoning Board of Appeals, for the period January 1, 2023 to December 31, 2027.

STUDLEY, MELISSA, be and is hereby appointed Member, Zoning Board of Appeals, for the period January 1, 2023 to December 31, 2024.

BE IT FURTHER,

RESOLVED, that the Town Clerk give notice of the appointment of as Affirmative Action Officer in a "display advertisement" in the official newspaper of the Town 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	NO

January 3, 2023

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF DESIGNATION
OF
AFFIRMATIVE ACTION OFFICER**

THE TOWN OF LANCASTER HAS APPOINTED RONALD RUFFINO, SR. AS THE LOCAL AFFIRMATIVE ACTION OFFICER AND THOMAS FOWLER, JR. AS THE 2ND ALTERNATE AFFIRMATIVE ACTION OFFICER.

PERSONS WHO FEEL THEY HAVE BEEN THE VICTIMS OF HOUSING DISCRIMINATION MAY RECEIVE ASSISTANCE IN FILING A COMPLAINT BY CONTACTING MR. RUFFINO AT 716-683-1610 OR MR. FOWLER AT 716-684-3342

PHONE: 716-683-1610

January 5, 2023

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

RESOLVED, by the Town Board of the Town of Lancaster as follows:

SECTION 1:

That during the year 2023, Town department heads or officials, or their designees, are hereby authorized to attend in **Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Monroe, Niagara and Wyoming Counties**, the regular luncheon/dinner meetings of the various official organizations relating to their official duties as Town department heads or officials. The cost of such meals shall not exceed \$60.00 per luncheon or dinner. Necessary expenses incurred in traveling to or from said meeting as well as membership fees, are hereby determined a legitimate Town expense for which such officials shall be reimbursed upon presentation of receipts and also must have funds available in the departmental budget.

SECTION 2:

That during the year 2023, the Code Enforcement Officer/Fire Inspector or his designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and also must have funds available in the departmental budget:

- New York State Building Officials Conference
- Niagara Frontier Building Officials Education Conference
- State Emergency Management Schools
- New York State Fire Academy Conference
- Montour Falls New York State Fire Academy
- Association of State Flood Plain Managers
- NFBOA-Bi Monthly Meetings of WNY Fire Marshal Association

SECTION 3:

That during the year 2023, the Court Clerks are hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State Magistrates' Association of Court Clerks
- Erie County Town & Village Court Clerks Association

SECTION 4:

That during the year 2023, the Town Justices are hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State Magistrates' Association Conference
- Office of Court Administration Taking the Bench Certification Course
- Erie County Magistrates Association

SECTION 5:

That during the year 2023, the Director of Administration and Finance and/or the Payroll Supervisor are hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State-GFOA Pre-Conference Training Seminars and Annual Conference
- New York State-GFOA Western Region Spring Seminar
- New York State-GFOA Western Region Summer Seminar
- New York State-GFOA Western Region Holiday Seminar

SECTION 6:

That during the year 2023, the Highway Superintendent or his designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State Association of Town Superintendents of Highways Conference
- Cornell Local Roads Program For Highway Superintendents

SECTION 7:

That during the year 2023, the Police Chief or his designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State Association of Chiefs of Police
- Mid Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN) Conference
- International Association of Chiefs of Police

SECTION 8:

That during the year 2023, the Town Clerk or her designee is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State Town Clerks' Association Annual Conference
- New York Association of Local Government Record Officers Annual Conference
- New York Association of Tax Receivers and Collectors Annual Conference

SECTION 9:

That during the year 2023, the Executive Director of the Youth Bureau is hereby authorized to attend the following educational and training sessions with reimbursement of actual and necessary expenses hereby authorized upon presentation of receipts and must also have funds available in the departmental budget:

- New York State Association of Youth Bureaus and Youth Boards
- Western New York Association of Youth Bureaus & Youth Boards

SECTION 10:

That during the year 2023, all Town officials and employees be and hereby are authorized to be paid standard mileage per mile for the use of their personal automobiles on all Town business at a rate equal to the Internal Revenue Service Guideline Regulations for 2023 mileage reimbursement.

SECTION 11:

That all conferences, seminars, lectures and meetings not falling within a pattern of regular attendance and **not exceeding \$400.00** in reimbursable expenses, including mileage reimbursement, may be approved for attendance by the Supervisor pursuant to Section 77-b of the General Municipal Law. Conferences, seminars, lectures and meetings **exceeding \$400.00** shall require the approval of the Town Board and must have funds available in the departmental budget.

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

January 3, 2023

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

BE IT RESOLVED, that, pursuant to the Civil Service Law of the State of New York, (a) the Supervisor of the Town of Lancaster be and is hereby designated as the Appointing Officer of the Town of Lancaster, and (b) the Commissioner of Personnel of the County of Erie shall correspond on all matters of personnel concerning the Town of Lancaster with the Town Supervisor.

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

January 3, 2023

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

WHEREAS, the Town Board has determined that there is a need to set a policy in regards to monies and other financial resources available for investment and/or deposit on behalf of the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster has also determined that there is a need for a policy for the purchase of goods or services to determine the applicability of Section 103 of the General Municipal Law.

NOW, THEREFORE,

BE IT RESOLVED, that in order to protect the interests of the Town of Lancaster, its residents and taxpayers, the Town Board of the Town of Lancaster hereby adopts the following policies, as presented, to be effective immediately, and which shall supersede any previous versions of such policies:

- a. Investment & Deposit Policy
- b. Procurement Policy

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

January 3, 2023

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

RESOLVED, that the sum of \$1,200.00 be allocated for the proper observance of Memorial Day and Independence Day to the following Veterans Organizations.

Not to exceed \$500.00 – Lt. Col. Matt Urban V.F.W. Post 7275

Not to exceed \$350.00 – Depew Post, American Legion

Not to exceed \$350.00 – Disabled American Veterans Korean Era

provided that such expenses as apportioned shall be paid upon properly itemized and audited vouchers which shall be received during 2023, and

BE IT FURTHER,

RESOLVED, that the sum of \$2,500.00 for the purpose of defraying the expenses of the proper observance of Independence Day in the Town of Lancaster, which sum shall be expended upon properly itemized and audited vouchers for such expenditure.

BE IT FURTHER,

RESOLVED, that the sum of \$2,500.00 for the purpose of defraying the expenses connected with the Spring and Fall Festivals, along with the New Year Eve Event, sponsored by the Village of Lancaster which sum shall be expended upon properly itemized and audited vouchers for such expenditure.

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

January 3, 2023

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

RESOLVED, by the Town Board of the Town of Lancaster as follows:

SECTION 1:

That those Town elected and appointed officials who are authorized by the Town Board to attend the 2023 New York State Association of Towns Training School and Annual Meeting, to be held in New York City on February 19th, 20th, 21st and 22nd, 2023 are eligible for reimbursement for actual and necessary expenses subject to the following limitations;

1. Lodging – single occupancy room rate at established conference rates (New York Marriott Marquis, 1535 Broadway, New York, NY 10036 (Times Square) at a rate of \$279 per night). Each employee is responsible for presenting a completed NYS Department of Taxation and Finance Exemption Form ST-129 directly to the hotel for the purpose of obtaining tax exempt occupancy. The Town will not pay or reimburse any taxes resulting from failure to submit exemption form.
2. Travel – two-way airfare, train fare or actual mileage direct to hotel.
3. Cab Fare – reimbursement restricted to fare between airport or train station to and from hotel only (maximum reimbursement of tow (2) fares per employee only).
4. Meals – Reimbursement not to exceed \$50 per diem and includes reimbursement of actual expenses for the following meals per date for the employee only:
 - Sunday 2/19 – Lunch and Dinner
 - Monday 2/20 – Breakfast, Lunch and Dinner
 - Tuesday 2/21 – Breakfast, Lunch and Dinner
 - Wednesday 2/22 – Breakfast and Lunch
5. Conference Registration Fee – Authorized reimbursement of \$150 per employee.

All requests for reimbursement must be presented in the form of original, itemized receipts (un-itemized credit card receipts will not be accepted). Reimbursement will not be made for the purchase of alcoholic beverages. Total reimbursement per employee is not to exceed the sum of \$1,400.00 and also must have funds available in your department budget. All requests for reimbursement must be received by the Supervisor no later than Friday, March 17, 2023. Reimbursement requests submitted or received after this date will not be paid.

SECTION 2:

That Highway Superintendent John Pilato or Town Board Member Robert Leary be and is hereby appointed as a delegate to the New York State Association of Towns Training School and Annual Meeting to be held in New York City on February 19th, 20th, 21st, and 23rd, 2023

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	NO

January 3, 2023

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

RESOLVED, that the following Schedule of Salaries be and is hereby adopted effective
 January 1, 2023: (amounts represent annual salaries unless otherwise specified)

TO BE PAID BI-WEEKLY

ASSESSMENT REVIEW BOARD:

Assessment Review Board Chairperson (Braniecki)	225.00 per day
Assessment Review Board Members (Fialkiewicz/Herrmann/ Guck/Ostrowski)	175.00 per day
Secretary to Assessment Board of Review P.T. (Carlton)	16.08 per hour

ASSESSOR:

Assessor (Baker)	54,118.00
Clerk P.T. (Powell)	18.05 per hour

BINGO/GAMES OF CHANCE:

Account Clerk P.T. (Games of Chance Auditor) (Wojtowicz)	75.00 per inspection
Bingo Inspector P.T. (Wojtowicz - includes mileage)	75.00 per inspection
Bingo Inspector P.T. (Dalcanzo/Farruggio/Crinzi – includes mileage)	70.00 per inspection

BUILDING INSPECTION:

Clerk P.T. (Flanagan)	19.74 per hour
Code Enforcement Officer (Fischione)	71,761.00
Fire Inspector P.T. (W. Revelas)	19.13 per hour

COUNCIL MEMBERS:

Councilman (Burkard/Dickman/Leary/Mazur)	19,741.00
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COURT:

Clerk to Town Justice (L. Keppner)	48,172.00
Clerk to Town Justice (Lotterer)	48,172.00
Court Officer P.T. (Adamberger/Everett/Hanitz /M. Jablonski/Morris/Pastorek/Schillo)	19.10 per hour
Town Justice (Cervi/Stabler)	45,115.00

DOG CONTROL:

Dog Control Officer F.T. (Karn)	51,511.00
Assistant Dog Control Officer F.T. (Bertozzi)	
Hired 1/17/22 on step	
Full Rate is 34,750.00 after two years	
85% of full rate 1/17/22 - 1/16/23	29,537.50
90% of full rate 1/17/23 - 7/16/23	31,275.00
95 % of full rate 7/17/23 – 12/31/23	33,013.00
Dog Control Officer P.T. (Galbo/Chapman)	16.00 per hour

DISASTER PREPAREDNESS:

Natural Disaster Services Coordinator P.T. (R. Rozler)	18,270.00
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HIGHWAY ADMINISTRATION:

Superintendent of Highways (Pilato)	75,169.00
Town Drainage Officer P.T. (Pilato)	5,783.00
Forestry Supervisor P.T. (Pilato)	3,700.00
Deputy Superintendent of Highways (Barbaro)	38.09 per hour

PARKS, RECREATION, FORESTRY, AND BUILDINGS:

Cleaner P.T. (NeVille/Pawlak/Snyder)	15.92 per hour
Laborer P.T. (Backert/Chilelli/Cook/Mahony)	16.00 per hour
Recreation Attendant P.T. (Alberti/Becker/Besch/Ferris/Fitzsimmons/ Garby/Giza/Gronowski/H. Huxley/S. Huxley/Jachimiak/Jankowski/ Kandefer/Kryszak/Markut/D. Mescall/Musso/Plonka/Radecki/ Smith/Witt)	14.20 per hour
Recreation Attendant P.T. (Kucewicz)	16.00 per hour
Lifeguards P.T. (Koedel/Massaro/Wilkowski/H. Wozniak)	15.00 per hour

PLANNING BOARD:

Secretary to Planning Board P.T. (Maciejewski)	115.00 per meeting
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POLICE:	
Clerk Typist (Confidential) (Sharkey)	48,172.00
School Crossing Guard P.T. (Chapman)	14.20 per hour
SENIOR CENTER:	
Recreation Attendant P.T. (Greco)	16.00 per hour
Recreation Attendant P.T. (Radley/Brunner)	15.00 per hour
Recreation Attendant P.T. (Burns/Janik)	14.20 per hour
Recreation Instructor P.T. (Chatham/Darnley)	14.20 per hour
Recreation Instructor P.T. (Gaffney/Haas/Jankiewicz/ Worden)	31.00 per hour
Recreation Supervisor-Senior Citizens (Gianni)	56,240.00
Van Driver P.T. (Brunner/Conklin/Hastreiter/Morgus/D. Speyer/ Sroda)	15.00 per hour
SUPERVISOR:	
Accountant	51,889.00
Assistant to the Supervisor	58,519.00
Director of Administration and Finance	86,275.00
Payroll Supervisor P.T.	31.68 per hour
Secretary to Supervisor (Maciejewski)	48,172.00
Secretary to LIDA(Crage)	7,500.00
LIDA PILOT billing(Martin)	2,500.00
Supervisor (Ruffino)	72,164.00
Supervisor (Budget Officer) (Ruffino)	0.00
TOWN ATTORNEY:	
Deputy Town Attorney (Orlando)	14,210.00
Principal Clerk Typist (Confidential)	50,709.00
Town Attorney (Fowler)	48,946.00
Town Prosecutor (Fowler)	13,795.00
TOWN CLERK:	
Clerk P.T. (Lutz/Shepard)	18.05 per hour
Deputy Receiver of Taxes (Guarino)	62,442.00
Deputy Town Clerk (Martin)	62,442.00
Deputy Town Clerk (Crage)	
Hired on 08/01/2022 on step	
Full rate is 48,172.00 after two years	
85% of full rate 01/01/23 – 7/31/23	40,946.00
90% of full rate 08/01/23 – 12/31/23	43,335.00
Town Clerk (Terranova)	76,631.00
Town Clerk (Records Management Officer) (Terranova)	6,935.00
YOUTH BUREAU:	
Clerk P.T. (Darmstedter/Sporysz)	14.20 per hour
Executive Director – Youth Board (Trojanowsky)	80,042.00
Tutor P.T. (Klemenz/Marranca)	14.20 per hour
Tutor P.T. (Doyle)	15.23 per hour
Tutor P.T. (Metz/Parks/Swiatkiwsky/Wright)	16.24 per hour
Tutor P.T. (Lettieri)	17.00 per hour
Tutor P.T. (Bulera/McDonald)	17.26 per hour
Tutor P.T. Kaczorowski	17.50 per hour

TO BE PAID BI-WEEKLY

Planning Board Chairperson (DiRienzo)	4,551.00 per annum
Planning Board Members (Anderson/Copas/Gorski/Keefe/ Korzeniewski/Reinhold)	3,558.00 per annum
Zoning Board of Appeals Chairperson (Mikoley)	2,324.00 per annum
Zoning Board of Appeals Members (Castellana/ Monacelli/Stoerr/Studley/Tillmanns)	1,805.00 per annum
Clerk to Zoning Board of Appeals P.T. (Terranova)	3,652.00 per annum
Registrar of Vital Statistics (Terranova)	3,060.00 per annum

BE IT FURTHER,

RESOLVED, that the terms of this resolution shall supersede the relevant terms of any previously adopted resolution, policies, or practices to the contrary;

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	NO

January 3, 2023

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
December 19, 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

January 3, 2023

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 #01032023

Total amount hereby authorized to be paid: \$752,887.30

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

January 3, 2023

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

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

CODES:

- (SW) = Sidewalks as required by Chapter 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				
20228627		Daniel Palumbo	64 Pardee Ave	Er. Res. Alt. (V/L)
20228658		CIR Electrical Constr. Corp.	49 Hill Valley Dr	Inst. Solar Panels
20228679		CIR Electrical Construction	83 Stutzman Rd	Inst. Solar Panels
20228680		The Vinyl Outlet Inc.	16 Oakwood Comm	Er. Fence
20228684		Franks Commercial & Home	156 Sixth Ave	Inst. Res. Plumbing (V/L)
20228685		Alexander Tkalich	3 Old Orchard Comm	Er. Res. Alt.
20228686		Emily's Closet, LLC	19 W Main St	Er. Sign – Wall (V/L)
20228687		Steven Velarde	10 Hidden Meadow Cros	Er. Fence
20228688		Caleb Sexton	32 Maple Ave	Er. Res. Alt. (V/L)
20228689		City Fence	1349 Ransom Rd	Er. Fence
20228690		Commercial Power Systems	86 Banner Ave	Inst. Generator (V/L)

NOW, THEREFORE,

BE IT 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

January 3, 2023

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

WHEREAS, on July 18, 2018, the Town Board of the Town of Lancaster issued a Special Use Permit upon the application of Timothy Packman, on behalf of **Lancaster Properties, LLC**, to operate a motor sport speedway/dragway (a Commercial recreation activity) on premises locally known as 57 Gunnville Road (SBL Nos. 83.00-5-3 & 5-4), in the Town of Lancaster, Erie County, New York, and

WHEREAS, on September 7, 2021, the Town Board of the Town of Lancaster issued an amended Special Use permit allowing the operation of operate a motor sport speedway/dragway and a venue for small outdoor concerts, and

WHEREAS, Scott Nurmi, of Lancaster Motorplex, LLC, has submitted an application to amend the original Special Use Permit to indicate the transfer of ownership from Lancaster Properties, LLC to Lancaster Motorplex, LLC, which was received by the Town on May 26, 2022.

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster will hold a Public Hearing on the proposed Special Use Permit amendment application of Scott Nurmi, to transfer ownership of real property located at 57 Gunnville Road (SBL Nos. 83.00-5-3 & 5-4) from Lancaster Properties, LLC to **Lancaster Motorplex, LLC**, on January 17, 2023, at 7:05 o'clock P.M. in the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and 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

January 3, 2023

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT- LANCASTER MOTORPLEX, LLC**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 2nd day of January, 2023 the Town Board will hold a Public Hearing on the **17th day of January, 2023** 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 Scott Nurmi, of **Lancaster Motorplex, LLC** for a Special Use Permit amendment allowing for the transfer of ownership of premises locally known as 57 Gunnville Road (SBL Nos. 83.00-5-3 & 5-4), 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 THE TOWN BOARD
OF THE TOWN OF LANCASTER**

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

January 5, 2023

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

WHEREAS, Jeffrey Smith, Detective Captain for the Town of Lancaster's Police Department, has requested to purchase a camera drone to assist police officers and detectives in performing law enforcement functions, and

WHEREAS, the Police Captain, solicited three (3) proposals for the purchase of the camera drone and battery kit in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by letter dated December 12, 2022, Captain Smith has recommended that the Town of Lancaster purchase a DJI Mavic 3 Enterprise camera drone and battery kit from Vertigo Drones, for an amount not to exceed \$6,657.00 per their quote dated December 5, 2022 (Order No. VD90715).

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster hereby approves the purchase of a DJI Mavic 3 Enterprise camera drone and battery kit from Vertigo Drones, 1804 Tebor Rd., Suite #2, Webster, NY as proposed by Police Captain, Jeffrey Smith for an amount not to exceed \$6,657.00 per their quote dated December 5, 2022 (Order No. VD90715) and which will be paid for with funds from Town's 2022 Police Department's Contractual Expenses, Photo Supplies Budget (Line Item P3120.446).

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

January 3, 2023

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

WHEREAS, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster on property owned by the Twin District Volunteer Fire Co., Inc., at 4999 William Street in said Town for the years 2023 and 2024, and

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

NOW, THEREFORE,

BE IT RESOLVED, as follows:

1. That the Supervisor is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc., for the Lease of said Fire Company's play area on its premises at 4999 William Street in Lancaster, to the Town of Lancaster for the operation of the Town's Recreation Program during its normal summer season for the years of 2023 and 2024, and

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

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

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

January 3, 2023

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

WHEREAS, Anthony J. Cervi, Town Justice for the Town of Lancaster, by letter dated December 20, 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>
Tiffany L. Schillo Depew, NY	Court Officer	\$19.10	January 3, 2023

BE IT FURTHER,

RESOLVED, that when Tiffany L. Schillo is called upon to serve as Court Officer, she 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

January 3, 2023

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

WHEREAS, the Town of Lancaster is required under U.S. Department of Transportation rules as contained in 49 CFR; Parts 40, 382, 391, 392 and 395 to have employees enrolled in a random drug/alcohol testing program, and

WHEREAS, by resolution adopted December 4, 2017, the Town contracted with On-Site Employee Testing to provide the aforementioned drug and alcohol testing of Town employees, and

WHEREAS, the contract is up for renewal according to the terms and conditions contained therein, and

WHEREAS, On-Site Employee Testing has submitted an agreement along with the required proof of insurances to the Town and which has been reviewed and approved by the Town Attorney's Office.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the contract with On-Site Employee Testing for the 2023 calendar year to provide random Town employee drug and alcohol testing at the rates outlined on their 2023 Pricing sheet, and

BE IT FURTHER,

RESOLVED, that the Supervisor is hereby authorized to execute the DOT Program sheet provided by On-Site Employee Testing with their contract.

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

January 3, 2023

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

WHEREAS, William Balcom, 5 Parliament Lane, Lancaster, New York 14086 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 4266 Walden Avenue, 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. 846 for 4266 Walden Avenue, Lancaster, New York 14086 which is a permit for Private Improvements for:

- Building a mixed use (office and warehouse) 5,000 sq. ft. building on 4266 Walden Avenue property. Property will be landscaped, having 15 parking spaces along with a detention pond.

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

January 3, 2023

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

WHEREAS, Gerald and Deborah Litwiller, owners of real property located at 272 Erie Street (SBL No. 105.03-1-5), Lancaster, New York, have submitted an application for a Special Use Permit for a Home Occupation (Commercial Catering Kitchen) in accordance with the provisions of Chapter 400 Zoning, Article IV Residential Districts, §400-16(F) Supplementary regulations for A-R, R, and MFMU districts, Home Occupations 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 Code of the Town of Lancaster requires the issuance of a Special Use Permit and a public hearing for the proposed use.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

That pursuant to Chapter 400 Zoning, Article XIV Administration and Enforcement, §400-78 Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Home Occupation (Commercial Catering Kitchen) Special Use Permit Application of **Gerald and Deborah Litwiller**, owners of real property located at 272 Erie Street (SBL No. 105.03-1-5), will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of January 2023 at 7:05 o'clock P.M. Local Time, and said notice of the time and place of such hearing shall be published in a newspaper of general circulation in said Town, and 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

January 3, 2023

**LEGAL NOTICE
TOWN OF LANCASTER**

PUBLIC HEARING

SPECIAL USE PERMIT – GERALD AND DEBORAH LITWILLER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Article XIV Administration and Enforcement, §400-78 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 3rd day of January, 2023 the Town Board will hold a Public Hearing on the **17th day of January, 2023 at 7:05 o'clock P.M.**, Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Gerald and Deborah Litwiller**, for a Special Use Permit for a Home Occupation (Commercial Catering Kitchen e) on premises locally known as 272 Erie Street (SBL No. 105.03-1-5), in the Town of Lancaster, County of Erie, State of New York.

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

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

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

January 5, 2023

PREFILED RESOLUTION NO. 11 – MEETING OF JANUARY 3, 2023

11. Ruffino/_____Appoint Lisa Zajac Part-Time Temporary Seasonal Supervisor's Office

This resolution was withdrawn by Supervisor Ruffino to be replaced by suspended resolution.

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

WHEREAS, Deputy Highway Superintendent, has requested authorization to purchase two (2) new and unused Cargo Pro 6K Utility Trailers for use by the Parks Recreation & Forestry Department, and

WHEREAS, the Deputy, obtained three (3) quotes for the purchase of the Utility Trailers in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by letter dated December 22, 2022, the Deputy Highway Superintendent has recommended that the Town of Lancaster purchase the two (2) new and unused Cargo Pro 6K Utility Trailers from WNY Accessory Shop d/b/a/ Master Motors of Buffalo, Inc., for a unit price of \$6,630.00 each for a total amount of \$13,260.00 per their quote (#1995) dated December 13, 2022, and

WHEREAS, funding for the purchase of the two (2) Cargo Pro 6K Utility Trailers is available from the Town's 2022 Parks Equipment, Other Motorized Equipment Budget (Line Item 01-7110-0230).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the purchase of two (2) new and unused Cargo Pro 6K Utility Trailers from WNY Accessory Shop d/b/a/ Master Motors of Buffalo, Inc., 6575 S. Transit Road, Lockport, New York, in accordance with their quote (#1995) dated December 13, 2022 for a total amount not to exceed \$13,260.00 and which will be paid for with funds available from Town's 2022 Parks Equipment, Other Motorized Equipment Budget (Line Item 01-7110-0230).

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

January 3, 2023

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

WHEREAS, Twin District Volunteer Fire Company, Inc., by letter
received December 28, 2022, has requested the addition of the following member to the roster
of said fire association.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to the membership of the Twin District Volunteer Fire Company the
following individual:

ADDITION:

Jason Ford

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

January 3, 2023

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

WHEREAS, the Park Crew Chief position of the Town of Lancaster Parks and Recreation Department is currently vacant due to the appointment of Michelle Barbaro as Deputy Highway Superintendent.

NOW, THEREFORE,

BE IT RESOLVED, that Carmen Ciccarelli is hereby appointed to the title of Park Crew Chief, in the Parks, Recreation and Forestry Department, effective January 3, 2023, at a salary of \$68,054, with no oversight from the Highway Department, subject to the further terms of the Town's policies relating to non-union supervisory personnel, and

BE IT FURTHER,

RESOLVED, that the Town Board of the Town of Lancaster shall grant Carmen Ciccarelli a leave of absence, from his current position of Laborer Crew Chief at the Town of Lancaster Parks, Recreation & Forestry Department, without pay, for a period not to exceed one (1) year, pursuant to CSEA White Collar Contract, Section 7.2, 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	NO
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	NO
SUPERVISOR RUFFINO	VOTED	NO

January 3, 2023

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

WHEREAS, Michelle Barbaro, Deputy Highway Superintendent of the Town of Lancaster, by letter dated December 20, 2022, has recommended the appointment of Nicholas Bemish to the position of Laborer in the Town of Lancaster Parks, Recreation and Forestry Department, and

WHEREAS, Nicholas Bemish was hired on January 22, 2020 as a caretaker in the CSEA White Collar Unit #815, and

WHEREAS, Nicholas Bemish will complete his 24-month step category of service on January 22, 2023 at which time he will now be a laborer, making 85% of the laborer annual salary, \$24.47 until he reaches the final five year step rate of \$28.79 an hour.

NOW, THEREFORE,

BE IT RESOLVED, that Nicholas Bemish of Lancaster, New York, be and is hereby appointed to the position of Laborer in the Town of Lancaster Parks, Recreation and Forestry Department, effective January 1, 2023, 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, 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

January 3, 2023

SUSPENDED RESOLUTION:

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

A MOTION WAS MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER DICKMAN TO SUSPEND THE RULES.

The question of the suspension 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

The suspension was GRANTED.

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

WHEREAS, Lisa Zajac previously served in the Office of the Supervisor but has transferred to a position in the Lancaster Police Department, and

WHEREAS, Ronald Ruffino, Town Supervisor of the Town of Lancaster, has recommended that Lisa Zajac be compensated for performing duties in the Supervisor’s office during transition following her departure.

NOW, THEREFORE,

BE IT RESOLVED, that Lisa Zajac be compensated a stipend equal to the pay rate difference between her new and former positions effective December 27, 2022, through and until January 3, 2023, for hours actually worked.

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

January 3, 2023

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

WHEREAS, the Town of Lancaster has current vacancies in one or more Accounting, HR, Director of Payroll and Director of Finance positions, and

WHEREAS, Ronald Ruffino, Town Supervisor of the Town of Lancaster, has recommended that EBC HR & Payroll Solutions, Inc., 301 Ohio Street – Suite 250, Buffalo, New York 14204, be hired and compensated for performing duties of positions currently vacant, and

WHEREAS, EBC HR & Payroll Solutions, Inc., will perform duties previously under the umbrellas of Payroll Director and HR services until such time as the Agreement is terminated under the terms of the Agreement, as presented.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster, the Agreement for Professional Services, as presented, between the Town of Lancaster and EBC HR & Payroll Solutions, Inc., 301 Ohio Street – Suite 250, Buffalo, New York 14204, for services according to the Agreement for an hourly fee not to exceed \$150.00/hour per the terms and conditions listed in the agreement.

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

January 3, 2023

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

WHEREAS, the Town of Lancaster has current vacancies in one or more Accounting, HR, Director of Payroll and Director of Finance positions, and

WHEREAS, Ronald Ruffino, Town Supervisor of the Town of Lancaster, has recommended that Lumsden & McCormick, LLP, 369 Franklin Street, Buffalo, New York 14202, be hired and compensated for performing duties of positions currently vacant, and

WHEREAS, Lumsden & McCormick, LLP will perform duties previously under the umbrella of Finance Director, Payroll Director and HR services until such time as the Agreement is terminated under the terms of the Agreement, as presented.

NOW, THEREFORE,

BE IT RESOLED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster, the Agreement for Professional Services, as presented, between the Town of Lancaster and Lumsden & McCormick, LLP, 369 Franklin Street, Buffalo, New York 14202, for services according to the Agreement for a monthly fee not to exceed \$8,250.00/month per the terms and conditions listed in the agreement.

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

January 3, 2023

COMMUNICATIONS & REPORTS

1. **Town Clerk to Code Enforcement Officer -
Special Use Permit Application for 272 Erie Street for review.
Disposition = Resolution 1/3/23**
2. **Charter Communications to Town Clerk –
Upcoming price changes. Disposition = Received & Filed**
3. **Connor O’Brien to Deputy Highway Superintendent –
Request for one -year leave of absence from position as Laborer in the Parks,
Recreation and Forestry Dept. effective January 10, 2023.
Disposition = Received & Filed**
4. **Lee Chowaniec to Dog Control Committee –
Questions and concerns regarding Change Order No. 5 from MGR Constructors,
Inc. for the tasks required by the NYS Dept. of Agriculture and Markets for
the Dog Shelter. Disposition = Received & Filed**
5. **Erie County Industrial Development Agency to Town Clerk –
Amendment to Uniform Tax Exemption Policy. Disposition = Received & Filed**
6. **Code Enforcement Officer to Town Board –
Recommend approval of Home Occupation Special Use Permit for 272 Erie St.
with conditions. Disposition = For Resolution**
7. **Greenman-Pedersen, Inc. to Planning & Zoning Committee –
Work Session Presentation Request – Concept Plans for proposed event
facility, 5309 Genesee Street. Disposition = Received & Filed**
8. **Planning Board Chairman to Planning Board, Town Board, Town Attorney,
Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from Dec. 7, 2022 Planning Board Meeting.
Disposition = Received & Filed**
9. **Town Clerk to Code Enforcement Officer –
Letter requesting renewal of the Special Use Permit for Rachel’s Mediterranean
Grill, 4931 Transit Road, Building 4933, Suite 100. Disposition = For Resolution**
10. **Jill Monacelli to Supervisor and Town Board –
Request to be reappointed as Chairman for the Town of Lancaster Zoning
Board of Appeals and to recommend that John Mikoley be reappointed as
a member of the Zoning Board of Appeals. Disposition = Received & Filed**
11. **Connor O’Brien to Town Board –
Letter of resignation from the Town of Lancaster Parks, Recreation &
Forestry Department effective January 9, 2023. Disposition = Received & Filed**
12. **Town Engineer to Supervisor –
Recommend approval of proposal for Wendel to provide Public Improvement
Permit (PIP) Inspection services for 2023. Disposition = For Resolution**
13. **Town Attorney to Town Board and Planning Board –
SEQR responses from Erie County Division of Sewerage Management and the
Dept. of Environment & Planning regarding Fieldstream Subdivision, 6061
Broadway, Proj. #2020. Disposition = Planning Committee**
14. **Town Attorney to Town Board and Planning Board –
SEQR responses from Erie County Division of Sewerage Management and the
Dept. of Environment & Planning regarding Tool Ranch Amendment,
3857 Walden Avenue, Proj. #4523. Disposition = Planning Committee**

15. **Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Department of Environment & Planning
regarding Rezone & Site Plan for 6218 Broadway (AR-LC).
Disposition = Planning Committee**
16. **Town Attorney to Town Board and Planning Board –
SEQR responses from Erie County Division of Sewerage Management and the
Dept. of Environment & Planning regarding Basil Car Storage, 5077 Transit
Road, Proj. #2031. Disposition = Planning Committee**
17. **Thomas Trzepacz to Town Clerk –
Effective January 1, 2023 Mike Neel will be moving up to Fire Chief for
Bowmansville Volunteer Fire Association. Disposition = Received & Filed**
18. **Legal Assistant to Town Clerk –
Request for resolution issuing P.I.P. #846 for Pavement and Curb, Detention
Basin, Storm Sewer, and Water Line for Rustkote LLC (formerly Raw Rutes).
Disposition = Resolution 1/3/23**
19. **Town Justice Anthony Cervi to Supervisor and Town Board –
Request for resolution appointing Tiffany Schillo to the position of Court Officer
part-time in the Town Court effective January 3, 2023.
Disposition = Resolution 1/3/23**
20. **Code Enforcement Officer to Town Board –
Recommend renewal of Special Use Permit for Rachel’s Mediterranean Outside
Dining, 4931 Transit Rd., Bldg. 4933 Suite 100 with original conditions and all
deficiencies remedied prior to renewal. Disposition = For Resolution**
21. **Deputy Highway Superintendent to Town Board –
Request for resolution to purchase two new an unused Cargo Pro 6K Utility
Trailers from WNY Accessory Shop DBA Master Motors of Buffalo, Inc.,
6575 S. Transit Rd., Lockport, NY. Disposition = Resolution 1/3/23**
22. **Youth Bureau Executive Director to Supervisor and Town Board –
Request for appointment of several individuals to the Youth Board effective
January 1, 2023 through December 2023. Disposition = Resolution 1/3/23**
23. **Deputy Highway Superintendent to Town Board –
Request for resolution changing the job title for Nick Bemish from Caretaker
to Laborer effective January 1, 2023. Disposition = Resolution 1/3/23**
24. **Twin District Fire Company to Town Clerk –
Change in roster. Disposition = Resolution 1/3/23**

ADJOURNMENT:

MOTION WAS MADE BY COUNCIL MEMBER MAZUR AND SECONDED BY COUNCIL MEMBER BURKARD AND CARRIED, to adjourn the meeting in memory of Marjorie Murphy and the victims of the recent blizzard at 8:43 P.M.

ALL IN FAVOR, MOTION CARRIED, MEETING ADJOURNED.

January 3, 2023

Signed _____

Diane M. Terranova, Town Clerk