

Town Board Minutes

February 6, 2023

Meeting No. 3

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 6th day of February 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

ABSENT: RONALD RUFFINO, SUPERVISOR

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
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 7:48 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER LEARY, for the purpose of entering into an Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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

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

At 8:21 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

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

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

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

February 6, 2023

PERSONS ADDRESSING TOWN BOARD:

Lemaster, Kevin, spoke to the Town Board on the following matter:

- Commended the Town Board on their opposition to the resolution regarding the ban on natural gas.

Nosbisch, Paul, spoke to the Town Board on the following matters:

- Comments about the opposition to the Climate Leadership & Community Protection Act.
- Commented on hiring independent contractors in place of individual employees.
- Asked about the harassment policy not being followed in the Town.

Studley, Melissa, spoke to the Town Board on the following matter:

- Thanked the Town Board for putting the residents first with their opposition to the natural gas ban.

Todaro, Frank, Erie County Legislator, spoke to the Town Board on the following matter:

- Commended the Town Board on the resolution regarding their opposition to the Climate Leadership and Community Protection Act.

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
January 17, 2023 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	WAS	ABSENT

February 6, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, 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 Supervisor's Office, to wit:

Check Run #02062023

Total amount hereby authorized to be paid: \$1,425,029.90

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	WAS	ABSENT

February 6, 2023

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

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

CODES:

- (SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE
Village				
20228188		Hybrid Building Solutions LLC	4543 Walden Ave	Er. Comm. Bldg.
20228414		Crist Construction	15 Carlisle St	Er. Porch Cover
20228485		Kyle Dulian	156 Schlemmer Rd	Er. Pool-Abv Grnd
20228573		FASTSIGNS	5389 Genesee St	Er. Sign
20228630		Tri State Signs & Awnings Inc.	1767 Como Park Blvd	Er. Signs
20228643		CMK Builders of Alden	24 Hickory Ln	Er. Dwlg.-Sin.
20228649		Linde Construction Inc.	1338 Ransom Rd	Er. Pole Barn
20228659		Besroi Construction	30 Sedge Run	Er. Deck
20228676		Kimberly Spruch	55 Old Post Rd	Er. Shed
20238694		Benchmark Builders - Erie Cnty	1 W Main St	Er. Comm. Add./Alt(V/L)
20238701		Marrano/Marc Equity Corp.	18 Sedge Run	Er. Patio Home
20238703		JR's Electric Construction Inc	52 Erie St	Er. Res. Alt. (V/L)
20238705		Daniel Gorski	784 Hall Rd	Er. Porch/Porch Cover
20238710		Pillar Real Estate Investors	14 Blackstone Ct	Er. Res. Alt.
20238711		Santoro Sign Inc.	3765 Walden Ave	Er. Sign (V/L)
20238713		Jerome Kuczmanski	1130 Penora St	Er. Res. Add.
20238714		Commercial Power Systems	324 Enchanted Forest N	Inst. Generator
20238715		John Loukatos	5672 Broadway	Er. Fence
20238719		Warning Electrical Service Inc	30 Sedge Run	Inst. Generator
20238722		Big Little Construction Inc.	99 Sixth Ave	Er. Res. Alt. (V/L)
20238723		Kamholz Enterprises LLC	52 Hidden Meadow Cros	Er. Porch/Porch Cover
20238724		Benjamin Jardine	295 Westwood Rd	Re-Roof
20238725		David Avery	107 Laverack Ave	Er. Res. Alt. (V/L)
20238727		The KAZ Company	101 Schlemmer Rd	Re-Roof
20238729		The KAZ Company	8 Willow Ridge Ct	Er. Res. Alt.
20238730		The Vinyl Outlet Inc.	177 Nichter Rd	Er. Deck
20238732		Kailyn Muschaweck	102 S Irwinwood Rd	Re-Roof (V/L)
20238734		Ryan Michaels & Assoc. LLC	6 Windsor Ridge Dr	Er. Fence
20238735		Schindler Elevator Corp.	5462 Broadway	Er. Comm. Add./Alt(V/L)
20238736		Donald Juliano	3800 Bowen Rd	Inst. Fireplace/Stove
20238738		Advanced Demolition Services	3620 Walden Ave	Dem. Comm. Bldg.
20238739		Beth Ann Cook	11 Kelly Ann Dr	Er. Res. Alt.
20238740		Sitzmans Appliance Center	63 Quail Run Ln	Inst. Generator
20238742		Titanium Coatings Inc.	5113 William St	Er. Res. Add.
20238743		Margarita's Mexican Rest.	4725 Transit Rd	Er. Comm. Add./Alt.
20238746		Advanced Demolition Services	371 Central Ave	Dem. Bldg
20238747		Irish Welding Supply Corp.	4493 Walden Ave	Er. Comm. Add./Alt.
20238749		Quentin Ellis	298 Broezel Ave	Er. Fence
20238750		Star Construction	8 Parkedge Dr	Er. Shed
20238753		Allen Andrzejewski	84 Stony Brook Dr	Er. Res. Alt.
20238761		DV Brown & Associates Inc.	27 St Joseph St	Inst. Res. Plumbing (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	WAS	ABSENT

February 6, 2023

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

WHEREAS, the Town of Lancaster, New York Town Board meetings are held the first and third Monday of each month, and

WHEREAS, the February 20, 2023, meeting was rescheduled to February 21, 2023, to accommodate the Presidents Day observance, and

WHEREAS, a number of Town Officials will be in attendance at the New York State Association of Towns annual meeting in New York City during a period that includes February 21, 2023.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster, New York hereby cancels the meeting currently scheduled for February 21, 2023.

BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Lancaster shall take all necessary action provide proper and timely public notice.

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	WAS	ABSENT

February 6, 2023

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

WHEREAS, the Erie County Water Authority bills the Town of Lancaster for fire hydrants to which water service is supplied, and

WHEREAS, the number of hydrants has increased from 1,236 to 1,237, and

WHEREAS, the annual billing for services provided by the Erie County Water Authority has increased from \$16,562.40 to \$16,575.80.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster agrees to commit to pay the Erie County Water Authority's annual fire hydrant maintenance fee for 1,237 hydrants at the annual billing rate of \$16,575.80.

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	WAS	ABSENT

February 6, 2023

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

WHEREAS, by resolution of the Town of Lancaster Town Board dated January 3, 2023, Andrea Crage was listed as the Secretary to the Lancaster Industrial Development Agency with an annual salary of \$7,500.00, and

WHEREAS, the LIDA and the Town of Lancaster are separate entities and therefore neither entity has the authority to set salaries for the other's employees, and

WHEREAS, by resolution dated January 13, 2023, the LIDA set the annual salary for its Administrative Secretary & Records Management Officer at \$8,000.00, and

WHEREAS, the LIDA will reimburse the Town for the salary to be paid to Andrea Crage for this position.

NOW, THEREFORE,

BE IT RESOLVED, that the January 3, 2023 resolution is hereby amended to accurately reflect Andrea Crage's compensation as the Secretary to the LIDA with an annual salary of \$8,000.00 to be made effective retroactively to January 1, 2023, and

BE IT FURTHER,

RESOLVED, that the Lancaster Town Supervisor 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	WAS	ABSENT

February 6, 2023

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

WHEREAS, by resolution of the Town of Lancaster Town Board dated January 3, 2023, Donna Martin was listed as the Lancaster Industrial Development Agency PILOT billing with an annual salary of \$2,500.00, and

WHEREAS, the LIDA and the Town of Lancaster are separate entities and therefore neither entity has the authority to set salaries for the other's employees, and

WHEREAS, by resolution dated January 13, 2023, the LIDA set the annual salary for its Coordinator of Billing and Collection of all LIDA PILOTS at \$3,000.00, and

WHEREAS, the LIDA will reimburse the Town for the salary to be paid to Donna Martin for this position.

NOW, THEREFORE,

BE IT RESOLVED, that the January 3, 2023 resolution is hereby amended to accurately reflect Donna Martin's compensation as the Coordinator of Billing and Collection of all LIDA PILOTS with an annual salary of \$3,000.00 to be made effective retroactively to January 1, 2023, and

BE IT FURTHER,

RESOLVED, that the Lancaster Town Supervisor 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	WAS	ABSENT

February 6, 2023

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

WHEREAS, Thomas E. Fowler, Jr., Town Attorney for the Town of Lancaster, has recommended the appointment of the following individual to the following part-time permanent position.

NOW, THEREFORE,

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Gloria Huerta Cheektowaga, NY	Clerk – Part time	\$20.00	January 19, 2023

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	WAS ABSENT	

February 6, 2023

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

WHEREAS, by letters dated January 19, 2023, and January 20, 2023, Michelle Barbaro, the Town of Lancaster Deputy Highway Superintendent, has requested the Town Board approve expenditures for the purchase of two (2) Portolight 8' full length pitching mounds, for which she has obtained three (3) quotes, and

WHEREAS, by letters dated January 19, 2023, and January 20, 2023, Michelle Barbaro, has recommended that the Town of Lancaster authorize said purchase from the provider of the lowest quote, PitchingMachineSale, P.O. Box 372, Kennett Square, Pennsylvania, 19348, in an amount not to exceed six thousand four hundred (\$6,400.00) Dollars, per its quote dated January 17, 2023, and

WHEREAS, this project will be paid for with funds from the Town's 2023 Recreation Filing Fees Budget, Line Item 37-7000-260.

NOW, THEREFORE,

BE IT RESOLVED, that The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested by Deputy Highway Superintendent Michelle Barbaro, to PitchingMachineSale, P.O. Box 372, Kennett Square, Pennsylvania, 19348, in an amount not to exceed six thousand four hundred (\$6,400.00) Dollars, per its quote dated January 17, 2023, and to be paid for with funds allocated in the Town's 2023 Recreation Filing Fees Budget, Line Item 37-7000-260..

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	WAS ABSENT

February 6, 2023

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

WHEREAS, the Town of Lancaster (“Town”) and the Lancaster Central School District (“District”) have previously entered into an agreement, with extensions, for the placement of police officers as School Resource Officers (SROs) within the District, and

WHEREAS, the Town and the District both wish to extend the current Agreement set to expire on or about August 31, 2023, and

WHEREAS, pursuant to a letter from Police Chief William Karn, dated January 17, 2023, execution of this Agreement and continuation of this ongoing relationship is requested and recommended.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves extending the terms of its Agreement with the District subject to all the terms and conditions of an Agreement, as presented, effective September 1, 2023 through August 31, 2026, with the ability to extend or terminate pursuant to the terms described therein, and

BE IT FURTHER,

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement as presented.

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	WAS	ABSENT

February 6, 2023

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

WHEREAS, Billa, Inc., by Peter Eid, DBA Pan Pizza Co., as designee for Rehm-Transit Associates, owner of 0 Rehm Rd., Lancaster, New York, has submitted an application for a Special Use Permit to operate a restaurant on premises located at 0 Rehm Road (SBL No. 93.13-3-1.3), in the Town of Lancaster, New York, in accordance with provisions of Chapter 400-Zoning, Section 18 (B)(1)(a) of the Code of the Town of Lancaster, and

WHEREAS, §400-78 of the Zoning Chapter of the Town Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, Section 78 Special use permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for Billa, Inc., by Peter Eid, DBA Pan Pizza Co., as designee for Rehm-Transit Associates, owner of 0 Rehm Road, Lancaster, New York (SBL No. 93.13-3-1.3), to operate a restaurant on said premises will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of March, 2023, at 7:05 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 6, 2023

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT – BILLA, INC., BY PETER EID, DBA PAN PIZZA CO.
0 REHM ROAD, LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 entitled 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 6th day of February, 2023 the said Town Board will hold a Public Hearing on the 6th day of March, 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 Billa, Inc., by Peter Eid, DBA Pan Pizza Co., to operate a restaurant on premises located at 0 Rehm Road., (SBL No. 93.13-3-1.3) in the Town of Lancaster, County of Erie, State of New York.

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

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

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

February 6, 2023

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

WHEREAS, pursuant to the recommendation of Police Chief William Karn, Jonathan C. Ziders and William M. Gummo have each been promoted to the rank of Police Captain, and

WHEREAS, the Town of Lancaster (“Town”) and Lancaster Police Department Captains Jonathan C. Ziders and William M. Gummo (“Captains”) have negotiated their respective Employment Agreements, and

WHEREAS, the Town and the Captains wish to enter into these Agreements, as presented, with effective dates as described in both the resolution of appointment and their respective Agreements.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Employment Agreements with Captain Jonathan C. Ziders, effective January 1, 2023, and William M. Gummo, effective January 21, 2023, as presented, and

BE IT FURTHER,

RESOLVED, that Captains Ziders and Gummo shall be entitled to pay as described in their respective agreements retroactive to the effective dates of their appointments, and

BE IT FURTHER,

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement as presented.

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	WAS ABSENT

February 6, 2023

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

WHEREAS, Jose Castaneda, DBA Margarita’s Mexican Restaurant, as designee for 327-42 Forestream, LLC, owner of 4725 Transit Road, Depew, New York, Town of Lancaster, has submitted an application for a Special Use Permit to operate a restaurant with outdoor dining on premises located at 4725 Transit Road (SBL No. 126.54-1-59), Depew, Town of Lancaster, New York, in accordance with provisions of Chapter 400-Zoning, Section 18 (B)(1)(a) of the Code of the Town of Lancaster, and

WHEREAS, §400-78 of the Zoning Chapter of the Town Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, Section 78 Special use permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for Jose Castaneda, DBA Margarita’s Mexican Restaurant, as designee for 327-42 Forestream, LLC, owner of 4725 Transit Road, Depew, Town of Lancaster, New York (SBL No. 126.54-1-59), to operate a restaurant with outdoor dining on said premises will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of March, 2023, at 7:05 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 6, 2023

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT – JOSE CASTANEDA, DBA MARGARITA’S MEXICAN
RESTAURANT
4725 TRANSIT ROAD, DEPEW, TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 entitled 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 6th day of February, 2023 the said Town Board will hold a Public Hearing on the 6th day of March, 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 Jose Castaneda, DBA Margarita’s Mexican Restaurant, to operate a restaurant with outdoor dining on premises located at 4725 Transit Road (SBL No. 126.54-1-59) in the Town of Lancaster, County of Erie, State of New York.

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

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

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

February 9, 2023

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

NOW, THEREFORE,

BE IT RESOLVED, that in order to make all part-time clerks pay rate the same per hour, these being part-time position(s), that provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees, the rate is as follows:

<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Part-time Clerk	\$20.00	January 19, 2023

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	WAS ABSENT	

February 6, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, 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 January 31, 2023 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>
Richard Lewis Lancaster, NY	Court Officer	\$19.10	February 6, 2023

BE IT FURTHER,

RESOLVED, that when Richard Lewis is called upon to serve as Court Officer, he 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	WAS ABSENT	

February 6, 2023

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

WHEREAS, Jean Karn, Lancaster Dog Control Officer, for the Town of Lancaster, by letter received January 26, 2023 has recommended the appointment of the following individual to the following part-time permanent position.

NOW, THEREFORE,

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Donald Pionessa Sr. Lancaster, NY	Dog Control Officer	\$16.22	February 13, 2023

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	WAS ABSENT	

February 6, 2023

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

WHEREAS, Governor Hochul supports the Climate Leadership and Community Protection Act, which aims to generate 70 percent of the state's electricity from renewable sources by 2030 and 100 percent zero-emission electricity by 2040, and

WHEREAS, it is commonly recognized that such an urgent timetable to accommodate the Climate Leadership and Community Protection Act, will severely test and challenge the financial stability of every Lancaster, New York household, and

WHEREAS, it is widely held that the existing power grid serving Lancaster, New York will become overburdened, and unable to absorb the increased demands that will necessarily attend the Climate Leadership and Community Protection Act, and

WHEREAS, specifically noting the long-term power losses attending the ice storm of March 2-3, 1976, the Blizzard of 1977, the October Surprise Storm of 2006, the November, 2014 storm, and more recently the December 23-25, 2022 blizzard, the geographic area of Lancaster, New York, historically, has been gravely impacted by such severe weather, and contemporaneously required reliable, alternative sources of energy, and

WHEREAS, the provisions of Climate Leadership and Community Protection Act will drastically reduce such alternative sources, and

WHEREAS, it is the very strong position and opinion of the Town of Lancaster's Emergency Medical Services, Fire Department, and Police Department that such energy limitations in times of weather or other civil emergency, will overwhelm their collective capabilities, and therefore, will pose a very substantial threat to the lives and safety of each and every resident of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that by virtue of the foregoing, the Town Board of Town of Lancaster expresses to Governor Hochul and the New York State Legislature, its very strong opposition to the enactment of the Climate Leadership and Community Protection Act.

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	WAS	ABSENT

February 6, 2023

SUSPENDED RESOLUTION:

COUNCIL MEMBER LEARY, requested a suspension of the necessary rules for immediate consideration of the following resolution:

A MOTION WAS MADE BY COUNCIL MEMBER COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR, 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	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	WAS	ABSENT

The suspension was granted.

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

WHEREAS by letter dated January 30, 2023, Michelle Barbaro, the Town of Lancaster Deputy Highway Superintendent, has requested the Town Board approve expenditures for the permitting, inspections, testing and certification for new upgrades to the library elevator system, for which she has obtained two (2) quotes; and

WHEREAS by letter dated January 30, 2023, Michelle Barbaro has recommended that the Town authorize granting the project to Electric Service and Installation, Inc., 35 Lee Street, Buffalo, New York 14210, in an amount not to exceed Fourteen Thousand Three Hundred (\$14,300.00) Dollars; and

WHEREAS, this project will be paid for with funds from the Town's 2023 Library Budget, Line Item 01-7410-0260, other capital outlay.

NOW, THEREFORE,

BE IT RESOLVED, that The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested by Deputy Highway Superintendent Michelle Barbaro, to Electric Service and Installation, Inc., 35 Lee Street, Buffalo, New York 14210, in an amount not to exceed Fourteen Thousand Three Hundred (\$14,300.00) Dollars.

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	WAS	ABSENT

January 17, 2023

COMMUNICATIONS & REPORTS

64. Code Enforcement Officer to Town Board –
Recommend probationary extension for Special Use Permit, Vehicle Storage Services, 6355 Broadway; original conditions noted.
Disposition = Received & Filed
65. Planning Board Chair to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of the minutes from the January 4, 2023 Planning Board Meeting.
Disposition = Received & Filed
66. Erie County Legislature to Receiver of Taxes and Assessments –
Warrant to collect 2023 County/Town Taxes for the Town of Lancaster.
Disposition = Received & Filed
67. NYS Dept. of Public Service to Town Clerk –
Information regarding Petition of the North American Numbering Plan for Relief of the 716 Numbering Plan Area. Disposition = Received & Filed
68. Rev. Paul Steller, St. Mary of the Assumption to Supervisor –
Request for the use of the Westwood Park Indoor Pavilion for Easter Sunday Sunrise Mass on April 9, 2023. Disposition = Parks Department
69. Police Chief to Supervisor and Town Board –
Request for resolution authorizing the Supervisor to execute the agreement with the Lancaster Central School District updating the SRO Agreement.
Disposition = Resolution 2/6/23
70. Project Manager, Greenman-Pedersen, Inc. to Planning & Zoning Committee –
Request for committee to review and comment on the Concept Plans for Proposed Event Facility, 5309 Genesee Street. Disposition = Planning Board, Zoning Board
71. Town Clerk to Code Enforcement Officer –
Special Use Application for 4725 Transit Road for review and determination.
Disposition = Received & Filed
72. Town Clerk to Code Enforcement Officer –
Copy of letter from Ronald Frondkowiak requesting a renewal of his Special Use Permit for a Home Occupation (Mortgage Broker Office), 10 Sussex Lane.
Disposition = Received & Filed
73. Town Clerk to Code Enforcement Officer –
Copy of letter from James Macken requesting a renewal of his Special Use Permit for a Home Occupation (Accounting for Sewer Maintenance Co.).
6479 Broadway. Disposition = Received & Filed
74. Code Enforcement Officer to Town Board –
Completed Remedies regarding Special Use Permit – Sandbanks, Gravel Pits and Stone Quarries, 6125 Genesee St. Disposition = Received & Filed
75. Town Clerk to Code Enforcement Officer –
Copy of letter from Megen Schiffler, Joe Basil Chevrolet Inc. requesting a Renewal of their Special Use Permit for inventorying and parts storage at 5077 Transit Road. Disposition = Received & Filed
76. Patrol Captain Marco Laurienzo to Planning Board Chairman –
No objection to Amended Site Plan Review – Proj. #2010.
Disposition = Resolution 2/6/23
77. Erie County Water Authority to Supervisor –
Notice of billing increase due to installation of new hydrants(s).
Disposition = Resolution 2/6/23

- 78. Deputy Highway Superintendent to Town Board –
Request for resolution for the purchase of two Portolite 8” Full Length
Pitching Mounds. Disposition = Resolution 2/6/23**
- 79. NYSDEC Office of the Commissioner to Lancaster Village Mayor –
Notice of selection of Joint Town/Village GHG Reduction Initiatives to receive
a Climate Smart Communities grant in the amount of \$100,000.
Disposition = Received & Filed**
- 80. Town Clerk to Code Enforcement Officer –
Special use Permit application for 4885 Transit Road for review and
determination. Disposition = Received & Filed**
- 81. Lee Chowanec to Supervisor –
Comments regarding speaking at public comment sessions.
Disposition = Received & Filed**
- 82. Planning Board Chairman to Planning Board, Town Board, Town Attorney,
Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from January 18, 2023 Planning Board Meeting.
Disposition = Received & Filed**
- 83. Planning Board to Town Board –
Memo recommending approval of Site Plan Review for M.P. Carroll Hardwood
Executive Office and Storage Facilities, 6130 Broadway, Proj. #2158.
Disposition = Received & Filed**
- 84. Planning Board to Town Board –
Memo recommending rezone of M.P. Carroll hardwood Executive Office and
Storage Facilities, 6130 Broadway, Proj. #2158. Disposition = Received & Filed**
- 85. Code Enforcement Officer to Town Board –
Recommend renewal of Special Use Permit for a Home Occupation (Accounting
for Sewer Maintenance Company) at 6479 Broadway with original 5 conditions.
Disposition = For Resolution**
- 86. Code Enforcement Officer to Town Board –
Recommend renewal of Special Use Permit to operate a Restaurant with
Outside Dining for Margarita’s Mexican Restaurant, 4725 Transit Rd.
Disposition = For Resolution**
- 87. Town Clerk to Various News Media –
Press Release announcing a work session for the purpose of conducting Site Plan
Concept Review for 5666 Broadway and 5309 Genesee St. on February 6, 2023 at
6:15PM. Disposition = Received & Filed**
- 88. Mark Blazejewski to Supervisor and Town Board –
Comments and concerns regarding the Public Participation Session on
January 17, 2023. Disposition = Received & Filed**
- 89. NYS Dept. of Public Service to Town Clerk –
Information regarding public comment concerning alleged billing, meter reading
and customer service issues affecting customers of NYSEG and Rochester Gas &
Electric (RG&E). Disposition = Received & Filed**
- 90. Code Enforcement Officer to Town Board –
Recommend renewal of Home Occupation Special Use Permit at 10 Sussex Lane
with original conditions. Disposition = For Resolution**
- 91. Code Enforcement Officer to Town Board –
Recommend renewal of Special Use Permit for Joe Basil Chevrolet, Inc.,
5077 Transit Road to operate an Inventory and Parts Storage Facility.
Disposition = For Resolution**

92. David Hanitz to Supervisor –
Letter of resignation from the position of Court Officer effective January 25, 2023.
Disposition = Received & Filed
93. Deputy Highway Superintendent to Town Board –
Request for resolution to have the Variable Speed Drive for the B&G Pump at
the Highway Department replaced by Mollenberg-Betz, Inc., 300 Scott St.,
Buffalo, NY. Disposition = For Resolution
94. Charter Communications to Town Clerk –
Upcoming change to channel line-up. Disposition = Received & Filed
95. Town Clerk to Town Board –
Town Clerk Annual Report for 2022. Disposition = Received & Filed
96. Cheektowaga Town Planner to Town Clerk –
Notice of proposed district rezone change regarding 0 Transit Road,
Cheektowaga, NY. Disposition = Received & Filed
97. Town Justice Cervi to Supervisor and Town Board –
Request for resolution appointing Richard Lewis to the position of Court
Officer Part-Time in the Town Court effective February 6, 2023.
Disposition = Resolution 2/6/23
98. Dog Control Officer to Supervisor and Town Board –
Request for resolution appointing Donald Pionessa, Sr. to the position of
Part-time permanent in the Lancaster Dog Control Department effective
February 13, 2023. Disposition = Resolution 2/6/23
99. Town Clerk to Various News Media –
Press Release announcing additional hours in the Tax Office for the collection
of Town and County taxes. Disposition = Received & Filed
100. Deputy Highway Superintendent to Town Board –
Request for resolution for electrical work for the elevator modernization project
at the Lancaster Library to be performed by Electric Service and Systems
Installation, Inc., 35 Lee St., Buffalo, NY. Disposition = For Resolution
101. 327-42 Foresteam LLC to Town Clerk –
30-Day Advance Notice for a liquor license for Margaritas 1 Mexican
Cantina LLC, 4725 Transit Rd., Depew, NY. Disposition = Received & Filed
102. Code Enforcement Officer to Town Board –
Recommend issuance of a Special Use Permit for Take 5 Oil Change, 4885
Transit Rd., Depew, NY with conditions listed. Disposition = For Resolution
103. Code Enforcement Officer to Town Board –
Recommend renewal of Special Use Permit for Gregory Sojka/Greg's Tree
Service, 1230 Townline Rd. with same 3 original conditions.
Disposition = For Resolution
104. Code Enforcement Officer to Town Board –
Correction is necessary to validate any Mining Permit issued to date for
31 Peppermint Rd. (Sandbanks, gravel Pits and Stone Quarries).
Disposition = Received & Filed
105. Stormwater Management Officer to Drainage & Storm Sewer Committee –
MS4 Report for January 2023. Disposition = Received & Filed
106. Town Clerk to Charles Giambrone, QUAD4 Wheel Drive, Inc. –
Need for request to renew a Special Use Permit for 505 Erie Street Unit A,
(Automotive Repair Business). Disposition = Received & Filed

- 107. Town Clerk to Robert Sugg, B&S Enterprises –
Need to request renewal of a Special Use Permit for 505 Erie Street Building 505
Unit A (Automotive Repair Shop). Disposition = Received & Filed**
- 108. Town Clerk to Julie and Daniel Curtis –
Need to request a renewal of a Special Use Permit for 732 Aurora Street
(Home Occupation Woodcraft/Gift Shop). Disposition = Received & Filed**
- 109. Town Clerk to Penny D. Cipolla –
Need to request a renewal of a Special Use Permit for 4949 Transit Road
(Convenience Store with gas station and car wash).
Disposition = Received & Filed**
- 110. Town Clerk to Ben Broder –
Need to request renewal of a Special Use Permit for Gunnville Road
(Two co-located Ballasted Community Solar PV Facilities).
Disposition = Received & Filed**
- 111. Town Clerk to Joshua Strell –
Need to request renewal of a Special Use Permit for 5898 Broadway (Home
Occupation Seasonal Rental Business). Disposition = Received & Filed**
- 112. Richard Jimenez to Town Clerk –
30-Day Advance Notice for a liquor license for El Amigo Taco LLC,
3580 Walden Ave., Lancaster, NY. Disposition = Received & Filed**

ADJOURNMENT:

MOTION WAS MADE BY COUNCIL MEMBER MAZUR AND SECONDED BY COUNCIL MEMBER LEARY AND CARRIED, to adjourn the meeting in memory of Francis Braun, Kathleen Morrissey, Elliott J. Repka, Gerald J. Ruffino and Teresa (Terry) L. Wachowiak at 8:22 P.M.

ALL IN FAVOR, MOTION CARRIED, MEETING ADJOURNED.

February 6, 2023

Signed _____

Diane M. Terranova, Town Clerk