

Town Board Minutes

May 1, 2023

Meeting No. 9

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 1st day of May 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 GUMMO, CHIEF OF POLICE
JOHN PILATO, HIGHWAY SUPERINTENDENT
WILLIAM SCHUTT, ENGINEER, WM. SCHUTT & ASSOC.
BRUCE STUTZ, PARK CREW CHIEF
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

PERSONS ADDRESSING TOWN BOARD:

Cicarelli, Carmen, spoke to the Town Board on the following matters:

- Questions regarding interviews for the Parks Crew Chief position.
- Questions about the Budget preparations.

McCabe, Thomas, spoke to the Town Board on the following matter:

- Comments regarding sidewalk violation letters.

Nosbisch, Jr., Paul, spoke to the Town Board on the following matter:

- Comments regarding the Police Department staffing.

Schaefer, Tammie, spoke to the Town Board on the following matter:

- Thanked Council Member Mazur, Council Member Dickman and Town Attorney Fowler for their work on the LDEA contract.

PUBLIC HEARING SCHEDULED FOR 7:05 P.M.: Local Law to Amend Commercial and/or unlicensed vehicles in residential areas.

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law to amend Chapter 400, Zoning Article IV updating 400-16(D) Commercial and/or unlicensed vehicles in residential areas matter.

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

| NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT | Proponent/ Opponent/ Comments/Question |
|---|---|
|---|---|

None

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, to close the public hearing.

ALL IN FAVOR, MOTION CARRIED, the public hearing was closed at 7:06 P.M.

Decision on this matter was reserved.

May 1, 2023

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held April 17, 2023 and the Special Meeting of the Town Board held April 20, 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 | VOTED | YES |

May 1, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, 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 #05012023

Total amount hereby authorized to be paid: \$798,540.89

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 |

May 1, 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

| Pmt # | SW Village | Applicant Name | Address | STRUCTURE |
|----------|------------|----------------------------|----------------------|---------------------------|
| 20228488 | | Donald Anstett | 68 Lombardy St | Er. Garage (V/L) |
| 20238759 | | Jason Kwiatkowski | 33 Summit St | Er. Porch/Porch Cover |
| 20238818 | | Welsh Construction | 6518 Broadway | Er. Garage |
| 20238831 | | Cudzilo Holdings, LLC | 98 Pleasant Ave | Inst. Res. Plumbing (V/L) |
| 20238843 | | F&D Construction Inc. | 553 Pleasant View Dr | Er. Porch/Porch Cover |
| 20238851 | | Smoke Station 2, LLC | 5380 Genesee St | Er. Comm. Add./Alt. |
| 20238896 | | House Crafters LLC | 21 Ashwood Ct | Er. Res. Add. |
| 20238925 | | Jason Cronenberger | 559 Aurora St | Er. Porch/Porch Cover |
| 20238927 | | Frank's Commercial & Home | 5360 William St | Inst. Res. Plumbing |
| 20238942 | | Danny Bellows | 9 Mary Rachel Pl | Er. Deck |
| 20238955 | | Robert Henrich | 100 Robert Dr | Er. Gazebo (V/L) |
| 20238967 | | Nickel City Home Service | 5 Ann Marie Dr | Er. Res. Alt. |
| 20238973 | | JLB Installations | 12 Darien Ct | Er. Pool-In Grnd |
| 20238975 | | Schuster Construction LLC | 14 Sawyer Ave | Er. Porch/Porch Cvr (V/L) |
| 20238977 | | American Fence Company LLC | 12 Darien Ct | Er. Fence |
| 20238981 | | Buffalo Pools LLC | 28 Crabapple Ln | Er. Pool-In Grnd |
| 20238982 | | Chautauqua Fence | 28 Crabapple Ln | Er. Fence |
| 20238983 | | NY Pool Gurus LLC | 721 Aurora St | Er. Pool-In Grnd |
| 20238985 | | Joshua Strell | 5898 Broadway | Er. Sign – Temp. |
| 20238986 | | Beautiful Homes of WNY | 48 Laverack Ave | Re-Roof (V/L) |
| 20238987 | | Kyle Delgado | 70 Caswell St | Er. Fence (V/L) |
| 20238989 | | Katherine Czerniejewski | 24 Glendale Dr | Er. Shed |
| 20238990 | | Zenner & Ritter Co. Inc. | 531 Ransom Rd | Inst. Generator |
| 20238991 | | Zenner & Ritter Co. Inc. | 50 Glendale Dr | Inst. Generator |
| 20238993 | | Iroquois Fence Inc. | 56 Avian Way | Er. Fence |
| 20238994 | | Joseph Harrington | 9 Wildwood Dr | Re-Roof (V/L) |
| 20238995 | | Marrano/Marc Equity Corp. | 56 Grambo Dr | Er. Patio Home |
| 20238996 | | Sturdi Built Sheds LLC | 969 Erie St | Er. Shed |
| 20238999 | | Kulback's Inc. | 6061 Broadway | Er. Comm. Add./Alt. |
| 20239000 | | Precision Pools | 54 Via Donato E | Er. Pool-Abv Grnd |
| 20239002 | | Besroi Construction | 32 Harvey Dr | Re-Roof (V/L) |
| 20239003 | | Besroi Construction | 65 Camner Ave | Re-Roof (V/L) |
| 20239004 | | Besroi Construction | 18 Clark St | Re-Roof (V/L) |
| 20239005 | | Besroi Construction | 11 Greenbriar Dr | Re-Roof |
| 20239006 | | Niagara Building Systems | 589 Central Ave | Re-Roof |
| 20239009 | | City Fence | 33 Hill Valley Dr | Er. Fence |
| 20239010 | | Ellicott Development Co. | 60 Central Ave | Er. Comm. Add./Alt(V/L) |
| 20239011 | | Black Rock Roofing | 49 Brady Ave | Re-Roof (V/L) |
| 20239012 | | Krieb Roofing & Siding | 15 Squirrel Run | Re-Roof |
| 20239013 | | Iroquois Fence Inc. | 21 Worthington Ln | Er. Fence |
| 20239015 | | Ford Fence LLC | 356 Seneca Pl | Er. Fence |
| 20239018 | | Frank's Commercial & Home | 233 Westwood Rd | Inst. Res. Plumbing |
| 20239020 | | House Crafter LLC | 5 Squirrel Run | Er. Res. Add. |
| 20239021 | | 3P Home Improvements Inc. | 3782 Walden Ave | Er. Shed |
| 20239022 | | City Fence | 66 Kennedy Ct | Er. Fence |
| 20239023 | | AAA Trash B Gone | 158 Lake Ave | Dumpster - Temp. (V/L) |
| 20239024 | | Iroquois Fence Inc. | 726 Ransom Rd | Er. Fence |
| 20239027 | | Schuster Construction LLC | 76 Woodlawn Ave | Er. Res. Alt. (V/L) |
| 20239028 | | Sitzmans Appliance Center | 5580 Genesee St | Inst. Generator |
| 20239030 | | Dream It Build It | 578 Ransom Rd | Er. Fence |

| | | | | |
|----------|------------------------------|----------------------|-------------------|-------|
| 20239032 | Paul Sudyn | 6 Running Brook Dr | Er. Fence | |
| 20239035 | R.P. Fence Co. LLC | 368 Pleasant View Dr | Er. Fence | |
| 20239037 | Iroquois Fence Inc. | 34 Village View | Er. Fence | |
| 20239038 | Iroquois Fence Inc. | 5100 William St | Er. Fence | |
| 20239042 | John Duszynski | 713 Pavement Rd | Er. Pool-Abv Grnd | |
| 20239047 | Michael DiGiacomo | 36 Sussex Ln | Re-Roof | |
| 20239048 | Transit Rd Acquisitions, LLC | 4777 Transit Rd | Er. Sign - Temp | |
| 20239050 | Eric Hendel | 170 Pavement Rd | Dem. Porches | |
| 20239051 | Kenneth Kieffer | 39 Hidden Trl | Er. Pool-Abv Grnd | |
| 20239052 | Eastern Remodeling LLC | 234 Aurora St | Re-Roof | (V/L) |
| 20239053 | Erik Getzin | 57 School St | Er. Fence | (V/L) |
| 20239057 | Gen-Tech Power Systems LLC | 16 Deepwood Pl | Inst. Generator | |
| 20239058 | Christopher Boyd | 6020 Genesee St | Er. Fence | |
| 20239061 | Nancy Schill | 47 Liberty Ave | Er. Fence | (V/L) |
| 20239063 | Besroi Construction | 57 Cambria St | Re-Roof | (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 |

May 1, 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 April 14, 2023, 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:

Jack Fromm

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 |

May 1, 2023

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

RESOLVED, that Emily Orlando be and hereby is appointed as Deputy Town Prosecutor, under her current terms and conditions of employment. This appointment shall be effective May 1, 2023 to act on occasions when the Town Prosecutor is unavailable, and

BE IT FURTHER,

RESOLVED, that Ms. Orlando shall be compensated at an hourly rate from the budget of the office of the Town Attorney, and

BE IT FURTHER,

RESOLVED, that no provision of (a) the collective negotiations agreement between the Town of the CSEA White Collar Unit (the “CSEA White Collar Agreement”), (b) the Personnel Rules for Employees in the service of the Town of Lancaster, or (c) any previously adopted policy or rule establishing compensation and/or benefits for Town Officers and employees shall be deemed to apply to the Deputy Town Prosecutor, and

NOW, THEREFORE,

BE IT RESOLVED, that this resolution shall become effective upon adoption and shall supersede all previous resolutions of this Board.

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

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

May 1, 2023

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

WHEREAS, John Pilato, Highway Superintendent of the Town of Lancaster, by letter dated April 18, 2023, has recommended the appointment of Bruce Stutz of Lancaster, New York to the position of Park Crew Chief in the Town of Lancaster Parks, Recreation and Forestry Department, including Building & Grounds.

NOW, THEREFORE,

BE IT RESOLVED, that Bruce Stutz, be and is hereby appointed to the position of Park Crew Chief in the Town of Lancaster Parks, Recreation and Forestry Department, including Building & Grounds, effective April 24, 2023, contingent upon approval by Erie County Department of Personnel, and

NOW, THEREFORE,

BE IT RESOLVED, that Bruce Stutz of Lancaster, New York, be and is hereby appointed to the position of Park Crew Chief in the Town of Lancaster Parks, Recreation and Forestry Department, including Building & Grounds, effective April 24, 2023 at an hourly rate of \$28.60, on step which represents 85% of the full hourly rate, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of law and shall be governed by the same terms and conditions as apply to other non-represented, full-time permanent Town employees, 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 | NO |
| COUNCIL MEMBER LEARY | VOTED | NO |
| COUNCIL MEMBER MAZUR | VOTED | YES |
| SUPERVISOR RUFFINO | VOTED | YES |

May 1, 2023

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

WHEREAS, the Consolidated Water District of the Town of Lancaster maintains hydrants along the southerly line of Wehrle Drive between Transit Road and David Road and the south boundary line of the Town of Clarence, and

WHEREAS, the Harris Hill Protection District of the Town of Clarence has heretofore contracted with the Consolidated Water District of the Town of Lancaster for the use of said hydrants, and

WHEREAS, the Town Board of the Town of Clarence has duly held a public hearing on behalf of the Harris Hill Fire Protection District to contract with the Consolidated Water District of the Town of Lancaster for the said hydrants in accordance with an Agreement approved by the Town Attorney and on file with the Town Clerk, which Agreement has been approved by the Town Board of the Town of Clarence on April 12, 2023.

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an Agreement by and between the Town of Clarence on behalf of the Harris Hill Fire Protection District, and the Consolidated Water District of the Town of Lancaster, providing for rental of eleven (11) hydrants along the southerly line of Wehrle Drive between Transit Road and David Road and the south boundary line of the Town of Clarence, commencing April 1, 2023, and terminating March 31, 2028, all in accordance with the terms of said 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 |

May 1, 2023

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

WHEREAS, the Town of Lancaster is considering increasing the Bonding amount for improvements at Town Hall (“Project”), and

WHEREAS, the Town of Lancaster hereby determines the Project is a Type II action that will not have a significant effect on the environment, and, therefore, no other determination or under the State Environmental Quality Review Act (“SEQRA”) are required.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares that the Project is a Type II Action under NYS SEQRA with no further action or determination necessary.

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 |

May 1, 2023

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

WHEREAS, the Town of Lancaster is considering Bonding for the replacement of the existing waterlines on Erie Street (from Cemetery Road to Steinfeld Road), on Cemetery Road (from Broadway to Erie Street) and on Cemetery Road (from Erie Street to Wendling Court) (“Project”), and

WHEREAS, the Town, acting as Lead Agency, has identified the relevant areas of environmental concern and hereby makes the determination that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares that the Project is a Type II Action under NYS SEQRA with no further action or determination necessary.

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 |

May 1, 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 is considering Bonding for the replacement of the existing playground at Westwood Park with an All-Inclusive Playground (“Project”), and

WHEREAS, the Town, acting a Lead Agency, has identified the relevant areas of environmental concern and hereby makes the determination that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares that the Project is a Type II Action under NYS SEQRA with no further action or determination necessary.

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 |

May 1, 2023

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

WHEREAS, the Town of Lancaster is considering Bonding for the Replacement of a culvert on Siebert Road (“Project”), and

WHEREAS, the Town, acting a Lead Agency, has identified the relevant areas of environmental concern and hereby makes the determination that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares that the Project is a Type II Action under NYS SEQRA with no further action or determination necessary.

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 |

May 1, 2023

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

WHEREAS, the Town of Lancaster is considering Bonding for the Reconstruction of Warner Road (“Project”), and

WHEREAS, the Town, acting a Lead Agency, has identified the relevant areas of environmental concern and hereby makes the determination that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares that the Reconstruction of Warner Road Project is a Type II Action under NYS SEQRA with no further action or determination necessary.

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 |

May 1, 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 is considering Bonding for the replacement of the backstop, fencing and dugouts at the Brickyard Ball Field in Westwood Park (“Project”), and

WHEREAS, the Town, acting a Lead Agency, has identified the relevant areas of environmental concern and hereby makes the determination that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares that the Project is a Type II Action under NYS SEQRA with no further action or determination necessary.

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 |

May 1, 2023

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

WHEREAS, Keith Anderson, 6075 Main Street, Williamsville, New York 14221 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 4855 Transit Road, 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. 849 for Anderson's Frozen Custard, 4855 Transit Road, Depew, New York 14043 which is a permit for Private Improvements for:

- Construction of a drive-thru lane on the south side of the building, curbing and pavement will be added.

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 |

May 1, 2023

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

WHEREAS, by letter dated April 20, 2023, Captain Jonathan Ziders, Lancaster Police Department, has requested the Town Board approve expenditures for emergency repair of the Galaxy 5000 battery backup unit, after suffering a major failure and shut down, and

WHEREAS, by letter dated April 20, 2023, Captain Jonathan Ziders, Lancaster Police Department, has recommended that the Town of Lancaster authorize said expenditure to Schneider Electric IT Corp, 5081 Collections Center Drive, Chicago, Illinois 60693, in the total amount of Nineteen Thousand Five Hundred Sixty-Two and 50/100 (\$19,562.50) Dollars, per PO #R10-23 and #R15-23, and

WHEREAS, repairs were completed in full in February 2023, and will be paid for with funds from the Account 53120.426

NOW, THEREFORE,

BE IT RESOLVED, that The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested by Captain Jonathan Ziders, in the total amount of Nineteen Thousand Five Hundred Sixty-Two and 50/100 (\$19,562.50) Dollars, per PO #R10-23 and #R15-23, dated April 13, 2023, and to be paid for with funds allocated in the Account 53120.426.

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 |

May 1, 2023

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

WHEREAS, by letter dated April 13, 2023, William J. Karn, Jr., Chief of Police, Lancaster Police Department, requested the Town Board approve expenditures for emergency replacement of the shredded rubber berm backstopping at the Lancaster Police Department Gun Range, and for waste disposal of lead impacted debris, and

WHEREAS, by letter dated April 13, 2003, William J. Karn, Jr., Chief of Police, Lancaster Police Department, has recommended that the Town of Lancaster authorize said expenditures as follows:

(1) To Action Target, Inc., 3411 S. Mountain Vista Parkway, Provo, UT 84606-0636, in an amount not to exceed Seventeen Thousand Three Hundred Sixty-Nine (\$17,369.00) Dollars, for cleaning and replacement, and

(2) To Miller Environmental, 4429 Walden Avenue, Lancaster, NY 14086, at an estimated amount of Six Thousand Two Hundred Eighteen Dollars and 46/100 (\$6,218.46), for transportation and disposal of lead impacted debris in 10 55-gallon drums, and

WHEREAS, there may be additional costs per the Terms and Conditions of the Contract as presented, and

WHEREAS, this project will be paid for from the Police Department range fund 05.1589.

NOW, THEREFORE,

BE IT RESOLVED, The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested by Chief William J. Karn, Jr as follows:

(1) To Action Target, Inc., 3411 S. Mountain Vista Parkway, Provo, UT 84606-0636, in an amount not to exceed Seventeen Thousand Three Hundred Sixty-Nine (\$17,369.00) Dollars, for cleaning and replacement, and

(2) To Miller Environmental, 4429 Walden Avenue, Lancaster, NY 14086, at an estimated amount of Six Thousand Two Hundred Eighteen Dollars and 46/100 (\$6,218.46), for transportation and disposal of lead impacted debris in 10 55-gallon drums.

BE IT FURTHER,

RESOLVED, the Town Board of the Town of Lancaster hereby approves additional and reasonable costs per the Terms and Conditions of the Contract 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 | VOTED | YES |

May 1, 2023

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

WHEREAS, by letter dated April 20, 2023, Captain Jonathan Ziders, Lancaster Police Department, has requested the Town Board approve expenditures for the purchase of two new “Rhino Tab” Patrol PC’s, and

WHEREAS, the Lancaster Police Department will be replacing one of the Mobile Data Terminals utilized in the patrol vehicles, requiring the need to replace all unserviceable Panasonic “Tough Books” with the “Rhino Tab” from Patrol PC, and

WHEREAS, by letter dated April 20, 2023, Captain Jonathan Ziders, Lancaster Police Department, has recommended that the Town of Lancaster authorize said expenditure to Patrol PC, a division of Advanced Electronic Design, Inc., 344 John Dietsch Blvd., Unit 2, North Attleboro, MA 07263, sole source provider of the “Rhino Tab MDT”, in the total amount of Eleven Thousand Nine Hundred Eighteen and 74/100 (\$11,918.74) Dollars, per their Contract number QUO-9459, to be paid for from account 0005.3120.0245, Public Safety Equipment Budget.

NOW, THEREFORE,

BE IT RESOLVED, that The Town Board of the Town of Lancaster hereby approves the expenditure of funds for the purchase of two new Rhino Tab Patrol PC’s, as requested by Captain Jonathan Ziders, in the total amount of Eleven Thousand Nine Hundred Eighteen and 74/100 (\$11,918.74) Dollars, to be paid for from account 0005.3120.0245, Public Safety Equipment 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 |

May 1, 2023

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

WHEREAS, John Pilato, the Town of Lancaster Highway Superintendent, by letter dated April 21, 2023, has requested the Town Board approve expenditures to replace the inducer motor assembly on the AERCO Boiler at the Police Station, and

WHEREAS, by letter dated April 10, 2023, John Pilato, has recommended that the Town of Lancaster authorize said expenditure to Greater Niagara Mechanical, Inc., 7311 Ward Road, North Tonawanda, New York, 14120, in the amount of Three Thousand Seven Hundred Eighty-Four and 00/100 (\$3,784.00) Dollars per its quote dated March 22, 2023, and

WHEREAS, there may be additional costs per the terms and conditions as presented, and

WHEREAS, this project will be paid for from the Buildings Budget line 01-1620-260, 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 Highway Superintendent John Pilato, to Greater Niagara Mechanical, Inc., 7311 Ward Road, North Tonawanda, New York, 14120, in the amount of Three Thousand Seven Hundred Eighty-Four and 00/100 (\$3,784.00) Dollars per its quote dated March 22, 2023, and to be paid for with funds allocated in the Line Item 01-1620-260.

BE IT FURTHER,

RESOLVED, the Town Board of the Town of Lancaster hereby approves additional and reasonable costs per the terms and Conditions of the contract 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 |
| May 1, 2023 | SUPERVISOR RUFFINO | VOTED | YES |

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

WHEREAS, by letter dated April 18, 2023, Edward Schiller, P.E., Town Engineer for the Town of Lancaster Deputy Highway Superintendent, has requested the Town Board approve expenditures for the installation of approximately 5,125 linear feet of six-inch, eight inch and 12-inch PVC watermain (Water System Improvements, Contract No. TLN-13) along Bowen Road and Genesee Street, Lancaster, New York, and

WHEREAS, by letter dated April 18, 2023, Edward Schiller, P.E., has recommended that the Town of Lancaster authorize said expenditure to 716 Site Contracting Inc., the provider of the lowest bid located at 4901 Eckhardt Road, Hamburg, New York, 14075 in an amount not to exceed One Million, Three Hundred Twelve Thousand Seven Hundred Eighty-Five and 00/100 (\$1,312,785.00) Dollars, and

WHEREAS, this project will be funded from ARPA 90217.400.

NOW, THEREFORE,

BE IT RESOLVED, that The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested by Edward Schiller, P.E., Town Engineer, to 716 Site Contracting, Inc., the provider of the lowest bid, located at 4901 Eckhardt Road, Hamburg, New York, 14075, in an amount not to exceed One Million Three Hundred Twelve Thousand Seven Hundred Eighty-Five and 00/100 (\$1,312,785.00) Dollars per its quote dated April 13, 2023, and to be paid for from ARPA 90217.400.

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 |

May 1, 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 is considering the proposed revised site plan for the new development of a 112 ft. long by 24 ft wide 8 car garage, submitted by Jason Havens, on behalf of Frank Trybuskiewicz, on a +/- 3.8732 acre parcel located at 5680 Broadway (SBL No. 116.05-1-3) in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on April 19, 2023, and recommended that a Negative Declaration be issued, and

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

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

WHEREAS, the proposed action has been labeled a “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed development of a new 112 ft. long by 24 ft wide 8 car garage on a +/- 3.8732 acre parcel located at 5680 Broadway (SBL No. 116.05-1-3) in the Town of Lancaster, Erie County, New York, this project will not result in any significant environmental impacts and therefore the Board hereby issues the attached negative declaration of environmental significance pursuant to SEQRA for the reasons stated therein.

2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.

3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.

4. This resolution is effective immediately.

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

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

May 1, 2023

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 1, 2023

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

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed the proposed development of a parcel involving approximately 3.87 acres, the location of the premises being 5680 Broadway, in the Town of Lancaster, Erie County, New York (SBL No. 116.05-1-3). This project is described as a multi-unit apartment complex with a 112 ft. long by 24 ft. wide 8 car garage with 0.8 acre physically disturbed area. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Plumb Creek Apartments

Location of Action: 5680 Broadway (SBL No. 116.05-1-3) in the Town of Lancaster, Erie County, New York.

SEQR Status: Unlisted Action

Description of Action: This project is described as a multi-unit apartment complex with a 112 ft. long by 24 ft. wide 8 car garage with 0.8 acre physically disturbed area.

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

- | | | |
|----|---|-------------------|
| 1. | Impact on land use or zoning | No impact. |
| 2. | Change in land use or intensity | No impact. |
| 3. | Character of community | No impact. |
| 4. | Impact on Critical Environmental Areas | N/A |
| | • The Town of Lancaster has not established a Critical Environmental Area (CEA). | |
| 5. | Impact on Transportation | No impact. |
| 6. | Impact on energy | No impact. |
| 7. | A. Impact on water supply | No impact. |
| | B. Impact on wastewater treatment | No impact. |
| 8. | Impact on historic, archeological, architectural or aesthetic resources | No Impact. |
| 9. | Impact on natural resources | No impact. |

10. Impact on erosion, flooding or drainage **No impact.**

11. Hazard to environmental resources or human health **No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster

21 Central Avenue

Lancaster, New York 14086

Telephone Number: (716) 684-3342

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

WHEREAS, Anthony J. Pandolfe, of Carmina Wood Design, as designee for Joe Basil Chevrolet, has submitted a revised Site Plan – Drawing C-100, with revision date of October 4, 2022, and received April 5, 2023, by the Town of Lancaster Building Department, for the proposed construction of an approximately 15,000 square foot vehicle storage building with fifteen (15) parking spaces, and demolition of one existing building located at 5077 Transit Road, in the Town of Lancaster (SBL # 115.09-1-27), and

WHEREAS, the revised Site Plan reflects the following changes:

1. A portion of the original building to remain and create a 10-foot separation between buildings by shifting the building forward.
2. Buildings will be numbered.
3. Fire Access lanes are identified.
4. An Access Management Agreement has been filed with the Town Attorney.
5. Dumpster on site will be shared and serviced accordingly, and

WHEREAS, no additional lighting will be provided and a demolition permit has been issued by the building department, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their April 19, 2023 meeting, and

WHEREAS, a SEQR Review of this project was held March 6, 2023, and a negative declaration was issued at that time.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted Anthony J. Pandolfe, of Carmina Wood Design, as designee for Joe Basil Chevrolet, has submitted a revised Site Plan – Drawing C-100, with revision date of October 4, 2022, and received April 5, 2023 by the Town of Lancaster Building Department, for the proposed construction of an approximately 15,000 square foot vehicle storage building with fifteen (15) parking spaces, and demolition of one existing building located at 5077 Transit Road, in the Town of Lancaster (SBL # 115.09-1-27), with the following conditions:

1. Approval is for the revised site plan with Sheet C-100.

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 |

May 1, 2023

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

WHEREAS, John Pilato, Highway Superintendent of the Town of Lancaster, in a letter dated April 25, 2023, has advised the Town Board that the Parks and Recreation Department no longer has use for a **2019 Gravely Prostance Lawn Mower – VIN #11000, Model 994137**, and has requested that the Town Board therefore deem the item to be surplus equipment and permit the Highway Superintendent to offer it at an online auction, and

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned equipment to be surplus equipment and permit placement of said item on an online auction.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned **2019 Gravely Prostance Lawn Mower – VIN #11000, Model 994137**, to be surplus equipment and authorizes the Highway Superintendent to place said items up for public bid at an online auction with Auctions International, *www.auctionsinternational.com*, 11167 Big Tree Road, East Aurora, New York 14052, beginning the week of May 4, 2023, and concluding on May 18, 2023, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

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

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

May 1, 2023

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has the following equipment as surplus equipment: **2019 Gravely Prostance Lawn Mower – VIN #11000, Model 994137.**

This is surplus equipment and will be auctioned at an online auction with Auctions International, www.auctionsinternational.com, 11167 Big Tree Road, East Aurora, New York 14052, beginning the week of May 4, 2023, and concluding on May 18, 2023.

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

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

TOWN BOARD
TOWN OF TOWN OF LANCASTER

By: DIANE TERRANOVA
TOWN CLERK

May 4, 2023

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

A BOND RESOLUTION, DATED MAY 1, 2023, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS AT WESTWOOD PARK AT AN ESTIMATED MAXIMUM COST OF \$154,500 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$154,500, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") desires to undertake a capital improvements project consisting of the reconstruction of and construction of improvements at Westwood Park.

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project consisting of the reconstruction of and construction of improvements at Westwood Park, primarily the Brickyard Ball Field, such work to generally consist of (but not be limited to), the removal of existing backstop, dugouts and concrete, the installation of new concrete and fencing; and the reconstruction and construction of the ground surface, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$154,500.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$154,500 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 19(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a 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 |

The foregoing resolution was thereupon declared duly adopted.

May 1, 2023

**NOTICE OF BOND RESOLUTION
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on May 1, 2023 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of a bond resolution adopted by the Town Board of the Town of Lancaster (the "Town") on May 1, 2023. The proceeds from the sale of the obligations authorized in such bond resolution will be used to finance a capital improvements project consisting of the reconstruction of and construction of improvements at Westwood Park, primarily to the Brickyard Ball Field, such work to generally consist of (but not be limited to), the removal of existing backstop, dugouts and concrete, the installation of new concrete and fencing; and the reconstruction and construction of the ground surface, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"), at an estimated maximum cost of \$154,500. Such bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$154,500, such amount to be offset by any federal, state, county and/or local funds received. The period of probable usefulness for such purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of such bonds, will mature no later than five years from the date of original issuance of such bonds or notes. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

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

A BOND RESOLUTION, DATED MAY 1, 2023, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE PLAYGROUND AT WESTWOOD PARK AT AN ESTIMATED MAXIMUM COST OF \$604,500 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$604,500, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") desires to undertake a capital improvements project consisting of the reconstruction of and construction of improvements to the playground at Westwood Park.

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project consisting of the reconstruction of and construction of improvements to the playground at Westwood Park, such work to generally consist of (but not be limited to), the replacement of the existing playground with a new all-inclusive playground adhering to new safety standards and ADA compliancy, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$604,500.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$604,500 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 19(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the

Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a 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 |

The foregoing resolution was thereupon declared duly adopted.

May 1, 2023

**NOTICE OF BOND RESOLUTION
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on May 1, 2023 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of a bond resolution adopted by the Town Board of the Town of Lancaster (the "Town") on May 1, 2023. The proceeds from the sale of the obligations authorized in such bond resolution will be used to finance a capital improvements project consisting of the reconstruction of and construction of improvements to the playground at Westwood Park, such work to generally consist of (but not be limited to), the replacement of the existing playground with a new all-inclusive playground adhering to new safety standards and ADA compliancy, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"), at an estimated maximum cost of \$604,500. Such bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$604,500, such amount to be offset by any federal, state, county and/or local funds received. The period of probable usefulness for such purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of such bonds, will mature no later than five years from the date of original issuance of such bonds or notes. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

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

A BOND RESOLUTION, DATED MAY 1, 2023, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE REPLACEMENT AND/OR RECONSTRUCTION OF THE CULVERT ON SIEBERT ROAD AT AN ESTIMATED MAXIMUM COST OF \$660,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$660,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") has determined to undertake a capital improvements project for the replacement and/or reconstruction of the culvert on Siebert Road.

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project, such work to generally consist of the replacement and/or reconstruction of the culvert on Siebert Road in the Town, including, but not limited to, various road improvements, installation of guardrails and parapets, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$660,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$660,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 3 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 30 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution is expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due

and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a 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 |

The foregoing resolution was thereupon declared duly adopted.

May 1, 2023

**NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING
OF THE REPLACEMENT AND/OR RECONSTRUCTION OF
THE CULVERT ON SIEBERT ROAD**

Notice is hereby given that at its May 1, 2023 meeting the Town Board of the Town of Lancaster adopted a bond resolution authorizing undertake a capital improvements project, such work to generally consist of the replacement and/or reconstruction of the culvert on Siebert Road in the Town, including, but not limited to, various road improvements, installation of guardrails and parapets, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose") at an estimated maximum cost of \$660,000. Such resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$660,000 of the Town, such amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK

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

A BOND RESOLUTION, DATED MAY 1, 2023, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE TOWN (PRIMARILY WARNER ROAD), AT AN ESTIMATED MAXIMUM COST OF \$1,626,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,626,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") has determined to undertake the reconstruction of and construction of improvements to various roads in the Town (primarily Warner Road).

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of improvements to various roads in the Town (primarily Warner Road), such work to generally consist of (but not be limited to) full depth reconstruction with new subbase, asphalt base, binder and top, together with re-grading, the installation of catch basins and edge drainage, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,626,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,626,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 20(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution is expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation

notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a 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 |

The foregoing resolution was thereupon declared duly adopted.

May 1, 2023

**NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING THE RECONSTRUCTION OF AND
CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS
IN THE TOWN (PRIMARILY WARNER ROAD)**

Notice is hereby given that at its May 1, 2023 meeting the Town Board of the Town of Lancaster adopted a bond resolution authorizing undertake the reconstruction of and construction of improvements to various roads in the Town (primarily Warner Road), such work to generally consist of (but not be limited to) full depth reconstruction with new subbase, asphalt base, binder and top, together with re-grading, the installation of catch basins and edge drainage, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wm. Schutt & Associates, P.C., all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,626,000. Such resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$1,626,000 of the Town, such amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK

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

AN AMENDING AND RESTATING BOND RESOLUTION, DATED MAY 1, 2023, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON MARCH 15, 2021, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN HALL, AT AN ESTIMATED MAXIMUM COST OF \$200,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on March 15, 2021, the Town Board of the Town of Lancaster, Erie County, New York (the "Town") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED MARCH 15, 2021, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN HALL AT AN ESTIMATED MAXIMUM COST OF \$130,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$130,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

and,

WHEREAS, due to an increase in the cost of materials, labor and equipment the Original Bond Resolution has increased above the estimated maximum cost as provided in the Original Bond Resolution, and

WHEREAS, due to the increase in the cost of the project, the Town Board wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$130,000 to \$200,000 and b) the amount of serial bonds authorized to be issued from \$130,000 to \$200,000, and to make other modifications to the Original Bond Resolution as may be consistent with law, and

WHEREAS, the scope of the improvements has not materially changed from the Project identified in the Original Bond Resolution, and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other

modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects.

WHEREAS, the Town has previously issued bond anticipation notes pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds), and

NOW, THEREFORE,

BE IT RESOLVED, by the Town (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project consisting of the reconstruction of and construction of improvements to the Town Hall, such work to generally consist of (but not be limited to), brick work repair and painting, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wendel and Kideney Architects, P.C., including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$200,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$200,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the

scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. To the extent not previously authorized, the temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) **the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with**

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. Nothing in this amendment shall affect the validity of the original March 15, 2021 bond resolution, or any action taken thereunder and any such actions are hereby ratified.

SECTION 18. This resolution is effective immediately.

The question of the adoption of the foregoing resolution (including the amending and restating bond resolution) was duly put to vote on a 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 |

The foregoing resolution was thereupon declared duly adopted.

May 1, 2023

**NOTICE OF AMENDMENT AND RESTATEMENT OF BOND RESOLUTION
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a resolution amending and restating a prior bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on May 1, 2023 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

**SUMMARY OF RESOLUTION AMENDING
AND RESTATING A PRIOR BOND RESOLUTION**

The following is a summary of an amending and restating bond resolution adopted by the Town Board of the Town of Lancaster (the "Town") on May 1, 2023, that amends and restates a bond resolution that was previously adopted by the Town Board on March 15, 2021 (the "Original Bond Resolution"). The proceeds from the sale of the obligations authorized in such bond resolution (as amended and restated) will be used for the purpose of undertaking a capital improvements project consisting of the reconstruction of and construction of improvements to the Town Hall, such work to generally consist of (but not be limited to), brick work repair and painting, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by Wendel and Kideney Architects, P.C., including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"), at an estimated maximum cost of \$200,000. Such amended and restated bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$200,000, such amount to be offset by any federal, state, county and/or local funds received. The estimated maximum cost and the amount of bonds authorized were increased from \$130,000 to \$200,000 due to the increased cost of materials, labor and equipment. The period of probable usefulness for such purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of such bonds, will mature no later than five years from the date of original issuance of such bonds or notes. A copy of the resolution amending and restating the prior bond resolution, as summarized herein, is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

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

WHEREAS, the Town Board of the Town of Lancaster (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the “District”); and

WHEREAS, the Town Board has directed Wm. Schutt & Associates, P.C., competent engineers licensed in New York, to prepare a map, plan and report, for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 9,700 linear feet of water main along various roads in the Town, along with the installation of fire hydrants, valves and appurtenances, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared by Wm. Schutt & Associates, P.C. and referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$3,450,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,450,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE,

BE IT ORDERED, that a meeting of the Town Board of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on May 15, 2023 at 7:05 p.m. o'clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and

BE IT FURTHER,

ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,450,000, said amount to be offset by any federal, state, county and/or local funds received and, unless paid from other sources or charges (including, but not limited to, water rents), the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

BE IT FURTHER,

ORDERED, the Town Board may establish water rents as provided in paragraph (d) of subdivision three of Town Law Section 198; and

BE IT FURTHER,

ORDERED, that this resolution shall constitute the declaration (or reaffirmation) of the Town’s “official intent” to reimburse (to the extent permitted) the expenditures of said increase and improvement of facilities with the proceeds of bonds, notes or other obligations, as required by United States Treasury Regulations Section 1.150-2; and

BE IT FURTHER,

ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

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

The Order Calling for Public Hearing was declared adopted.

May 1, 2023

TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING ON INCREASE AND IMPROVEMENTS OF
FACILITIES OF THE TOWN OF LANCASTER CONSOLIDATED WATER
DISTRICT - 2023

PUBLIC HEARING TO BE HELD ON
MAY 15, 2023

WHEREAS, the Town Board of the Town of Lancaster (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the “District”); and

WHEREAS, the Town Board has directed Wm. Schutt & Associates, P.C., competent engineers licensed in New York, to prepare a map, plan and report, for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 9,700 linear feet of water main along various roads in the Town, along with the installation of fire hydrants, valves and appurtenances, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared by Wm. Schutt & Associates, P.C. and referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$3,450,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,450,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE,

BE IT ORDERED, that a meeting of the Town Board of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on May 15, 2023 at 7:05 p.m. o’clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and

BE IT FURTHER,

ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,450,000, said amount to be offset by any federal, state, county and/or local funds received and, unless paid from other sources or charges (including, but not limited to, water rents), the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

BE IT FURTHER,

ORDERED, the Town Board may establish water rents as provided in paragraph (d) of subdivision three of Town Law Section 198; and

BE IT FURTHER,

ORDERED, that this resolution shall constitute the declaration (or reaffirmation) of the Town’s “official intent” to reimburse (to the extent permitted) the expenditures of said increase and improvement of facilities with the proceeds of bonds, notes or other obligations, as required by United States Treasury Regulations Section 1.150-2; and

BE IT FURTHER,

ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

May 4, 2023

TOWN BOARD OF THE
TOWN OF LANCASTER

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

WHEREAS, a vacancy exists in the Town of Lancaster Police Department for the position of Police Chief due to the retirement of William J. Karn, Jr., on April 27, 2023, and

WHEREAS, William Gummo is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that William Gummo is hereby appointed to the position of Police Chief in the Town of Lancaster Police Department effective April 28, 2023 contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to the applicable provisions of law and subject to the execution of the Employment Agreement between the Town of Lancaster and William Gummo, which is hereby approved as presented.

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 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 |

May 1, 2023

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

WHEREAS, John Pilato, Highway Superintendent of the Town of Lancaster, by letter dated April 25, 2023 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Parks, Recreation & Forestry Department.

NOW, THEREFORE,

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

| NAME | ADDRESS | POSITION | HOURLY RATE | EFFECTIVE DATE |
|---------------|----------------|------------------------|--------------------|-----------------------|
| Robert Giroux | Lancaster, NY | Recreation Director | \$28.79 | May 2, 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 | VOTED | YES |

May 1, 2023

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

WHEREAS, the Town Board of the Town of Lancaster has reviewed Memorandums of Agreement which have been reached between the negotiating teams representing the Town of Lancaster and the collective bargaining unit of the Lancaster Dispatcher Employee Association (“LDEA”); and

WHEREAS, the LDEA membership has heretofore ratified the Memorandums of Agreement; and

WHEREAS, after due review and consideration the Town Board deems it in the public interest to ratify the Memorandums of Agreement which will be incorporated into a four (4) year contract between the Town of Lancaster and the LDEA.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby adopts and ratifies the Memorandums of Agreement as negotiated with the beforementioned LDEA which will be incorporated into a four (4) year contract between the Town of Lancaster and the Lancaster Dispatcher Employee Association, and the Town Board further authorizes the Supervisor of the Town of Lancaster to execute the full contract when prepared.

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

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

May 1, 2023

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

WHEREAS, the Town Board is considering the proposed development of a 3.09 acre parcel involving the addition of parking spaces facing Transit Road for displaying new vehicles, and adding a driveway around the east side of an existing building, the location of the premises being 6501 Transit Road, Bowmansville, New York, 14206, Erie County (SBL 93.05-1.111), submitted by Terrance J. Boyle, Sr. Civil Engineer Designer, Project Manager on behalf of West Herr Automotive AUDI, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on April 19, 2023, and recommended that a Negative Declaration be issued, and

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

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

WHEREAS, the proposed action has been labeled as “Unlisted” action under SEQRA.

NOW, THEREFORE,

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

1. Based upon the Town Board’s thorough and careful review of the proposed development of a parcel involving the addition of parking spaces facing Transit Road for displaying new vehicles, and adding a driveway around the east side of an existing building involving approximately 3.09 acres, the location of the premises being 6501 Transit Road, Bowmansville, New York, 14206, Erie County (SBL 93.05-1.111), it is determined that this project will not result in any significant environmental impacts and therefore the Board hereby issues the attached negative declaration of environmental significance pursuant to SEQRA for the reasons stated therein.

2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.

3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.

4. This resolution is effective immediately.

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

| | | |
|--------------------------------|-------|-----|
| COUNCIL MEMBER BURKARD | VOTED | YES |
| COUNCIL MEMBER DICKMAN | VOTED | YES |
| COUNCIL MEMBER LEARY | VOTED | YES |
| COUNCIL MEMBER MAZUR | VOTED | YES |
| May 1, 2023 SUPERVISOR RUFFINO | VOTED | YES |

NEGATIVE DECLARATION

Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 1, 2023

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

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed development of a 3.09 acre parcel involving the addition of parking spaces facing Transit Road for displaying new vehicles, and adding a driveway around east side of existing building, the location of the premises being 6501 Transit Road, Bowmansville, New York, 14206, Erie County (SBL 93.05-1.111). The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: West Herr Audi Dealership

Location of Action: 6501 Transit Road, Bowmansville, New York, 14026, Erie County.

SEQR Status: Unlisted Action

Description of Action: Parking lot improvement with 0.19 acre physically disturbed.

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

- | | | |
|-----|---|---|
| 1. | Impact on land use or zoning | No impact. |
| 2. | Change in land use or intensity | No impact. |
| 3. | Character of community | No impact. |
| 4. | Impact on Critical Environmental Areas | N/A • The Town of Lancaster has not established a Critical Environmental Area (CEA). |
| 5. | Impact on Transportation | No impact. |
| 6. | Impact on energy | No impact. |
| 7. | A. Impact on water supply | No impact. |
| | B. Impact on wastewater treatment | No impact. |
| 8. | Impact on historic, archeological, architectural or aesthetic resources | No Impact. |
| 9. | Impact on natural resources | No impact. |
| 10. | Impact on erosion, flooding or drainage | No impact. |

11. Hazard to environmental resources or
human health

No impact.

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney
Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Telephone Number: (716) 684-3342

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

WHEREAS, by letter dated April 25, 2023, John Pilato, the Town of Lancaster Highway Superintendent, has requested the Town Board approve expenditures for the construction and placement of a sign cabinet at the Highway Office, 525 Pavement Road, Lancaster, New York, and

WHEREAS, by letter dated April 25, 2023, John Pilato, has recommended that the Town of Lancaster authorize said expenditure to Garland Graphics, 1146 Two Rod Road, Alden, New York, 14004, for a cost not to exceed Three Thousand Four Hundred Seventy-Five 00/100 (\$3,475.00) Dollars, and

WHEREAS, this project will be paid for with funds from Account 01-1620-260.

NOW, THEREFORE,

BE IT RESOLVED, that The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested by Highway Superintendent John Pilato to Garland Graphics, 1146 Two Rod Road, Alden, New York, 14004, for a cost not to exceed Three Thousand Four Hundred Seventy-Five 00/100 (\$3,475.00) Dollars per its quote dated April 25, 2023, and to be paid from Account 01-1620-260.

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 | VOTED | YES |

May 1, 2023

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

WHEREAS, the Town of Lancaster Youth Bureau has a Band Shell located at 100 Oxford Avenue, which is used to provide the community with the opportunity to attend various outdoor performances and events for their enjoyment, and

WHEREAS, Shakespeare in the Park has requested to use the Town's Band Shell for a special performance on Saturday, July 22, 2023, from 5:30 PM to 8:30 PM, and

WHEREAS, Shakespeare in the Park has provided the required insurance certificates to the Town Attorney's Office.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby grants Shakespeare in the Park permission to use the Youth Bureau's Band Shell located at 100 Oxford Avenue for a special performance on July 22, 2023, from 5:30 PM to 8:30 PM.

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 |

May 1, 2023

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

WHEREAS, the Town of Lancaster is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and

WHEREAS, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and

WHEREAS, “It Starts with You,” the theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale, and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster does hereby proclaim the month of May 2023 as Building Safety Month and authorizes the Town Supervisor to execute the Building Safety Proclamation, and encourages the citizens to join with their communities in participation in Building Safety Month activities.

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 |

May 1, 2023

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

WHEREAS, John Pilato, Highway Superintendent, of the Town of Lancaster Highway Department, by letter dated April 25, 2023 has requested authorization to attend the 2023 New York State Association of Towns Highway School in Ithaca, New York from June 5-7, 2023.

NOW, THEREFORE,

BE IT RESOLVED, that John Pilato, Highway Superintendent of the Town of Lancaster Highway Department, is hereby authorized to attend the 2023 New York State Association of Towns Highway School in Ithaca, New York from June 5-7, 2023.

BE IT FURTHER,

RESOLVED, that the total cost of attendance at the above mentioned training course is hereby authorized in an amount not-to-exceed \$708.00 for actual and necessary expenses, including the cost of registration, hotel, gas and meal expenses for two (2) days on the specified dates of training, and

BE IT FURTHER,

RESOLVED, that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

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

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

May 1, 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 April 27, 2023, 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:

Christelle LaRocque

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

May 1, 2023

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

WHEREAS, John Trojanowsky, Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated April 26, 2023, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE,

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

| <u>NAME</u> | <u>POSITION</u> | <u>PAY RATE PER HOUR</u> | <u>EFFECTIVE DATE</u> |
|----------------------------------|-----------------|--------------------------|-----------------------|
| Lynn Dalfonso Lancaster, NY | Tutor | \$22.00 | June 5, 2023 |
| Ryan Kaminski Buffalo, NY | Tutor | \$19.00 | June 5, 2023 |
| Taylor Carlson Depew, NY | Tutor | \$17.00 | June 5, 2023 |
| Daniel Reisdorf Lancaster, NY | Tutor | \$17.00 | June 5, 2023 |
| Joseph Isgar Buffalo, NY | Tutor | \$17.00 | June 5, 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 | VOTED | YES |

May 1, 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 LEARY 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 | YES |
| COUNCIL MEMBER MAZUR | VOTED | YES |
| SUPERVISOR RUFFINO | VOTED | YES |

The suspension was GRANTED.

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

WHEREAS by letter dated April 26, 2023, John Pilato, the Town of Lancaster Highway Superintendent, requested the Town Board approve expenditures to repair the operational panel partition at the Lancaster Youth Bureau; and

WHEREAS by that same letter, Highway Superintendent Pilato recommended that the Town authorize granting the project to DV Brown and Associates, Inc., 567 Vickers Street, Tonawanda, New York 14150, in an amount not to exceed Four Thousand Four Hundred Ten and NO/100 (\$4,410.00) Dollars; and

WHEREAS, this project will be paid for with funds from the Town’s 2023 Budget, Line Item 01-1620-260, 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 Highway Superintendent John Pilato to DV Brown and Associates, Inc., 567 Vickers Street, Tonawanda, New York 14150, in an amount not to exceed Four Thousand Four Hundred Ten and NO/100 (\$4,410.00) 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 | VOTED | YES |

May 1, 2023

COMMUNICATIONS & REPORTS

220. Charter Communications to Town Clerk –
Upcoming change to price for unreturned residential adapters.
Disposition = Received & Filed
221. Planning Board Chair to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of minutes from April 5, 2023 Planning Board Meeting.
Disposition = Received & Filed
222. Twin District Fire Company to Town Clerk –
Change in roster. Disposition = Resolution 5/1/23
223. Paul Ziolkowski to Supervisor and Town Clerk –
Letter of resignation as Chairman of the Town of Lancaster Ethics Board effective May 1, 2023. Disposition = Received & Filed
224. Erie County Legislature to Town Clerk –
Notice of Public Hearing to hear public comment on Local Law Providing for 10% Property Tax Exemption for Volunteer Firefighters and Ambulance Workers in Erie County. Disposition = Received & Filed
225. Town Clerk to Various News Media –
Special Meeting of the Lancaster Town Board to be held on Thursday, April 20, 2023 at 7:00PM for the purpose of entering into Executive Session.
Disposition = Received & Filed
226. David Dzwigal to Town Clerk –
Letter of resignation from Town of Lancaster Ethics Board.
Disposition = Received & Filed
227. Dawn Pearce to Town Clerk –
Comments regarding Phase 2 of the Village development.
Disposition = Received & Filed
228. Town Engineer to Town Board –
Recommend Award of Contract for Water System Improvements Contract No. TLN-13, Bowen Road and Genesee Street to 716 Site Contracting, P.O. Box 120, N. Boston, NY 14110. Disposition = Resolution 5/1/23
229. Erie County Division of Planning to Town Attorney –
Consent to Lead Agency Designation and comments regarding multifamily residential development at 6026 Broadway. Disposition = Planning Committee
230. Highway Superintendent to Town Board –
Request for resolution to appoint Bruce Stutz, Lancaster, NY to the position of Park Crew Chief in the Recreation Department effective April 24, 2023.
Disposition = Resolution 5/1/23
231. Duplicate communication.
232. Erie County Department of Public Works to DEL Resource –
Copy of letter with comments regarding Mixed Use Facility with Coffee Shop 5827 Broadway. Disposition = Planning Committee
233. Town Clerk to Code Enforcement Officer –
Request for renewal of Special Use Permit for Home Occupation (Dog Grooming) 33 Meadow Lea Drive. Disposition = For Resolution
234. Town Clerk to Tonya Bradford –
Second notice regarding renewal of Special Use Permit for a Home Occupation (Hair Salon) at 30 Woodgate Drive. Disposition = Received & Filed

235. **Raymond Boreanaz to Town Clerk –
Request to be considered for a part-time position as Dog Control Officer.
Disposition = Received & Filed**
236. **Commissioner of Erie County Dept. of Environment & Planning to Supervisor –
Information regarding 2003 Local Cooperation Agreement and 2014
Amendments to the 2003 Agreement between the Town of Lancaster and Erie
County. Disposition = Received & Filed**
237. **Highway Superintendent to Town Board –
Request for resolution authorizing the replacement of the inducer motor assembly
on the AERCO Boiler at the Police Station by Greater Niagara Mechanical, Inc.,
7311 Ward Rd., North Tonawanda, NY. Disposition = Resolution 5/1/23**
238. **Administrative Captain Jonathan Ziders to Supervisor and Town Board –
Request for resolution authorizing the purchase of two (2) new “Rhino Tab”
Patrol PC’s from Patrol PC. Disposition = Resolution 5/1/23**
239. **Police Chief to Town Clerk –
Notification of retirement from the position of Chief of Police of the Town of
Lancaster effective April 27, 2023. Disposition = Received & Filed**
240. **Gloria Chaves to Supervisor –
Invitation to Supervisor and Town Board to attend the National Day of
Prayer event on Thursday, May 4, 2023 at noon in front of Town Hall.
Disposition = Received & Filed**
241. **Highway Superintendent to Town Board –
Request for resolution to deem one item from Parks, Recreation & Forestry as
surplus property and allow it to go to public auction.
Disposition = For Resolution**
242. **Highway Superintendent to Supervisor and Town Board –
Request for resolution to have a sign cabinet constructed at 525 Pavement Rd.
by Garland Graphics, 1146 Two Rod Rd., Alden, NY.
Disposition = Resolution 5/1/23**
243. **Highway Superintendent to Supervisor and Town Board –
Request for resolution appointing one individual to the position of part-time
permanent employee in the Parks, Recreation & Forestry Department effective
May 2, 2023. Disposition = Resolution 5/1/23**
244. **Highway Superintendent to Town Board –
Request for resolution to allow the Highway Superintendent to attend the New
York State Association of Towns Training School June 5-7, 2023.
Disposition = Resolution 5/1/23**
245. **Executive Director Youth Bureau to Supervisor and Town Board --
Recommend several individuals for various positions in the Youth Bureau’s
Summer Skills Reinforcement & Enrichment Programs effective June 5, 2023
through August 31, 2023. Disposition = Resolution 5/1/23**
246. **Highway Superintendent to Town Board –
Request for resolution to have the operational panel partition at the Youth
Bureau repaired by DV Brown & Associates, Inc., 567 Vickers St., Tonawanda,
NY. Disposition = For Resolution**
247. **Planning Board Chair to Planning Board, Town Board, Engineering Consultant,
Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of minutes from April 19, 2023 Planning Board Meeting.
Disposition = Received & Filed**

- 248. Planning Board to Town Board –
Memo recommending approval of Revised Site Plan for Plumb Creek
Apartments, 5680 Broadway, Proj. #1143. Disposition = Planning Committee**
- 249. Planning Board to Town Board –
Memo recommending approval of Revised Site Plan for Mixed Use Development,
4781 Transit Road, Proj. #8944. Disposition = Planning Committee**
- 250. Planning Board to Town Board –
Memo recommending approval of Amended Site Plan for Basil Car Storage
Building, 5077 Transit Road, Proj. #2031. Disposition = Planning Committee**
- 251. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**
- 252. Deborah Lemaster to Town Board –
Request to be considered for the open seat on the Lancaster Ethics Board.
Disposition = Received & Filed**
- 253. Town of Cheektowaga to Town Clerk –
Municipal Referral regarding proposed Zoning District Change for the
establishment of an automotive (new) dealership at 0 Transit, Cheektowaga,
NY 14043. Disposition = Received & Filed**

ADJOURNMENT:

**MOTION WAS MADE BY COUNCIL MEMBER BURKARD, AND SECONDED
BY COUNCIL MEMBER LEARY AND CARRIED, to adjourn the meeting at 8:10 P.M.**

ALL IN FAVOR, MOTION CARRIED, MEETING ADJOURNED.

May 1, 2023

Signed _____

Diane M. Terranova, Town Clerk