

MEETINGS TO DATE 21  
 NO. OF REGULARS 19  
 NO. OF SPECIALS 2

LANCASTER, NEW YORK  
 OCTOBER 6, 1980

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 6th day of October, 1980 at 8:00 P.M. and there were:

PRESENT: STANLEY JAY KEYSA, SUPERVISOR  
 JOSEPH A. BARNHARDT, COUNCILMAN  
 EDWARD A. BERENT, COUNCILMAN  
 RONALD A. CZAPLA, COUNCILMAN  
 LEONARD E. GRZYBOWSKI, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
 DOMINIC J. TERRANOVA, TOWN ATTORNEY  
 RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY  
 JOHN G. NIBLOCK, TOWN ENGINEER  
 ROBERT W. URBAN, HIGHWAY SUPERINTENDENT  
 THOMAS E. FOWLER, CHIEF OF POLICE  
 ROBERT L. LANEY, BUILDING INSPECTOR

BID. OPENINGS:

None.

PUBLIC HEARINGS:

None

OFFICIAL REPORTS:

None

REPORTS OF TOWN BOARD COMMITTEES:

Councilman Barnhardt, for the Cable TV Advisory Committee, presented a final report of the Advisory Committee and also a "Request for Proposals".

Councilman Barnhardt, asked the Town Board to review the proposals and if acceptable, accept them as submitted. The Town would then go to a public hearing to review the report of the Committee

REPORTS OF TOWN BOARD COMMITTEES CONT'D.:

Councilman Berent, for the Police Committee, presented a communication from the Chief of Police recommending a parking prohibition on both sides of Forton Drive.

The Town Attorney was directed to prepare a resolution calling a public hearing on an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster which would prohibit parking on Forton Drive.

Councilman Czaplá, for the Highway Committee, asked the Highway Superintendent to assemble some cost data setting forth the expense of changing the November 1st to May 1st night time snow parking restriction to November 15th to April 15th.

Councilman Grzybowski, for the Sidewalk Committee, asked the Highway Superintendent for a report on the present status of sidewalks along Warner Road.

The Highway Superintendent indicated he would contact the Depew Public Works Superintendent and notify Councilman Grzybowski of the present status of this project.

Supervisor Keysa reported that the furnace contractor for the Town Hall Boiler Renovation has indicated that the new burner should be available for the Town Hall boiler within seven to eight weeks.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the minutes of the meetings of the Town Board of  
the Town of Lancaster, held September 15, 1980 and September 22, 1980, as  
presented by the Town Clerk, be and hereby are approved.

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

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GRZYBOWSKI VOTED YES  
SUPERVISOR KEYSA VOTED YES

~~xxxx~~  
The resolution was thereupon unanimously adopted.

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated September 11, 1980, has requested confirmation of two (2) new members duly elected to the membership of the Town Line Volunteer Fire Department, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the following individuals in the Town Line Volunteer Fire Department, Inc.:

Steven J. Brady, Jr.  
11480 Cary Road  
Alden, New York

Brian Hejmanowski  
11035 Jane Drive  
Alden, New York

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

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The resolution was thereupon unanimously adopted.

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT , TO WIT:

WHEREAS, persons in charge of the various departments of the Town Government have submitted estimates of revenues and expenditures for the year 1981, and

WHEREAS, the Town Board has reviewed the estimates as prepared and filed by the various departments and has met with the said department heads relative to said estimates and made certain changes thereto, and

WHEREAS, the Budget Officer has prepared and filed a tentative budget with his budget message, with the Town Clerk and the Town Clerk has filed same with the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that the Public Hearing on the Preliminary Budget of the Town of Lancaster for the year 1981 be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of October, 1981, at 8:00 o'clock P.M., Local Time, and

BE IT FURTHER

RESOLVED, that the necessary Notice of Public Hearing upon the 1981 Preliminary Budget as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Enterprise, the official newspaper on October 9, 1980, and posted on the Town Bulletin Board.

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

October 6, 1980

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING  
UPON THE 1981  
PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Lancaster for the fiscal year beginning January 1, 1981, has been completed and filed in the office of the Town Clerk at the Town Hall, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:00 o'clock P.M., Local Time, on the 20th day of October, 1980, and at such hearing any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following town officers are hereby specified as follows:

Supervisor	\$ 21,438.00
Four (4) Councilmen	6,750.00 (ea.)
Town Clerk	21,985.00
Superintendent of Highways	20,925.00

BY ORDER OF THE  
TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN BERENT , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 CZAPLA , TO WIT:

WHEREAS, William F. Dougherty, Jr., Building and Zoning Inspector of the Town of Lancaster, has retired effective September 30, 1980, creating a vacancy in that position, and

WHEREAS, ROBERT L. LANEY has served as Assistant Building Inspector, Zoning Officer and Code Enforcement Officer since February 28, 1978, and he has Civil Service Status as Assistant Building Inspector and has performed excellent service in that position since that time, and

WHEREAS, the Supervisor has been informed that there is no existing Civil Service List for Building Inspector at this time and that said ROBERT L. LANEY has taken the new Building Inspector Civil Service Exam and is otherwise qualified for appointment as Building and Zoning Inspector, provisionally,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That ROBERT L. LANEY be and hereby is appointed Building and Zoning Inspector of the Town of Lancaster, effective October 7, 1980 at an annual salary of \$17,404.00 to fill the vacancy created by the retirement of William F. Dougherty, Jr.

2. That the said ROBERT L. LANEY shall perform additional duties as Plumbing Inspector and Code Enforcement Officer at no additional salary; and

3. That the Supervisor and Town Clerk shall take such administrative action as shall be necessary with the Erie County Personnel Office.

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~xxxxxx~~

The resolution was thereupon unanimously adopted.

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT, TO WIT:

WHEREAS, resident taxpayers 65 years of age on fixed low incomes have been severely hampered in efforts to keep pace with rising inflation and shockingly increasing cost of living, and

WHEREAS, our elderly taxpayers have shouldered their share of the tax burden for the most part of their working productive lifetime and in their waning years make very little demand for governmental services, and

WHEREAS, Section 467 of the Real Property Law of the State of New York has been amended to authorize an increase in the income requirement from Eight Thousand Dollars (\$8,000.00) net income to not exceeding Nine Thousand Two Hundred Dollars (\$9,200.00) net income, and

WHEREAS, the increase in income eligibility for Town taxes from Eight Thousand Dollars (\$8,000.00) to Nine Thousand Two Hundred Dollars (\$9,200.00), will place no particular burden on the taxpaying public, but will materially improve the economic ability of our senior citizens in coping with the ravages of inflation while living on fixed retirement income in their declining years, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to repeal Section 40-2(A)(1) of Chapter 40, Tax Exemption, of the Code of the Town of Lancaster relating to tax exemption of real property owned by persons 65 years of age and over, and to enact in place thereof, the following:

"Sec. 40.2. Exemptions: Application.

A. No exemption shall be granted:

(1) If the income of the owner or the combined income of owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of Nine Thousand Two Hundred Dollars (\$9,200.00). Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or

earnings, and net income from self-employment, but shall not include a return of capital, gifts, or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;"

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York and pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the proposed repeal of the existing Section 40-2(A)(1) of Chapter 40, Tax Exemption, of the Code of the Town of Lancaster, and enactment of a new Section 40-2(A)(1) of Chapter 40, Tax Exemption, of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th of October, 1980, at 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise, the official newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

@kly  
The resolution was thereupon unanimously adopted.

October 6, 1980

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and Section 467 of the Real Property Tax Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of October, 1980, the said Town Board will hold a Public Hearing on the 20th day of October, 1980, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the repeal of the existing Section 40-2(A)(1) of Chapter 40, Tax Exemption, of the Code of the Town of Lancaster and the enactment of a new Section 40-2(A)(1) to replace same to read as follows:

"Sec. 40-2. Exceptions; application.

A. No exemption shall be granted:

- (1) If the income of the owner or the combined income of the owners of the property for the income year immediately preceding the date of making application for exemption exceeds the sum of Nine Thousand Two Hundred Dollars (\$9,200.00). Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income."

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT, TO WIT:

WHEREAS, the Town Board, on behalf of all the Special Districts and Special Improvement Districts upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of benefits conferred, has duly prepared detailed estimates in writing, of the anticipated 1981 revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the improvement was charged in proportion to the amount of benefit conferred, and

WHEREAS, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the office of the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing is hereby called and shall be held on the 20th day of October, 1980, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned 1981 Special Districts Budget and to hear all persons interested in the subject matter thereof and concerning the same, and

BE IT FURTHER

RESOLVED, that a Legal Notice of said Public Hearing in the form attached hereto and made a part hereof, be published in the Lancaster Enterprise once on October 9, 1980.

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

- COUNCILMAN BARNHARDT VOTED YES
- COUNCILMAN BERENT VOTED YES
- COUNCILMAN CZAPLA VOTED YES
- COUNCILMAN GRZYBOWSKI VOTED YES
- SUPERVISOR KEYSA VOTED YES

The resolution was thereupon ~~duly~~ unanimously adopted.

October 6, 1980

## LEGAL NOTICE

TOWN OF LANCASTER  
NOTICE OF SPECIAL HEARING  
ON 1981 SPECIAL DISTRICTS BUDGET

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster, New York, at a regular meeting held on October 6, 1980, completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following Districts for the year 1981.

Water Supply District Number 5.  
Water Supply District Extensions 9, 10 and 11  
to Water District No. 1.  
Water Supply District Extensions Numbers 1 and 2 to  
Water Supply District No. 2.  
Water Supply District Extensions Numbers 2, 3, 4, 6 and  
7 to Water District Number 3.  
Water Supply District Extensions Numbers 1, 2 and 3  
to Water District Number 4.  
Water Supply District Extension Numbers 1, 2, 3 and  
4 to Water District Number 7.  
Water Supply District Extension No. 1 to Water District  
Number 8.  
Master Water Improvement Area.  
Sanitary Sewer District Number 1.  
Sanitary Sewer District Number 2.  
Sanitary Sewer District Number 4.  
Sanitary Sewer District Extensions 1, 2, 3 and 4  
to Sanitary Sewer District Number 2.  
Sanitary Sewer Lateral Districts Numbers 1 and 2 and  
Meadowlea Estates, Lancaster Heights, Markey Avenue,  
South Broezel, Ronald-Charlton, and Botimer, within  
Sanitary Sewer District Number 2.  
Consolidated Lighting District Number 1.  
Fire Protection District.

NOTICE is also given that a Public Hearing on such estimates and Assessment Roll, will be held on October 20, 1980, at 8:15 o'clock P.M., Local Time, in the Council Chamber of the Town Hall on Central Avenue in the Town and Village of Lancaster, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI, TO WIT:

WHEREAS, the Federal Revenue Sharing Regulations and legal requirements of the Town Law require that the Town Budget Officer conduct two (2) "Proposed Use Hearings" relative to uses of Federal Revenue Sharing Funds in order to provide residents of the community with the opportunity to present written and oral comments on the possible uses of Federal Revenue Sharing Funds, and

WHEREAS, the first of the two (2) required hearings was held at the Town Hall, 21 Central Avenue, Lancaster, New York, on September 15, 1980, at 8:00 o'clock P.M., Local Time, pursuant to Legal Notice duly published and posted,

NOW, THEREFORE, BE IT

RESOLVED, that the second public hearing regarding the proposed Federal Revenue Sharing Funds pursuant to Federal Revenue Sharing Regulations and legal requirements of the Town Law of the State of New York, will be held by the Budget Officer at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October, 1980, at 8:30 o'clock P.M., Local Time and that Notice of the Time and Place of such Hearing be published in the Lancaster Enterprise, the official newspaper, and be posted on the Town Bulletin Board which Notice shall be in the following form:

TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING

PROPOSED USES  
OF  
FEDERAL REVENUE SHARING FUNDS

NOTICE TO THE CITIZENS OF THE TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster will hold a public hearing on the proposed uses of Revenue Sharing Funds at 8:30 o'clock, P.M., Local Time, on October 20, 1980, in the Town Hall, 21 Central Avenue, Lancaster, New York

Listed below are the proposed uses of Revenue Sharing Funds and a summary of the entire proposed budget. The budget, in its entirety, is on file at the Town Clerk's Office in the Town Hall and is available for public inspection from 9:00 A.M. to 5:00 P.M. on Monday through Friday.

PROPOSED USES FOR FEDERAL REVENUE SHARING FUNDS

Contingent	\$ 4,035.00
Safety Inspection	35,413.00
Registrar of Vital Statistics	100.00
Zoning	5,450.00
Planning	15,525.00
Trash Collection	18,000.00
Undistributed (Principal & Interest)	101,977.00
	<u>\$180,500.00</u>

SUMMARY OF ENTIRE PROPOSED 1981 BUDGET

	<u>Appropriations</u>	<u>Estimated Revenues</u>	<u>Appropriated Fund Balance</u>	<u>Amount to be Raised by Taxation</u>
General Fund	\$2,478,720	\$ 945,685	\$320,000	\$1,213,035
General Fund - Town Outside Villages	154,950	104,950	50,000	-
Federal Revenue Sharing Fund	180,500	180,500	-	-
Community Development Fund	177,463	177,463	-	-
Highway Funds	791,223	156,342	70,000	564,881
Lighting District	101,000	2,000	8,000	91,000
Fire Protection District	205,100	6,322	6,500	192,278
Sewer Districts	93,832	-	11,750	82,082
Water Districts	242,904	49,725	1,070	192,109
	<u>\$4,425,692</u>	<u>\$1,622,987</u>	<u>\$467,320</u>	<u>\$2,335,385</u>

TOWN OF LANCASTER

STANLEY JAY KEYSA  
BUDGET OFFICER

October 6, 1980

and

BE IT FURTHER

RESOLVED, that within thirty (30) days after adoption of the 1981 Budget of the Town of Lancaster, the Budget Officer be and is hereby directed to publish a statement that the Budget Summary, showing intended uses of Federal Revenue Sharing Funds, is on file at the Town Clerk's office in the Town Hall, and is available for public inspection from 9:00 A.M. to 5:00 P.M. on Monday through Friday; and that said statement and notice be published in the Lancaster Enterprise, the official newspaper, and be posted on the Town Bulletin Board, which notice shall be in the following form:

*ml*

TOWN OF LANCASTER  
NOTICE OF ADOPTION  
OF  
1981 BUDGET  
OF THE TOWN OF LANCASTER

NOTICE TO THE CITIZENS OF THE TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster has adopted the 1981 Budget of the Town of Lancaster, which included uses of Federal Revenue Sharing Funds and that the Proposed Uses of 1981 Revenue Sharing Funds and a Summary of the entire Proposed 1981 Budget of the Town of Lancaster is on file with the Town Clerk in the Town Hall and is available for public inspection from 9:00 A.M. to 5:00 P.M. on Monday through Friday.

TOWN OF LANCASTER

STANLEY JAY KEYSA  
BUDGET OFFICER

October 20, 1980

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN BARNHARDT , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 BERENT , TO WIT:

WHEREAS, ALDEN EQUITIES, LTD., 5150 Genesee Street, Bowmansville, New York, 14026, has petitioned the Town Board of the Town of Lancaster for the rezone of certain property situate on the south side of William Street at the intersection of Aurora Street, being the southwest corner of the intersection of said streets, from an R-1 Single Family Residence District to a C-1 Local Retail Business District, and

WHEREAS, the petition has been referred to the Planning Board for its recommendations and report, and that Board, together with its Planning Consultant, have made a thorough review and report,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a public hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October, 1980, at 8:50 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which notice shall be in form attached hereto and made a part hereof.

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~xxxx~~  
 The resolution was thereupon unanimously adopted.

October 6, 1980

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of October, 1980, the said Town Board will hold a Public Hearing on the 20th day of October, 1980, at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an R-1 Single Family Residence District to a C-1 Local Retail Business District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot Number Ninety-two (92), Township Ten (10) Range six (6) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING in the center line of Aurora Street at its intersection with the south line of William Street as extended easterly; running thence westerly along the south line of William Street and its extension easterly three hundred thirty-four (334) feet; running thence southerly parallel with Aurora Street, one hundred ten (110) feet; running thence easterly parallel with William Street, three hundred thirty-four (334) feet to the center line of Aurora Street, running thence northerly along the center line of Aurora Street, one hundred ten (110) feet to the place of beginning.

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of providing for the inclusion in the Zoning Ordinance of the Code of the Town of Lancaster, provisions permitting the location of adult entertainment establishments, and

WHEREAS, the Town Board of the Town of Lancaster is also desirous of promoting the health, safety, morals and general welfare of the residents of the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster, after review and consideration deems it in the public interest to amend Chapter 50 of the Code of the Town of Lancaster, known as the Zoning Ordinance, by enactment of Section 50-57(A)(12), of Article XIII, as follows:

CHAPTER 50  
ZONING

ARTICLE XIII

M2 General Industrial District Regulations

§50-57. Permitted uses and structures.

A. Principal uses and structures.

(12) Adult Entertainment.

(a) Intent - In order to promote the health, safety, morals and general welfare of the residents of the Town of Lancaster, this section is intended to restrict adult uses to non-residential, non-business and non-commercial areas of the Town, and otherwise regulate their operation, while providing for the location of same within the Town of Lancaster. Moreover, in that the operational characteristics of adult uses increase the deleterious impact on a community when such uses are concentrated, this Section is intended to promote the health, safety, morals, general welfare, and good order of the residents of the Town by regulating the concentration of such uses.

(b) Permitted Uses - Principal structures and uses - retail sales only.

- 1) Adult Book Stores
- 2) Adult Motion Picture Theatres
- 3) Adult Mini-Motion Picture Theatres
- 4) Businesses licensed to sell beer, wine and/or liquor in which nude or semi-nude performers or employees are employed.
- 5) Massage Parlors.

(c) Design Regulations

- 1) Minimum Lot Area - 2 Acres
- 2) Minimum Lot Width - None
- 3) Minimum Yards for structure, parking, loading and/or stacking:

<u>Yard</u>	<u>Structure (feet)</u>	<u>Parking, loading and/or stacking</u>
Front, from right-of-way of a dedicated street	112	50*
Side, abutting a non-residential district	112	50*
Rear, abutting non-residential street	112	50*
Side and rear, abutting a residential district	Not Permitted	

\*Entire area shall be landscaped with conifers and deciduous trees in equal proportions at spacing not more than 25 feet on center. Trees shall have a minimum caliper of 2-1/2" one foot above finished grade.

- 4) Maximum building height - 12 feet.
- 5) Maximum lot coverage - as uses, yard and off-street parking, loading and stacking and landscaping requirements permit.
- 6) Enclosure. - all principal and accessory uses, except signs, landscaping and off-street parking shall be conducted within a completely enclosed structure.

(d) General provisions - The following provisions apply to all Adult Entertainment Uses unless otherwise indicated and shall supercede conflicting regulations for those districts.

- 1) Any Adult Entertainment Use shall be located within the M-2 Zoning District.
- 2) Any Adult Entertainment Use shall be permitted provided that any property line of use shall:
  - a) Not be closer than 1000 feet from any residential district.
  - b) Not be any closer than 1500 feet from any place of public assembly.
  - c) Not be closer than 500 feet from any other Adult Entertainment Use Establishment.

- 3) Prohibition Regarding Public Observation - No adult use shall be conducted in any manner that permits the observation of any material depicting describing or relating to specified sexual activities or specified anatomical areas as defined herein, from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

(e) Special Use Permit.

- 1) No use as described in this Section shall be established until the issuance of a special use permit by the Town Board. Application for such a special use permit shall be in writing to the Town Board of the Town of Lancaster and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed, and stating specifically that juveniles shall be prohibited from entering the premises, and such additional information as shall be required by the Town Board. The Town Board shall call a public hearing for the purpose of considering the request for a special use permit. At least ten (10) days notice of the time and place of public hearing shall be given by the publication of a notice in a newspaper of general circulation in the Town indicating the general nature of the public hearing and the fact that those persons interested therein may be heard at the time and place of such a hearing.
- 2) A special use permit issued under the provisions of this section shall not be transferable.

(f) Definitions.

Adult Bookstore - an establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, films for sale or viewing on premises, by use of motion picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Cabaret. - a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dances and/or bottomless dances, strippers, male or female impersonators or similar entertainers, or employees appearing in a bottomless and/or topless manner of dress.

Adult Mini-Motion-Picture Theatre - An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Theatre - an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Bottomless - Any manner of dress in which a person appears with less than completely and opaquely covered human genitals and/or pubic region.

Person - any person, firm, partnership, corporation, association or legal representative acting individually or jointly.

Specified Anatomical Areas -

1. Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
4. Acts of a nature involving the sexual touching of humans and animals.

Topless - any manner of dress in which a female appears with the breast region exposed below a point immediately above the top of the areola.

Message Parlor - any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities", or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the said proposed amendment to Section 50-57(A)(12)"Adult Entertainment", of Article XIII of Chapter 50 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October, 1980, at 9:15 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published on October 9, 1980, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon <sup>amx</sup>unanimously adopted.

October 6, 1980

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of October, 1980, the said Town Board will hold a Public Hearing on the 20th day of October, 1980 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed enactment of Section 50-57(A)(12) "Adult Entertainment", of Article XIII of Chapter 50 of the Code of the Town of Lancaster known as "Zoning Ordinance":

CHAPTER 50  
ZONING

ARTICLE XIII

M2 General Industrial District Regulations

§50-57. Permitted uses and structures.

A. Principal uses and structures.

(12) Adult Entertainment.

(a) Intent - In order to promote the health, safety, morals and general welfare of the residents of the Town of Lancaster, this section is intended to restrict adult uses to non-residential, non-business and non-commercial areas of the Town, and otherwise regulate their operation, while providing for the location of same within the Town of Lancaster. Moreover, in that the operational characteristics of adult uses increase the deleterious impact on a community when such uses are concentrated, this Section is intended to promote the health, safety, morals, general welfare, and good order of the residents of the Town by regulating the concentration of such uses.

(b) Permitted Uses - Principal structures and uses - retail sales only.

- 1) Adult Book Stores
- 2) Adult Motion Picture Theatres
- 3) Adult Mini-Motion Picture Theatres
- 4) Businesses licensed to sell beer, wine and/or liquor in which nude or semi-nude performers or employees are employed.
- 5) Massage Parlors.

(c) Design Regulations

- 1) Minimum Lot Area - 2 Acres
- 2) Minimum Lot Width - None
- 3) Minimum Yards for structure, parking, loading and/or stacking:

Yard	Structure (feet)	Parking, loading and/or stacking
Front, from right-of-way of a dedicated street	112	50*
Side, abutting a non-residential district	112	50*
Rear, abutting non-residential street	112	50*
Side and rear, abutting a residential district	Not Permitted	

\*Entire area shall be landscaped with conifers and deciduous trees in equal proportions at spacing not more than 25 feet on center. Trees shall have a minimum caliper of 2-1/2" one foot above finished grade.

- 4) Maximum building height - 12 feet.
- 5) Maximum lot coverage - as uses, yard and off-street parking, loading and stacking and landscaping requirements permit.
- 6) Enclosure - all principal and accessory uses, except signs, landscaping and off-street parking shall be conducted within a completely enclosed structure.

(d) General provisions - The following provisions apply to all Adult Entertainment Uses unless otherwise indicated and shall supercede conflicting regulations for those districts.

- 1) Any Adult Entertainment Use shall be located within the M-2 Zoning District.
- 2) Any Adult Entertainment Use shall be permitted provided that any property line of use shall:
  - a) Not be closer than 1000 feet from any residential district.
  - b) Not be any closer than 1500 feet from any place of public assembly.
  - c) Not be closer than 500 feet from any other Adult Entertainment Use Establishment.

- 3) Prohibition Regarding Public Observation - No adult use shall be conducted in any manner that permits the observation of any material depicting describing or relating to specified sexual activities or specified anatomical areas as defined herein, from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

(e) Special Use Permit.

- 1) No use as described in this Section shall be established until the issuance of a special use permit by the Town Board. Application for such a special use permit shall be in writing to the Town Board of the Town of Lancaster and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed, and stating specifically that juveniles shall be prohibited from entering the premises, and such additional information as shall be required by the Town Board. The Town Board shall call a public hearing for the purpose of considering the request for a special use permit. At least ten (10) days notice of the time and place of public hearing shall be given by the publication of a notice in a newspaper of general circulation in the Town indicating the general nature of the public hearing and the fact that those persons interested therein may be heard at the time and place of such a hearing.
- 2) A special use permit issued under the provisions of this section shall not be transferable.

(f) Definitions.

Adult Bookstore - an establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, films for sale or viewing on premises, by use of motion picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Cabaret. - a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dances and/or bottomless dances, strippers, male or female impersonators or similar entertainers, or employees appearing in a bottomless and/or topless manner of dress.

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Person - any person, firm, partnership, corporation, association or legal representative acting individually or jointly.

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Specified Sexual Activities:

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4. Acts of a nature involving the sexual touching of humans and animals.

Topless - any manner of dress in which a female appears with the breast region exposed below a point immediately above the top of the areola.

Massage Parlor - any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities", or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, after due consideration and study of the present regulations under the Code of the Town of Lancaster controlling the construction, connection and installation of sewers and sewer use, known as Chapter 37 of the Code of the Town of Lancaster and entitled, "Sewer Use", has determined the need to amend the said ordinance to meet the current Rules and Regulations applying to all Erie County Sewer Districts, and

WHEREAS, the Building Inspector and Town Attorney have reviewed the present ordinance and the Rules and Regulations of the County of Erie and have made input on same to the Town Board, and

WHEREAS, the Town Board deems it in the public interest to amend Chapter 37, "Sewer Use", of the Code of the Town of Lancaster, County of Erie, State of New York, to comply with Erie County Sewer District Rules and Regulations, by the repeal of present Sections 37.4 through 37.10, inclusive, and the enactment in place thereof of Sections 37.4 through 37.13, inclusive, and renumbering the Section headings as follows:

CHAPTER 37  
SEWER USE

- §37.1 Definitions.
- §37.2 Connection to public sewer required.
- §37.3 Private sewage disposal.
- §37.4 Construction of sewers - permits; connections; installations.
- §37.5 Building requirements.
- §37.6 Areas without public sewers; agreement to connect.
- §37.7 Industrial waste manholes.
- §37.8 Use of public sewers.
- §37.9 Intentional damage to sewage works.
- §37.10 Authority and duties of inspectors and town employees.
- §37.11 Enforcement; violations and penalties.
- §37.12 Severability.
- §37.13 When effective.

## 37.4 Construction of Sewers - permits; connections; installations.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Clerk upon written report of the Superintendent of Sewers or where another agency controls the street sewers then upon written report of that managing sewer agency.

Any road cut to be made within the Town of Lancaster can only be made after complying with the additional provisions of Chapter 18, Article I of the Code of the Town of Lancaster.

- B. There shall be two (2) classes of building sewer permits: for residential and/or commercial district; for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or the managing sewer agency.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees shall be in accordance with Chapter 30.
- D. A separate and independent building sewer shall be provided for every building except where special permission is received from the town.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, or managing sewer agency to meet all requirements of this ordinance.
- F. The minimum building sewer shall be:
- (1) Four-inch extra-heavy cast-iron soil pipe meeting the requirements of ASTM A 74-42 or Commercial Standard CS 188.59 with Buffalo code lead or dual tite quick joints.
  - (2) Six-inch standard strength clay sewer pipe meeting the requirements of ASTM C13-65T. Extra strength pipe C-200-65T is also acceptable. The joints shall be type I or III as defined in ASTM C 425-64.
  - (3) Four-inch plastic pipe utilizing virgin resin and meeting the ASTM three-edge bearing method for determining a crushing strength of two thousand (2,000) pounds per lineal foot throughout a temperature range of thirty-two degrees to one hundred twenty degrees Fahrenheit (32° - 120°F.), or four-inch A.B.S. truss pipe meeting the requirement of ASTM 2680 Sch. 40 plastic.

(2) Saddle-type connections to the main sewers shall be made in a smooth, round hole, machine drilled. The fitting used shall be made to ensure that it will not protrude into the main sewer. The fitting shall fit the contour of the inside of the main sewer and be designed for the size of pipe into which construction is being made. One-eighth-inch clearance shall be provided between the fitting and the hole, and between the shoulder of the fitting and the face of the main pipe. These spaces shall be completely filled with waterproof joint material capable of withstanding any stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. The fitting shall be manufactured of cast aluminum alloy and shall be capable of receiving all types of pipe normally used for house service connections.

- K. All excavations for building or sanitary sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. Ditches and culvert pipes for storm and surface water or other utilities disturbed during installation of sewers shall be replaced to their original condition. All driveways and parking areas shall be backfilled with select fill.
- L. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- M. The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or Plumbing Inspector or the managing sewer agency.

#### §37.5 Building requirements.

- A. The main building drain for any building shall be installed hung at least ten (10) inches on center above the finished cellar floor level except by special town permit. Floor drains are not permitted to be connected to public sewer systems. Laundry trays and washers installed in cellars shall have a gate valve in their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have an automatic check (back flow) valve and a gate valve in this branch line to prevent flooding in the event the street sanitary sewers become clogged. Such check valves shall be closed at all times except when the fixtures are in use.
- B. All buildings having cellars shall have an adequate sump and sump pump to which any interior perimeter drain tile and floor drains shall discharge. The sump pumps shall discharge into a storm sewer. Weepers through cellar walls are not permitted to be discharged into the building's sanitary sewer system.

§37.6 Areas without public sewers; agreement to connect.

- A. Buildings constructed with the aforementioned districts in areas without public sewers, that can be readily connected to the public sewer when available, shall have the plumbing so arranged. In the meantime they shall install septic tanks and disposal fields to meet the requirements of the New York State Health Department and the Erie County Health Department.
- B. Owners of buildings constructed under these provisions shall, when making application for a building permit, sign an agreement to immediately connect to a public sewer when available.

§37.7 Industrial Waste Manholes.

When required by the town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the town. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§37.8 Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Illegal connections shall be removed immediately and the sewer repaired at the owner's expense upon request of the Superintendent or the Plumbing Inspector or the managing sewer agency.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, or the managing sewer agency, to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) Any gasoline, benzene, naphtha, fuel oil or other explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.

- (3) Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to the requirements of the town, the County of Erie, the State of New York and the Environmental Protection Agency of the federal government, and such factors as the quantities of subject wastes in relation of flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited include, but are not limited to:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F.) sixty-five degrees centigrade (65°C.)
- (2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° and 150°F.) (zero and sixty-five degrees centigrade-0° and 65°C.)
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with motor of three-fourths (3/4) horsepower (seventy-six hundredths (0.76) horsepower (seventy-six hundredths (0.76) horsepower metric) or greater shall be subject to the review and approval of the Superintendent or managing sewer agency.
- (4) Any waters or wastes containing strong acid metal pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent or managing sewer agency for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent or managing sewer agency as

necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent or managing sewer agency in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of nine point five (9.5).
- (9) Materials which exert or cause:
  - (a) Undue concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
  - (b) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
  - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant volume of flow or concentration of wastes.
  - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. Approval or rejection by Superintendent or managing sewer agency.

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in §37.5(D) and which, in the judgment of the Superintendent or managing sewer agency, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life and constitute a public nuisance, the Superintendent or managing sewer agency may:
  - (a) Reject the wastes.
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §37.5(J).

(2) If the Superintendent or managing sewer agency permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of the town and all applicable codes, ordinances and laws.

- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent or managing sewer agency, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent or managing sewer agency and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained by the owner, at his expense, in continuous and effective operation satisfactory to the Superintendent or managing sewer agency.
- H. When required by the Superintendent or managing sewer agency, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste parameters required by the Superintendent or managing sewer agency. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent or managing sewer agency. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses required and whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken shall be determined by the Superintendent or managing sewer agency. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples). Frequency of grab samples shall be determined by the Superintendent or managing sewer agency.

- 4) Four-inch asbestos cement building sewer class 1500 or 2400. Maximum section length shall be not more than thirteen (13) feet. Asbestos cement pipe must meet Federal Specifications SS-P331b dated January 30, 1962, as amended.
  - 5) Variations in these requirements may be made in special circumstances if approved by the town in writing. ASTM tests on all sewer pipes must be performed in the United States. Any variance from the sewer sizes described above must be approved by the town.
6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, place of pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code (Chapter 9 of the Building Construction Code of the State of New York, and current amendments thereto, adopted by resolution of the Town Board on February 4, 1952) or other applicable rules and regulations of the town.
- H. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12-64 or as directed by the town, except that no backfill shall be placed until the work has been inspected to the satisfaction of the Town or its designated representative. Cast-iron pipe or concrete encasement will be required where the building sewer crosses under the pavement of an existing or future public road. In the event of unstable soil conditions, special construction methods may be required by the town.
- I. There must be a main trap placed in all sewers to buildings, same to be provided with a fresh air inlet to ventilate the system in which plumbing fixtures are to be placed. The main trap in the sewer may be placed either inside of the cellar or in the main sewer line outside the building. If an outside trap is used, a "Y" with a cleanout must be provided just inside the cellar wall. The cleanout shall be of a type approved by the New York Plumbing Association and shall have iron pipe threads. The fresh air pipe must be carried to the grade line and provided with a suitable vent cap. If an inside trap is used, the fresh air vent must connect to the top of the trap with a "Y" and one-eighth (1/8) bend and run to the outside of the building above grade. In no case shall a fresh air vent be less than four (4) inches in diameter. The fresh air vent on an outside trap must be not less than five (5) feet from a building window. The fresh air vent on an inside trap must not be placed under a door or window.
- J. Connection of the building sewer into the sanitary sewer shall be by:
- (1) A six (6) inch vitrified tile with approved neoprene joint, cast iron or asbestos-cement branch or riser installed at the time of construction of the main sewer. Joints shall be equal to Type I or III as described in ASTM C-425-64 and as designated by the town or managing sewer agency. Damaged vitrified tile branches shall be replaced. All connections shall be watertight. Concrete encasement of branches or mortar joints shall not be deemed watertight.

J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern.

K. Periodic reports of sample analyses shall be furnished to the Superintendent upon his request.

§37.9 Intentional damage to sewage works.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under the appropriate section or sections of the New York State Penal Law.

§37.10 Authority and duties of inspectors and town employees.

A. The Superintendent and Plumbing Inspector, or managing sewer agency, and other duly authorized employees of the town and/or its designated agency, bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in §37.7A above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in §37.5H.

C. The Superintendent and Plumbing Inspector or managing sewer agency, and other duly authorized employees of the town, and/or its designated agency, bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§37.11 Enforcement; violations and penalties.

- A. Any person found to be violating any provision of this ordinance, except §§37.5C and 37.6, shall be serviced by the town with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person found to be violating §§37.5C or 37.6 or any person who shall continue any other violation beyond the time limit provided in §37.8A shall be guilty of an offense against this ordinance and, on conviction thereof, shall pay a penalty in an amount not exceeding one hundred dollars (\$100.) for each violation or imprisonment for a period not exceeding thirty (30) days, or both. Each day in which any such violations shall continue shall be deemed a separate offense.

§37.12 Severability.

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§37.13 When effective.

This ordinance shall constitute part of the Code of the Town of Lancaster and shall take effect immediately upon its adoption in accordance with the provision of law.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the said proposed repeal of Sections 37.4 through 37.10, inclusive, of Chapter 37 of the Code of the Town of Lancaster, entitled, "Sewer Use", and the enactment, in place thereof, of Sections 37.4 through 37.13, inclusive, of Chapter 37 of said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October, 1980 at 9:00 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published on October 9, 1980 in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~duxx~~  
The resolution was thereupon unanimously adopted.

October 6, 1980

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of October, 1980, the said Town Board will hold a Public Hearing on the 20th day of October, 1980, at 9:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the repeal of Sections 37.4 through 37.10, inclusive, of Chapter 37 of the Code of the Town of Lancaster, entitled, "Sewer Use", heretofore adopted by the Town Board on March 18, 1974, and to enact in place thereof, Sections 37.4 through 37.13, inclusive, and renumbering the section headings, of Chapter 37 of the said Code, as follows:

CHAPTER 37  
SEWER USE.

- §37.1 Definitions.
- §37.2 Connection to public sewer required.
- §37.3 Private sewage disposal.
- §37.4 Construction of sewers - permits; connections; installations.
- §37.5 Building requirements.
- §37.6 Areas without public sewers; agreement to connect.
- §37.7 Industrial waste manholes.
- §37.8 Use of public sewers.
- §37.9 Intentional damage to sewage works.
- §37.10 Authority and duties of inspectors and town employees.
- §37.11 Enforcement; violations and penalties.
- §37.12 Severability.
- §37.13 When effective.

## 37.4 Construction of Sewers - permits; connections; installations.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Clerk upon written report of the Superintendent of Sewers or where another agency controls the street sewers then upon written report of that managing sewer agency.

Any road cut to be made within the Town of Lancaster can only be made after complying with the additional provisions of Chapter 18, Article I of the Code of the Town of Lancaster.

- B. There shall be two (2) classes of building sewer permits: for residential and or commercial district; for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or the managing sewer agency.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees shall be in accordance with Chapter 30.
- D. A separate and independent building sewer shall be provided for every building except where special permission is received from the town.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, or managing sewer agency to meet all requirements of this ordinance.
- F. The minimum building sewer shall be:
- (1) Four-inch extra-heavy cast-iron soil pipe meeting the requirements of ASTM A 74-42 or Commercial Standard CS 188.59 with Buffalo code lead or dual tite quick joints.
  - (2) Six-inch standard strength clay sewer pipe meeting the requirements of ASTM C13-65T. Extra strength pipe C-200-65T is also acceptable. The joints shall be type I or III as defined in ASTM C 425-64.
  - (3) Four-inch plastic pipe utilizing virgin resin and meeting the ASTM three-edge bearing method for determining a crushing strength of two thousand (2,000) pounds per lineal foot throughout a temperature range of thirty-two degrees to one hundred twenty degrees Fahrenheit (32° - 120°F.), or four-inch A.B.S. truss pipe meeting the requirement of ASTM 2680 Sch. 40 plastic.

(2) Saddle-type connections to the main sewers shall be made in a smooth, round hole, machine drilled. The fitting used shall be made to ensure that it will not protrude into the main sewer. The fitting shall fit the contour of the inside of the main sewer and be designed for the size of pipe into which construction is being made. One-eighth-inch clearance shall be provided between the fitting and the hole, and between the shoulder of the fitting and the face of the main pipe. These spaces shall be completely filled with waterproof joint material capable of withstanding any stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. The fitting shall be manufactured of cast aluminum alloy and shall be capable of receiving all types of pipe normally used for house service connections.

- K. All excavations for building or sanitary sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. Ditches and culvert pipes for storm and surface water or other utilities disturbed during installation of sewers shall be replaced to their original condition. All driveways and parking areas shall be backfilled with select fill.
- L. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- M. The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or Plumbing Inspector or the managing sewer agency.

#### §37.5 Building requirements.

- A. The main building drain for any building shall be installed hung at least ten (10) inches on center above the finished cellar floor level except by special town permit. Floor drains are not permitted to be connected to public sewer systems. Laundry trays and washers installed in cellars shall have a gate valve in their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have an automatic check (back flow) valve and a gate valve in this branch line to prevent flooding in the event the street sanitary sewers become clogged. Such check valves shall be closed at all times except when the fixtures are in use.
- B. All buildings having cellars shall have an adequate sump and sump pump to which any interior perimeter drain tile and floor drains shall discharge. The sump pumps shall discharge into a storm sewer. Weepers through cellar walls are not permitted to be discharged into the building's sanitary sewer system.

§37.6 Areas without public sewers; agreement to connect.

- A. Buildings constructed with the aforementioned districts in areas without public sewers, that can be readily connected to the public sewer when available, shall have the plumbing so arranged. In the meantime they shall install septic tanks and disposal fields to meet the requirements of the New York State Health Department and the Erie County Health Department.
- B. Owners of buildings constructed under these provisions shall, when making application for a building permit, sign an agreement to immediately connect to a public sewer when available.

§37.7 Industrial Waste Manholes.

When required by the town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the town. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§37.8 Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Illegal connections shall be removed immediately and the sewer repaired at the owner's expense upon request of the Superintendent or the Plumbing Inspector or the managing sewer agency.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, or the managing sewer agency, to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil or other explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.

- (3) Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to the requirements of the town, the County of Erie, the State of New York and the Environmental Protection Agency of the federal government, and such factors as the quantities of subject wastes in relation of flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited include, but are not limited to:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F.) sixty-five degrees centigrade (65°C.)
- (2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° and 150°F.) (zero and sixty-five degrees centigrade 0° and 65°C.)
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with motor of three-fourths (3/4) horsepower (seventy-six hundredths (0.76) horsepower (seventy-six hundredths (0.76) horsepower metric) or greater shall be subject to the review and approval of the Superintendent or managing sewer agency.
- (4) Any waters or wastes containing strong acid metal pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent or managing sewer agency for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent or managing sewer agency as

necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent or managing sewer agency in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of nine point five (9.5).
- (9) Materials which exert or cause:
  - (a) Undue concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
  - (b) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
  - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant volume of flow or concentration of wastes.
  - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. Approval or rejection by Superintendent or managing sewer agency.

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in §37.5(D) and which, in the judgment of the Superintendent or managing sewer agency, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life and constitute a public nuisance, the Superintendent or managing sewer agency may:
  - (a) Reject the wastes.
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §37.5(J).

- (2) If the Superintendent or managing sewer agency permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of the town and all applicable codes, ordinances, and laws.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent or managing sewer agency, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent or managing sewer agency and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained by the owner, at his expense, in continuous and effective operation satisfactory to the Superintendent or managing sewer agency.
- H. When required by the Superintendent or managing sewer agency, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste parameters required by the Superintendent or managing sewer agency. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent or managing sewer agency. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses required and whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken shall be determined by the Superintendent or managing sewer agency. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples). Frequency of grab samples shall be determined by the Superintendent or managing sewer agency.

- 4) Four-inch asbestos cement building sewer, class 1500 or 2400. Maximum section length shall be not more than thirteen (13) feet. Asbestos cement pipe must meet Federal Specifications SS-P331b dated January 30, 1962, as amended.
  - 5) Variations in these requirements may be made in special circumstances if approved by the town in writing. ASTM tests on all sewer pipes must be performed in the United States. Any variance from the sewer sizes described above must be approved by the town.
- G. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, place of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code (Chapter 9 of the Building Construction Code of the State of New York, and current amendments thereto, adopted by resolution of the Town Board on February 4, 1952) or other applicable rules and regulations of the town.
- H. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12-64 or as directed by the town, except that no backfill shall be placed until the work has been inspected to the satisfaction of the Town or its designated representative. Cast-iron pipe or concrete encasement will be required where the building sewer crosses under the pavement of an existing or future public road. In the event of unstable soil conditions, special construction methods may be required by the town.
- I. There must be a main trap placed in all sewers to buildings, same to be provided with a fresh air inlet to ventilate the system in which plumbing fixtures are to be placed. The main trap in the sewer may be placed either inside of the cellar or in the main sewer line outside the building. If an outside trap is used, a "Y" with a cleanout must be provided just inside the cellar wall. The cleanout shall be of a type approved by the New York Plumbing Association and shall have iron pipe threads. The fresh air pipe must be carried to the grade line and provided with a suitable vent cap. If an inside trap is used, the fresh air vent must connect to the top of the trap with a "Y" and one-eighth (1/8) bend and run to the outside of the building above grade. In no case shall a fresh air vent be less than four (4) inches in diameter. The fresh air vent on an outside trap must be not less than five (5) feet from a building window. The fresh air vent on an inside trap must not be placed under a door or window.
- J. Connection of the building sewer into the sanitary sewer shall be by:
- (1) A six (6) inch vitrified tile with approved neoprene joint, cast iron or asbestos-cement branch or riser installed at the time of construction of the main sewer. Joints shall be equal to Type I or III as described in ASTM C-425-64 and as designated by the town or managing sewer agency. Damaged vitrified tile branches shall be replaced. All connections shall be watertight. Concrete encasement of branches or mortar joints shall not be deemed watertight.

- J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern.
- K. Periodic reports of sample analyses shall be furnished to the Superintendent upon his request.

§37.9 Intentional damage to sewage works.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under the appropriate section or sections of the New York State Penal Law.

§37.10 Authority and duties of inspectors and town employees.

- A. The Superintendent and Plumbing Inspector, or managing sewer agency, and other duly authorized employees of the town and/or its designated agency, bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in §37.7A above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in §37.5H.
- C. The Superintendent and Plumbing Inspector or managing sewer agency, and other duly authorized employees of the town, and/or its designated agency, bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§37.11 Enforcement; violations and penalties.

- A. Any person found to be violating any provision of this ordinance, except §§37.5C and 37.6, shall be serviced by the town with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person found to be violating §§37.5C or 37.6 or any person who shall continue any other violation beyond the time limit provided in §37.8A shall be guilty of an offense against this ordinance and, on conviction thereof, shall pay a penalty in an amount not exceeding one hundred dollars (\$100.) for each violation or imprisonment for a period not exceeding thirty (30) days, or both. Each day in which any such violations shall continue shall be deemed a separate offense.

§37.12 Severability.

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§37.13 When effective.

This ordinance shall constitute part of the Code of the Town of Lancaster and shall take effect immediately upon its adoption in accordance with the provision of law.

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN BERENT , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 BARNHARDT , TO WIT:

WHEREAS, the Executive Director of the Youth Bureau by letters dated September 25, 1980 and October 6, 1980, has recommended the appointment of LISA KALLE and KAREN WEGST to the positions of tutors for the Youth Bureau's Tutorial Program which is a part of the Youth Services Budget, to fill the vacancies created by the resignations of John Anderson, Barbara Gorenflo, Kathryn Daddario, and Earl Smith,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the positions of Tutors, part-time temporary, for work with the Town of Lancaster Youth Bureau in their Tutorial Program, at an hourly rate of \$4.00 per hour:

Lisa Kalle  
 83 Court Street  
 Lancaster, New York 14086

Karen Wegst  
 83 Claude Drive  
 Depew, New York 14043

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Office of the County of Erie to accomplish the foregoing.

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

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

atxkx

The resolution was thereupon unanimously adopted.

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, the New York State Legislature has adopted Chapter 520 of the Laws of 1980, which was effective September 1, 1980, and which provides for substantive changes in the procedure that a town may adopt by ordinance for repair or removal of unsafe buildings under Subdivision 16 of Section 130 of the Town Law of the State of New York, and

WHEREAS, the Town of Lancaster presently provides for the removal of unsafe buildings through Chapter 44 of the Code of the Town of Lancaster, County of Erie and State of New York, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend the Town Code of the Town of Lancaster to conform with the recently enacted changes in Section 130, Subdivision 16 of the Town Law of the State of New York, by repeal of the present Chapter 44 of the Code of the Town of Lancaster and by the enactment in place thereof, Chapter 44 as follows:

CHAPTER 44

UNSAFE BUILDINGS AND COLLAPSED STRUCTURES

- §44.1 Inspection and report; notice to remedy.
- §44.2 Filing notice - County Clerk's Office.
- §44.3 Hearing.
- §44.4 Failure to comply with order; costs assessed against property.
- §44.5 Severability.
- §44.6 When effective.

§44.1 Inspection and report; notice to remedy

- A. Upon receipt of information that a building or structure in a business, industrial or residential district, may now be or shall hereafter become dangerous or unsafe to the public, from any cause, an inspection and report thereof shall be made by the Building Inspector or such other official designated by the Town Board.
- B. A notice shall be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Register, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, for a copy of such notice to be posted on the premises.
- C. The notice shall provide that the person or persons served with a copy thereof shall commence the repairing or removal of said building or buildings within a period of thirty (30) days from the date of said notice.

§44.2 Filing Notice-County Clerk's Office.

- A. A copy of the notice in §44.1 shall be filed in the Erie County Clerk's Office, having the same effect as a notice of pendency, except as herein provided.
- B. A notice so filed shall be effective for a period of one year from the date of filing unless vacated by court order of a court of record or by consent of the Town Attorney.

§44.3 Hearing.

The notice to repair or demolish shall state the time and place of a hearing to be held before the Town Board of the Town of Lancaster within the thirty (30) day period as provided in the Notice to Repair or Remove an unsafe or dangerous building or structure.

§44.4 Failure to comply with order; costs assessed against property.

- A. If the unsafe or dangerous building or structure is not repaired or removed within the thirty (30) day period as provided in the Notice to Repair or Remove, and a hearing having been scheduled before the Town Board within that thirty (30) day period for compliance, then the Town of Lancaster may remove such building or structure.

B. All costs and expenses incurred by the Town of Lancaster in connection with the proceedings to remove or secure including the actual cost of removing said building or structure, shall be assessed against the land on which said buildings or structures are located.

§44.5 Severability.

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§44.6 When effective.

This ordinance shall constitute part of the Code of the Town of Lancaster and shall take effect immediately upon its adoption in accordance with the provision of law.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the said proposed repeal of Section 44 of the Code of the Town of Lancaster, entitled "Unsafe Buildings", and the enactment in place thereof, of a new Section 44 of said Code, entitled "Unsafe Buildings and Collapsed Structures", will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October, 1980, at 9:30 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published on October 9, 1980, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

October 6, 1980

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of October, 1980, the said Town Board will hold a Public Hearing on the 20th day of October, 1980, at 9:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed repeal of Section 44 of the Code of the Town of Lancaster, entitled "Unsafe Buildings", and enactment in place thereof, of a new Section 44 of said Code, entitled "Unsafe Buildings and Collapsed Structures", as follows:

CHAPTER 44

UNSAFE BUILDINGS AND COLLAPSED STRUCTURES

- §44.1 Inspection and report; notice to remedy.
- §44.2 Filing notice - County Clerk's Office.
- §44.3 Hearing.
- §44.4 Failure to comply with order; costs assessed against property.
- §44.5 Severability.
- §44.6 When effective.

§44.1 Inspection and report; notice to remedy

- A. Upon receipt of information that a building or structure in a business, industrial or residential district, may now be or shall hereafter become dangerous or unsafe to the public, from any cause, an inspection and report thereof shall be made by the Building Inspector or such other official designated by the Town Board.
- B. A notice shall be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Register, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, for a copy of such notice to be posted on the premises.
- C. The notice shall provide that the person or persons served with a copy thereof shall commence the repairing or removal of said building or buildings within a period of thirty (30) days from the date of said notice.

§44.2 Filing Notice-County Clerk's Office.

- A. A copy of the notice in §44.1 shall be filed in the Erie County Clerk's Office, having the same effect as a notice of pendency, except as herein provided.
- B. A notice so filed shall be effective for a period of one year from the date of filing unless vacated by court order of a court of record or by consent of the Town Attorney.

§44.3 Hearing.

The notice to repair or demolish shall state the time and place of a hearing to be held before the Town Board of the Town of Lancaster within the thirty (30) day period as provided in the Notice to Repair or Remove an unsafe or dangerous building or structure.

§44.4 Failure to comply with order; costs assessed against property.

- A. If the unsafe or dangerous building or structure is not repaired or removed within the thirty (30) day period as provided in the Notice to Repair or Remove, and a hearing having been scheduled before the Town Board within that thirty (30) day period for compliance, then the Town of Lancaster may remove such building or structure.

- B. All costs and expenses incurred by the Town of Lancaster in connection with the proceedings to remove or secure including the actual cost of removing said building or structure, shall be assessed against the land on which said buildings or structures are located.

§44.5 Severability.

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§44.6 When effective.

This ordinance shall constitute part of the Code of the Town of Lancaster and shall take effect immediately upon its adoption in accordance with the provision of law.

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN GRZYBOWSKI, WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 CZAPLA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
 ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 10,785 to 10,837 Incl.	\$106,574.96
Highway Funds	No. 152 to 180 Incl.	\$ 64,987.65
Special District Funds	No. 470 to 471 Incl.	\$ 32,073.00
Trust & Agency Funds	No. 419 to 423 Incl.	\$ 27,096.46
Federal Revenue Sharing	No. 1,567 to 1,579 Incl.	\$ 5,766.45
Capital Funds	No. 469 to 470 Incl.	\$ 34,695.00

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

COUNCILMAN BARNHARDT VOTED YES  
 COUNCILMAN BERENT VOTED YES  
 COUNCILMAN CZAPLA VOTED YES  
 COUNCILMAN GRZYBOWSKI VOTED YES  
 SUPERVISOR KEYSA VOTED YES

~~XXXX~~  
 The resolution was thereupon unanimously adopted.

October 6, 1980

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN CZAPLA, WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 BARNHARDT, TO WIT:

RESOLVED, that the following Building Permit Applications be and  
 are hereby approved and the issuance of Building Permits be and are hereby  
 authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
148	Josela Enter.	26 Partridge Wk.	ER. FR. SIN. DWLG, PVT. GARAGE
149	Lewis Demerest	1128 Town Line Rd.	EXT. BARN
150	Josela Enter.	20 Partridge Wk.	ER. FR. SIN. DWLG, PVT. GARAGE
151	Richard Thompson	27 West Home Rd.	ER. FR. SIN. DWLG, PVT. GARAGE
152	Mark Brennan	587 Lake Ave.	ER. FR. SIN. DWLG, PVT. GARAGE
153	Guhl & Weir	5609 William St.	ER. FR. SIN. DWLG, PVT. GARAGE
154	Anthony Ryzyski	668 Ransom Rd.	EXT. FR. SIN. DLWG
155	Hubert Speckard	3 Idlebrook Ct.	EXT. FR. SIN. DWLG
156	David Buzé	14 Nichter	ER. FENCE AND SHED
157	Marrano Corp.	12 Bridlepath La.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
158	Marrano Corp.	22 Tanglewood Dr.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
159	Joseph Kovach	6469 Transit Rd.	EXT. FR. RESTAURANT
160	Michael Fusco	5221 William St.	ER. FR. PVT. GARAGE
161	Schmitt's Garage	5255 Genesee St.	ER. FENCE

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

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

October 6, 1980

Councilman Czapla requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI, TO WIT:

WHEREAS, Shelgren & Marzec, architects for the Town Hall Restoration Project, have recommended the return of bid security to Paul Kilian, Inc., of Cowlesville, New York, and Hartford Plumbing and Mechanical Contractors, Inc., of Clarence, New York,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to return that bid security which was submitted with the bid for the Opera House Restoration by the Hartford Plumbing and Mechanical Contractors, Inc. and by Paul Kilian, Inc.

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

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GRZYBOWSKI VOTED YES  
SUPERVISOR KEYSA VOTED YES

~~and~~  
The resolution was thereupon unanimously adopted.

October 6, 1980

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRZYBOWSKI , TO WIT:

WHEREAS, the Assistant Building Inspector, by letter dated September 25, 1980, has recommended to the Town Board a denial of Building Permit Application No. 4 of the Town of Lancaster for the Year 1980,

NOW, THEREFORE, BE IT

RESOLVED, that Building Permit Application No. 4 of the Year 1980, which is an application from Philip Antonicelli, for property located at 5666 Broadway, Lancaster, New York, for a permit to move a barn, be and is hereby denied.

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

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~duky~~  
The resolution was thereupon unanimously adopted.

October 6, 1980

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT, TO WIT:

WHEREAS, a vacancy exists on the Planning Board of the Town of Lancaster due to the resignation of Elmer Fox, and

WHEREAS, the Planning Board of the Town of Lancaster, by letter dated October 2, 1980, has recommended MILDRED WHITTAKER to fill this vacancy,

NOW, THEREFORE, BE IT

RESOLVED, that MILDRED WHITTAKER, 538 Harris Hill Road, Lancaster New York, be and is hereby appointed to fill the unexpired term of Elmer Fox, which term expires December 31, 1986.

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

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GRZYBOWSKI VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

October 6, 1980

STATUS REPORT ON UNFINISHED BUSINESS:

1. Grade Crossings, Maple Drive Signalization  
On February 4, 1980, the N.Y.S. Department of Transportation acknowledged receipt of the Town Board resolution requesting signalization of this crossing and forwarded it to Albany Railroad Safety Section for review.
2. Grade Crossings, Schwartz Road Signalization  
On December 13, 1979, the N.Y.S. Dept. of Transportation notified the Town Board that this project should be completed during 1980. The Supervisor reported that the signalization at this crossing has been installed. On October 6, 1980, the Town Clerk was directed to remove this item from future Town Board agendas.
3. Preferential Rights, Erie Lackawanna R.R.  
On March 3, 1980, the Supervisor reported that the Town Attorney and he reviewed this title document for purposes of obtaining title insurance. On September 15, 1980, the County of Erie took possession of Rail Line 1244.
4. Public Improvement Permit Authorization, Countryside Subdivision, Phase 1 (Josela)  
On October 15, 1979, the Town Board accepted public improvements within this subdivision for paving and curbs, storm sewer, and water lines. The Town Board on October 1, 1979, authorized the issuance of P.I.P. No. 75 (street lighting) and P.I.P. No. 76 (sidewalks) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision.
5. Public Improvement Permit Authorization, Country View East Subdivision, Phase 1 (Marrano)  
On January 21, 1980, the Town Board accepted public improvements within Phase 1 of this subdivision for paving and curbs, water lines and storm sewers. On January 21, 1980, the Town Board authorized issuance of P.I.P. No. 77 (sidewalks) and No. 78 (street lighting). The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1980.
6. Public Improvement Permit Authorization, Heritage Hills Subdivision  
On July 6, 1979, the Town Board accepted the public improvements within Phase 1 for pavement and curbs, storm sewer, and water lines. The Town Board also previously authorized issuance of P.I.P. No. 69 (street lighting) and P.I.P. No. 70 (sidewalks). The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
7. Public Improvement Permit Authorization, Woodview Estates Subdivision  
On August 6, 1979, the Town Board accepted the public improvements within this subdivision for pavement and curbs, storm sewer, and water lines. The Town Board also previously authorized issuance of P.I.P. No. 57 (sidewalks) and No. 58 (street lighting) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

8. Rezone Petition, Alden Equities  
On October 6, 1980 the Town Board set a Public Hearing on this matter for October 20, 1980.
9. Special Use Permit, Kidd-Kott Construction Co., Inc.  
On September 2, 1980, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
10. Subdivision Approval, Countryside East  
On January 15, 1979, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
11. Subdivision Approval, Lancaster Industrial Commerce Center  
On October 2, 1980, the Planning Board recommended to the Town Board a favorable review of this Industrial Park.
12. Subdivision Approval, Steinfeldt Road  
On September 26, 1980 the developer withdrew his request for subdivision approval. The Town Clerk was directed to remove this item from future Town Board agendas.
13. Traffic Study, Central Avenue and Columbia Avenue Intersection  
On September 4, 1980, the County Department of Highways requested a report of all accidents at this intersection for the past three years.
14. Traffic Study, Green Arrows at Central and Walden Avenues  
On September 9, 1980, the N.Y.S. Dept. of Transportation notified the Town Board that this study was under way.
15. Traffic Study, Speed Reduction on Forton Drive  
On September 9, 1980, the N.Y.S. Dept. of Transportation notified the Town Board that this study was under way.
16. Traffic Study, Speed Reduction on William Street  
On September 9, 1980, the N.Y.S. Dept. of Transportation notified the Town Board that this study was under way.

The Town Clerk was directed to add the following item to future Town Board agendas:

"Rezone Petition - Samcoe Recreational Vehicles, Inc."

PERSONS ADDRESSING THE TOWN BOARD:

Mr. Walter Raichel, 490 Lake Avenue, complained to the Town Board of a surface water flooding problem on his property.

The Highway Superintendent was asked to contact Mr. Raichel and look into this problem.

PERSONS ADDRESSING THE TOWN BOARD CONT'D.:

Mr. Edward Lawniczak, 30 Steinfeldt Road, complained of surface water flooding on his property.

The Highway Superintendent was requested to give top priority to the cleaning of a drainage ditch along Steinfeldt Road near the Lawniczak property.

A group of students from Lancaster Senior High School Civics Class introduced themselves to the Town Board and indicated that it was their work assignment to attend a Town Board meeting and report back on the workings of Town government.

Supervisor Keyser briefly introduced the Town Board and Department Heads to the students and answered some questions presented by the students concerning Town government.

COMMUNICATIONS:DISPOSITION

- |                                                                                                                                                                       |                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| 709. Habiterra Associates to Police Chief -<br>Submittal of proposal for engineering services relative to the Emergency Generator Project.                            | CAPITAL COMMITTEE                                    |
| 710. Town Engineers to Town Board*-<br>Comments and recommendations regarding flooding at various locations.                                                          | HIGHWAY COMMITTEE<br>DRAINAGE COMMITTEE              |
| 711. Town Engineers to Town Board -<br>Comments regarding Heritage Hill Retention Pond.                                                                               | HIGHWAY COMMITTEE<br>DRAINAGE COMMITTEE              |
| 712. N.Y.S. Office for the Aging to Supervisor -<br>Explanation of funding reductions for Recreation Program for the Elderly Renewals beginning October 1, 1980.      | R & F                                                |
| 713. Supervisor to County Youth Bureau -<br>Notification that Mary Lucariello will be Town's representative on the County Central Planning Committee.                 | R & F                                                |
| 714. Depew-Lancaster Boys' Club, Inc. to Supervisor -<br>Transmittal of copies of budget for Junior Citizens Club.                                                    | BUDGET COMMITTEE                                     |
| 715. Town Clerk to Town Board -<br>Resume of actions taken in regards to Town Board meeting held 9/15/80.                                                             | R & F                                                |
| 716. Shelgren & Marzec, Architects, P.C. to Dan Marzec Plumbing & Heating -<br>Confirmation to begin contract work in connection with Opera House restoration.        | R & F                                                |
| 717. Dog Control Officer to Town Board -<br>Monthly report for August 1980.                                                                                           | R & F                                                |
| 718. Supervisor to Town Board -<br>Notification of Special Meeting to be held 9/22/80.                                                                                | R & F                                                |
| 719. Town Line Vol. Fire Dept., Inc. to Town Clerk -<br>Recommendation of two members to active roster.                                                               | R & F                                                |
| 720. Charles A. Stutzman to Town Clerk -<br>Request removal of top soil at 4087 Walden Ave. with transmittal of photos.                                               | BUILDING INSPECTOR<br>ENGINEER                       |
| 721. Thill-Demerly Agency, Inc. to Supervisor -<br>Estimated insurance premium for 1981.                                                                              | INSURANCE COMMITTEE                                  |
| 722. Shelgren & Marzec, Architects, P.C. to Supervisor -<br>Recommendation that bid security for Paul Kilian, Inc. be returned.                                       | SUPERVISOR<br>TOWN CLERK FOR<br>SUSPENDED RESOLUTION |
| 723. Town Clerk to Town Board -<br>Status report on Town subdivisions.                                                                                                | TOWN CLERK<br>PLANNING COMMITTEE                     |
| 724. County Dept. of Personnel to Supervisor -<br>Notice of Public Hearing to be held 10/6/80 regarding adoption of amendments to Rules for Classified Civil Service. | R & F                                                |

COMMUNICATIONS CONT'D.:DISPOSITION

- |                                                                                                                                                                                                             |                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 725. N.Y.S. Electric & Gas Corp. to Supervisor -<br>Notice of community services forum to be held 10/3/80 at Cheektowaga regarding electric services.                                                       | R & F                                                 |
| 726. County Dept. of Senior Services to Supervisor -<br>Notification of cut-backs regarding Nutrition Program.                                                                                              | R & F                                                 |
| 727. Supervisor to Lancaster Village Mayor and Board of Trustees -<br>Comments and proposals regarding Clark Street waterline.                                                                              | LIAISON COMMITTEE                                     |
| 728. State Comptroller to Town Clerk -<br>Notification of Comptroller's Regional Seminar to be held at Buffalo on 10/20/80.                                                                                 | SUPERVISOR                                            |
| 729. N.Y.S. Dept. of Transportation to Town Clerk -<br>Advisement that grade crossing improvements on Schwartz Road will be completed by end of September.                                                  | R & F<br>TOWN LINE FIRE CHIEF                         |
| 730. Cable TV Advisory Committee to Town Board -<br>Minutes from meeting held 9/16/80.                                                                                                                      | R & F                                                 |
| 731. Lovell Safety Management Co., Inc. to Town Clerk -<br>Transmittal of Senate Bill effective 6/30/80 in relation to payment of wages and medical expenses of Police Department members in certain cases. | R & F                                                 |
| 732. Asst. Building Inspector to Town Clerk -<br>Monthly report for September 1980.                                                                                                                         | R & F                                                 |
| 733. Asst. Building Inspector to Town Board -<br>Recommendation that expired Building Permit No. 4 filed January 1980 be denied.                                                                            | R & F                                                 |
| 734. Census Bureau to Supervisor -<br>Notification that preliminary population count is 30,130 and preliminary housing count is 10,793.                                                                     | R & F<br>BUILDING INSPECTOR                           |
| 735. Planning Board to Town Board -<br>Minutes from meeting held 9/17/80.                                                                                                                                   | R & F                                                 |
| 736. Planning Board to Town Board -<br>Recommendation of approval of Alden Equities Ltd. Rezone Petition with transmittal of Town Planner's letter recommending same.                                       | PUBLIC HEARING                                        |
| 737. Leg. L. William Paxon to Town Board -<br>Report on actions taken at meeting held 9/4/80.                                                                                                               | R & F                                                 |
| 738. Town Clerk to Zoning Board Members, Assistant Building Inspector and Deputy Town Attorney -<br>Transmittal of Legal and data relative to Variance Petition of Tony's Pizza and Sandwich Service.       | R & F<br>TOWN LINE FIRE INSP.<br>TOWN LINE FIRE CHIEF |
| 739. Cable TV Advisory Committee to Town Board -<br>Notice of meeting to be held 9/30/80.                                                                                                                   | R & F                                                 |
| 740. County Dept. of Parks, Recreation, and Forestry to Supervisor -<br>Notice of Advisory Board meeting to be held at Buffalo regarding Park Rules.                                                        | R & F                                                 |

COMMUNICATIONS CONT'D.:DISPOSITION

741. August Galasso to Town Clerk - Notification of withdrawal of application for proposed Steinfeldt Rd. Subdivision.	R & F PLANNING BOARD
742. N.Y.S. Electric & Gas Corp. to Town Clerk - Transmittal of petition to review special franchise assessments.	ATTORNEY
743. Continental Ins. Companies to Town Clerk - Report of inspection on Storage Water Heater at Depew Branch Library.	BUILDING INSPECTOR
744. Town Clerk to Marrano Corporation - Advisement of expiration of Letter of Credit on 11/1/80.	R & F
745. Supervisor to Town Clerk - Transmittal of 1981 Tentative Budget, 1981 Preliminary Budget, and the Budget Officer's Message.	R & F
746. Drug Abuse Prevention Council to Town Board - Minutes from meeting held 9/11/80.	R & F
747. Dog Control Officer to Town Board - Monthly report for September 1980.	R & F
748. Town Clerk to Supervisor - Monthly report for September 1980.	R & F
749. Receiver of Taxes to Town Board - Monthly report for September 1980.	R & F
750. Lancaster Youth Bureau to Town Board - Minutes from meeting held 9/18/80.	R & F
751. Town Clerk to Chair., Planning Board - Transmittal of Rezone Petition of Samcoe Recreational Vehicles, Inc.	ADD TO FUTURE AGENDAS
752. Youth Bureau to Supervisor - Notification of vacancies existing in Tutorial Program with recommendation of two replacements.	R & F
753. Leg. Charles M. Swanick to Supervisor - Transmittal of proposed County legislation pertaining to promotion of artificial sexual devices.	R & F
754. Leg. L. William Paxon to Supervisor - Transmittal of letter from County Deputy Commissioner of Highways regarding status of Como Park Blvd. road renovation.	R & F
755. Mrs. Sharon Bielmeier to Supervisor - Commendation of Youth Bureau.	R & F YOUTH BUREAU
756. NFTA to Supervisor - Comments and recommendations regarding Sunday shuttle bus service.	R & F
757. Shelgren & Marzec, Architects, P.C. to Supervisor - Request return of plumbing bid security of Hartford Plumbing and Mechanical Contractors, Inc. in connection with Opera House restoration.	R & F TOWN CLERK FOR SUSPENDED RESOLUTION

COMMUNICATIONS CONT'D.:DISPOSITION

- |                                                                                                                                                                                                         |                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| 758. Recreation Commission to Town Board -<br>Minutes from meeting held 9/18/80.                                                                                                                        | <u>R &amp; F</u>                                                                             |
| 759. Mildred Whittaker to Planning Board -<br>Application for vacancy on Board.                                                                                                                         | <u>PLANNING COMMITTEE</u>                                                                    |
| 760. Planning Board to Town Board -<br>Recommendation of Mildred Whittaker to<br>fill vacancy on Board.                                                                                                 | <u>PLANNING COMMITTEE</u><br><u>TOWN CLERK FOR</u><br><u>RESOLUTION</u>                      |
| 761. Daniel J. Amatura to Planning Board -<br>Application for vacancy on Board.                                                                                                                         | <u>R &amp; F</u>                                                                             |
| 762. Planning Board to Town Board -<br>Recommendation of approval of Lancaster<br>Industrial Commerce Center with transmittal<br>of letter from Town Engineer and Town Planner<br>with recommendations. | <u>SUPERVISOR</u><br><u>ATTORNEY</u>                                                         |
| 763. Planning Board to Town Board -<br>Recommendation of denial of Steinfeldt Road<br>Subdivision Application with transmittal of<br>letter from Town Planner with recommendations.                     | <u>R &amp; F</u>                                                                             |
| 764. Planning Board to Town Board -<br>Minutes from meeting held 10/1/80.                                                                                                                               | <u>R &amp; F</u>                                                                             |
| 765. Asst. Building Inspector to Town Board -<br>Transmittal of summary of building permits<br>issued from 1972-1980.                                                                                   | <u>R &amp; F</u>                                                                             |
| 766. Erie & Niagara Regional Planning Board to<br>Supervisor -<br>Notification of Information Conference to be<br>held at Amherst on 10/8/80 concerning several<br>management programs.                 | <u>R &amp; F</u>                                                                             |
| 767. County Dept. of Public Works, Division of<br>Highways to Supervisor -<br>Notification of improvement to Pavement Rd.<br>From Broadway to Walden during 1981.                                       | <u>TOWN LINE CHIEF</u><br><u>R &amp; F</u><br><u>HIGHWAY SUPT.</u><br><u>CHIEF OF POLICE</u> |
| 768. Supervisor to Mrs. William Kranichfelt -<br>Comments regarding Knuco Roofing & Siding<br>Construction Co., Inc.                                                                                    | <u>R &amp; F</u>                                                                             |
| 769. Paul C. DuPernell, P.E. to Leg. L. William<br>Paxon -<br>Complaints regarding condition of Schwartz<br>Road.                                                                                       | <u>R &amp; F</u>                                                                             |
| 770. Town Attorney to Town Board -<br>Transmittal of data from Fahey family<br>proposing donation of land on Peppermint Rd.<br>with request for advisement as to acceptability.                         | <u>HIGHWAY SUPT.</u><br><u>RECREATION COMM.</u><br><u>REC. COMMITTEE</u>                     |

Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following communication -  
SUSPENSION GRANTED.

- |                                                                                                                    |                  |
|--------------------------------------------------------------------------------------------------------------------|------------------|
| 771. Youth Bureau to Supervisor -<br>Recommendation of Karen Wegst to position of<br>tutor to replace Susan Barry. | <u>R &amp; F</u> |
|--------------------------------------------------------------------------------------------------------------------|------------------|

ADJOURNMENT:

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ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:30 P.M. out of respect to:

REV. JOSEPH F. WROBLEWSKI  
CECILIA GRANNEY

Signed Robert P. Thill  
Robert P. Thill, Town Clerk