

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held April 1, 2019 be and are hereby approved.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

File: RMIN (P1)

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

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Assistant to the Supervisor, to wit:

Claim No. 56338 to Claim No. 56544 Inclusive

Total amount hereby authorized to be paid: \$830,566.63

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

File: Rclaims

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

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

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

NEW PERMITS:

Pmt#	SW	Applicant Name	Address	STRUCTURE	Village
29368		John Krickovich	184 Enchanted Forest S	Re-Roof	
29369		Sturdi Built Sheds LLC	5290 William St	Er. Shed	
29370		Clyde Mays	73 Cemetery Rd	Er. Comm. Bldg.	
29371		Brian Anderson	27 Sterling Pl	Er. Fence	
29372		Marrano/Marc Equity Corp.	80 Grambo Dr	Er. Patio Home	
29373		House Crafters LLC	5156 William St	Re-Roof	
29374		Marrano/Marc Equity Corp.	26 Saybrook Dr	Er. Patio Home	
29375		Marrano/Marc Equity Corp.	15 Saybrook Dr	Er. Patio Home	
29376		327-42 Forestream LLC	4705 Transit Rd	Re-Roof	
29377		Sally Simme-Stier	102 Sixth Ave	Re-Roof	(V/L)
29378		David Homebuilders, Inc.	63 Tranquility Trl	Er. Dwlg.-Sin.	
29379		Ernane Piccolo	48 Cedar Brook Dr	Er. Deck	
29380		Dinatale Enterprises	41 Central Ave	Re-Roof	(V/L)
29381		Aaron McClellan	30 Creekwood Dr	Re-Roof	
29382		Airomsmith Development	0 Penora St	Cell Tower - Alteration	
29383		JLB Installations	9 Valley Overlook Dr	Er. Pool-In Grnd	
29384		JLB Installations	9 Valley Overlook Dr	Er. Fence	
29385		Richard & Donna Stempniak	32 Saybrook Dr	Er. Deck	
29386		H Young's Home Imorovement	18 Madison St	Re-Roof	(V/L)
29387		Chris Papadimitriou	31 Hidden Meadow Cros	Er. Shed	
29388		David Deutschlander	13 Roosevelt Ave	Er. Res.Alt.	(V/L)
29389		Robert Monti	5813 Broadway	Er. Sign - Temp	
29390		Transit-William Associates	4931 Transit Rd	Er. Sign - Temp	
29391		Mark & Cynthia Braun	291 Ransom Rd	Er. Gazebo	
29392		John Roche	1375 Ransom Rd	Er. Res. Add.	
29393		Superior Decks & Gazebos Inc.	192 Pavement Rd	Er. Deck	
29394		Kathleen Kisiel	74 S Irwinwood Rd	Re-Roof	(V/L)
29395		Wayne Piacente	25 Shadyside Ln	Er. Shed	
29396		Stephen King	31 Sterling Pl	Er. Deck	
29397		Davey Tree Expert Co.	1200 Commerce Pkwy	Er.Sign	(V/L)
29398		Dalex Construction Inc.	13 Via Donato E	Re-Roof	
29399		Dalex Construction Inc.	305 Westwood Rd	Re-Roof	
29400		Ronald Rose	29 Saybrook Dr	Er. Deck	
29401		Keith Scotland	5137 William St	Er. Shed	
29402		Frederick Murschel	45 Tranquility Trl	Er. Porch Cover	
29403		Ronald George	221 Pleasant View Dr	Re-Roof	
29404		Kelly Flowers	39 School St	Er. Fence	(V/L)
29405		Lancaster Plumbing Inc.	11 Pleasant Ave	Inst. Res. Plumbing	(V/L)
29406		Jordan Ladowski	44 Sterling Pl	Er. Fence	
29407		Auburn Watson Corp.	13 Cloverside Dr	Er. Res. Alt.	(V/L)
29408		Michael & Heather Reinhold	85 Field Ave	Er. Porch	(V/L)
29409		RP Oakhill Building Co. Inc.	5959 Broadway	Er. Comm. Bldg.	
29410		Mark Evans	38 Cedar Brook Dr	Er. Porch Cover	
29411		Michael Kapsiak, Sr.	11 Crabapple Ln	Er. Fence	
29412		Kolassa Enterprises LLC	123 Stutzman Rd	Er. Comm. Add./Alt.	
29413		Jeffrey Myers	549 Ransom Rd	Er. Garage	
29414		Joseph Famiglietti	6 Woodgate Dr	Er. Fence	
29415		New Era Exteriors	10 Chicory Ln	Re-Roof	
29416		Craig Gaiser	106 Westwood Rd	Er. Pool-Abv Grnd	
29417		The Gutter People of WNY	3606 Bowen Rd	Re-Roof	
29418		Mark Polanski	27 Deerpath Dr	Er. Shed	
29419		Mark Nowicki	8 Peachtree Ct	Re-Roof	
29420		Robert & Ann Marie Siudzinski	41 Sawgrass Ln	Re-Roof	
29421		Hibbard Home Improvements	28 Pear Tree Ln	Er. Res. Alt.	
29422		Solcius, LLC	14 Hemlock Ln	Inst. Solar Panels	
29423		Cortese Brothers Construction	491 Aurora St	Er. Res. Add.	
29424		Nicholas Hicks	97 Christen Ct	Re- Roof	(V/L)
29425		3615 Walden Central LLC	3615 Walden Ave	Er. Sign – Temp	(V/L)

29426	Donald Stoerr	38 Brunswick Rd	Re- Roof	(V/L)
29427	Buscaglia Decks	126 Slate Bottom Dr	Er. Deck	
29428	Gary Majchrzak	3740 Bowen Rd	Er. Shed	
29429	Michael Becker	9 Clark St	Dem. Garage	(V/L)
29430	Jeffrey Drager	25 Sterling Pl	Er. Shed	
29431	Lemanski Construction	34 Hidden Trl	Re-Roof	
29432	Douglas Mattingly	780 Townline Rd	Re-Roof	
29433	Sturdi Built Sheds LLC	70 Sterling Pl	Er. Shed	
29434	Adam Springer	12 Darien Ct	Er. Shed	
29435	Stockmohr Co. Inc.	211 Broezel Ave	Re-Roof	
29436	Stockmohr Co. Inc.	30 Heritage Dr	Re-Roof	
29437	Z Man Home Improvement	14 Cambria St	Re-Roof	(V/L)
29438	Green Earth Construction	1173 Penora St	Re-Roof	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Charles A Giambrone**, for a Special Use Permit for **QUAD 4 WHEEL DRIVE, Inc.**, to provide automotive repair services on premises located at 505 Erie Street, Building A, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on April 4, 2011, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, by letter dated March 21, 2019, **Charles A Giambrone** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended his approval of this Special Use Permit Renewal in his letter dated March 28, 2019;

NOW THEREFORE,

BE IT RESOLVED, as follows:

1. That pursuant to Chapter 50-Zoning, Section 20(B)(1), entitled "Commercial and Motor Service District (CMS)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit Renewal to **Charles A Giambrone**, owner of **QUAD 4 WHEEL DRIVE, Inc**, to provide an automotive repair business on premises located at 505 Erie Street, Building A, in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning April 4, 2019 and ending April 3, 2021, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article VIII, Section 46, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in an automotive repair business on the premises namely:

- A.** Bay doors on east side of building cannot be open more than seven (7) feet except when bringing vehicles in or out of the business.
- B.** Security cameras will be positioned away from the backyard of the residence to the east of the business.
- C.** Business must operate within all confines of the Town of Lancaster's noise ordinance.
- D.** Permit must be renewed every two (2) years at no additional cost to the applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before April 3, 2021.
- E.** Applicant to provide a copy of the business' New York State Tax/Federal Employer Identification Number and, where required, a copy of a valid State License issued by the appropriate regulatory agency for the service being provided.
- F.** Enclosure of waste materials. All waste materials, including garbage and trash, shall be stored in covered containers in a screened or enclosed area.
- G.** This Special Use Permit terminates when the applicant no longer owns the business.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town of Lancaster has a Band Shell to facilitate the community enjoyment of various outdoor performances/events located at 100 Oxford Avenue, within the Town of Lancaster, and

WHEREAS, by letter dated March 25, 2019, Michelle Barbaro, Parks Crew Chief, has requested that Gimme Buffet Band, Busted Stuff and the JC Thompson Band, be hired to perform at the Band Shell during the Summer of 2019, and

WHEREAS, the above-referenced bands are under contract with Tom McGill/Starstruck Productions, and

WHEREAS, agreements dated March 20, 2019 have been prepared and presented by Tom McGill/Starstruck Productions for Gimme Buffet to perform on June 26, 2019, Busted Stuff to perform on July 17, 2019 and JC Thompson Band to perform on August 21, 2019 at the Town's Band Shell for an amount not to exceed \$2,429.00, and

WHEREAS, the agreements have been reviewed and approved by the Town Attorney;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the agreements between the Town of Lancaster and Tom McGill/Starstruck Productions, for the performances of Gimme Buffet on June 26, 2019, Busted Stuff on July 17, 2019 and JC Thompson Band on August 21, 2019 per the terms and conditions therein for an amount not to exceed \$2,429.00 which will be paid for with funds from the Town's 2019 Playgrounds and Recreation Special Celebrations Budget, line item 01-7140-0415.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town Board is considering the proposed new construction of a single-story 31,000 s.f. manufacturing facility (with potential for 70,000 s.f. addition) which will include 84 parking spaces (with a max of 164 for expansion) and site development submitted by PCB Piezotronics, Inc., on a +/- 7.72 acre parcel, to be located at 00 Walden Avenue (SBL Nos. 105.00-3-54 & 105.00-3-55), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on April 3, 2019 and recommended that a Negative Declaration be issued, and

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

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

WHEREAS, the proposed action has been labeled a “Type I” action under 6NYCRR Part 617.4(6)(v) of SEQR.

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

1. Based upon the Town Board’s thorough and careful review of the proposed new construction of a single-story 31,000 s.f. manufacturing facility (with potential for 70,000 s.f. addition) which will include 84 parking spaces (with a max of 164 for expansion) and site utilities submitted by PCB Piezotronics, Inc., on a +/- 7.72 acre parcel located at 00 Walden Avenue, will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 15, 2019

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

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed new construction of a single-story 31,000 s.f. manufacturing facility (with potential for 70,000 s.f. addition) which will include 84 parking spaces (with a max of 164 for expansion) and site utilities submitted by PCB Piezotronics, Inc., on a +/- 7.72 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: PCB Piezotronics

Location of Action: 00 Walden Avenue (SBL Nos. 105.00-3-54 & 105.00-3-55) Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: This project consists of constructing a new, single-story, 31,000 square foot manufacturing facility with the potential for a future 70,000 square foot addition for PCB Piezotronics. Site development will include a total of 84 parking spaces to be constructed initially with a maximum of 164 parking spaces to accommodate the future expansion. Site development will include new water and sewer utility services to be connected to the existing public mains; storm water control features including a detention basin and bio-retention areas and site landscaping.

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

1. Impact on land - **No impact.**
 - a. **Small impact.**
 - e. **Future development may occur in more than one year, but not in phases. Full build-out was considered for SEQR.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
 - l. Other impacts: **The wetlands need to be avoided.**
4. Impact on Groundwater – **No impact.**
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact. D.E.C. April 1, 2019 letter states Air Permits may be needed.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**

9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – **N/A**
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **No impact.**
14. Impact on Energy – **No impact.**
15. Impact on Noise, Odor and Light – **No impact.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **No impact.**
18. Consistency with Community Character – **No impact.**

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

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

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated April 1, 2019, has requested the addition of one (1) member to the roster of said fire association.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby confirm the addition to the membership of the Town Line Volunteer Fire Department the following individual:

ADDITION:

Bryan R. Hopkins
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:

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated April 1, 2019, has requested the additions of fifteen (15) members to the roster of said fire association.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Bowmansville Volunteer Fire Association, Inc., the following individuals:

ADDITIONS

Kyle Enzinna Lancaster, New York	Laura Enzinna Lancaster, New York	Brian Fenik Lancaster, New York
Damian Fugate Lancaster, New York	Anya Kedzierski Lancaster, New York	Rachel Kedzierski Bowmansville, New York
Athena Mohammed Lancaster, New York	Heather Panfil Depew, New York	Scott Panfil Depew, New York
Lauren Pfohl Cheektowaga, New York	Gary Sypherd Lancaster, New York	Eric Taylor Cheektowaga, New York
Bradley Walters Lancaster, New York	Andrea Wik Lancaster, New York	Thomas Yager Lancaster, New York

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated April 2, 2019, has recommended the appointment of the following individual to the following part-time temporary seasonal position.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the following part-time temporary seasonal position in the Highway Department, for a period not to exceed five (5) months, and that this being a part-time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
James Zagario Lancaster, NY	Laborer	\$12.00	May 20, 2019

BE IT FURTHER,
RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town Board of the Town of Lancaster has recently completed negotiation of the new 2019-2021 collective bargaining agreement with the CSEA Highway Unit (the “Highway Unit Agreement”), and

WHEREAS, after due consideration, the Town Board deems it to be appropriate to extend certain provisions of the 2019-2021 Highway Unit Agreement to Deputy Highway Superintendent Louis Cacciotti;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves, as presented, the Further Amendment to Employment Agreement between the Town and Mr. Cacciotti in order to implement certain provisions of the 2019-2021 Highway Unit Agreement addressing compensation and health insurance coverage.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused **2019 Ford F-250 XL 4x4 Super Cab Short Bed Pickup**, for use by the Parks, Recreation and Forestry Department, and

WHEREAS, three (3) bids were received, opened and reviewed on April 4, 2019, and

WHEREAS, by letter dated April 4, 2019, Park Crew Chief, Michelle Barbaro, has recommended awarding the bid for the one (1) new and unused **2019 Ford F-250 XL 4x4 Super Cab Short Bed Pickup** to Delacy Ford, Inc., being the lowest responsible bidder in the amount of \$37,868.24, and

WHEREAS, the Parks Department will receive a trade-in allowance for their 2012 Ford F-250 4x4 Super Cab Short Bed Pick-up with Plow (VIN# 1FT7X2B66CEA41716 w/approx. 76,000 mi.) in the amount of \$13,000.00 which will bring the total expenditure for the new and unused **2019 Ford F-250 XL 4x4 Super Cab Short Bed Pickup** to \$24,868.24;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Michelle Barbaro, Parks Crew Chief, hereby awards the bid for one (1) new and unused **2019 Ford F-250 XL 4x4 Super Cab Short Bed Pickup**, which includes a Trade-in Allowance for a 2012 Ford F-250 4x4 Super Cab Short Bed Pick-up with Plow (VIN# 1FT7X2B66CEA41716 in the amount of \$13,000.00, to Delacy Ford, Inc., 3061 Transit Road, Elma, New York, for use by the Parks, Recreation and Forestry Department as it conforms to the specifications on file in the office of the Town Clerk, for a total amount not to exceed \$24,868.24 and which will be paid from the Town's 2019 Parks Equipment, Passenger Vehicles Budget, Line item # 01-7110-0220.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused **2019 Ford F-350 XL 4x4 Crew Cab 8 Foot Bed Pickup with Plow**, for use by the Parks, Recreation and Forestry Department, and

WHEREAS, three (3) bids were received, opened and reviewed on April 4, 2019, and

WHEREAS, by letter dated April 4, 2019, Park Crew Chief, Michelle Barbaro, has recommended awarding the bid for the one (1) new and unused **2019 Ford F-350 XL 4x4 Crew Cab 8 Foot Bed Pickup with Plow** to Dave Smith Ford, being the lowest responsible bidder in the amount of \$41,108.19, and

WHEREAS, the Parks Department will receive a trade-in allowance for their 2014 Ford F-250 4x4 Regular Cab 8 foot Box Pick-up with Plow (VIN# 1FTBF2B62EEB28190 w/approx. 50,000 mi.) in the amount of \$16,000.00 which will bring the total expenditure for the new and unused **2019 Ford F-350 XL 4x4 Crew Cab 8 Foot Bed Pickup with Plow** to \$25,108.19;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Michelle Barbaro, Parks Crew Chief, hereby awards the bid for one (1) new and unused **2019 Ford F-350 XL 4x4 Crew Cab 8 Foot Bed Pickup with Plow**, which includes a Trade-in Allowance for a 2014 Ford F-250 4x4 Regular Cab 8 foot Box Pick-up with Plow (VIN# 1FTBF2B62EEB28190) in the amount of \$16,000.00, to Dave Smith Ford, 4045 Transit Road, Williamsville, New York, for use by the Parks, Recreation and Forestry Department as it conforms to the specifications on file in the office of the Town Clerk, for a total amount not to exceed \$25,108.19 and which will be paid from the Town's 2019 Forestry & Community Beautification Equipment Budget, Line item # 01-8510-0225.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town of Lancaster's Park Crew Chief, Michelle Barbaro, by letter dated April 5, 2019 as advised the Town Board that the Parks, Recreation & Forestry Department no longer has use for a 1998 TA Hauler Trailer (VIN# 1T9UF151XWW233013) and has requested that the Town Board deem this item to be surplus equipment and permit it to be placed on an online auction, and

WHEREAS, the Town Board has given due consideration to the request of the Park Crew Chief and deems it a judicious decision to declare the beforementioned item to be surplus equipment and permit placement of said item on an online auction;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the 1998 TA Hauler Trailer (VIN# 1T9UF151XWW233013) to be surplus equipment and authorizes Michelle Barbaro, Park Crew Chief, to place the trailer up for public bid at an online auction with Auctions International, www.auctionsinternational.com; 11167 Big Tree Road, East Aurora, New York 14052 commencing April 18, 2019 and concluding on May 2, 2019, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has declared a 1998 TA Hauler Trailer (VIN# 1T9UF151XWW233013) to be surplus equipment.

This surplus equipment and will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052 starting April 18, 2019 and concluding on May 2, 2019.

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

The surplus equipment may be inspected at the Town of Lancaster's Department of Parks and Recreation, 525 Pavement Road, Lancaster, New York by contacting the Park Crew Chief, Michelle Barbaro at 684-3320 to make an appointment.

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

By: Diane M. Terranova
Town Clerk

April 18, 2019

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

WHEREAS, Tim Schiffler, 350 Lake Avenue, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on 350 Lake Avenue, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review of this application and by letter April 9, 2019 the Building Inspector made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that Tim Schiffler 350 Lake Avenue, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 350 Lake Avenue, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER,

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Finished grade elevation at building location and proposed swale line to the public drainage easement upon completion of the project.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan.
8. No signage for dumping allowed.
9. The source of fill is clean fill from various locations.

BE IT FURTHER,

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER,

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAM	VOTED

April 15, 2019

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

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated April 5, 2019 has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE,

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Anthony Castellana Lancaster, NY	Laborer	\$12.00	April 16, 2019
Tyler Landahl Lancaster, NY	Laborer	\$12.00	April 16, 2019
Michael Velez Lancaster, NY	Laborer	\$12.00	April 16, 2019
Conor Mahony Lancaster, NY	Laborer	\$12.00	April 16, 2019
Amanda Mertowski Lancaster, NY	Recreation Attendant	\$12.00	April 16, 2019
Michaela Wozniak Lancaster, NY	Lifeguard	\$14.50	April 16, 2019
Erin Sullivan Depew, NY	Lifeguard	\$14.50	April 16, 2019
Richard Frey Lancaster, NY	Recreation Supervisor	\$18.50	April 16, 2019

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, Michelle Barbaro, Park Crew Chief, has requested that the chimney cap on the Town of Lancaster Town Hall Building located at 21 Central Avenue be repaired due to damage caused by the wind storm, and

WHEREAS, by letter dated April 5, 2019, the Park Crew Chief has recommended that the Lancaster Town Board approve the proposal for the repair of the Town Hall Chimney Cap provided by Neth & Son, Inc., in the amount of \$4,400.00 per their proposal dated April 1, 2019, and

WHEREAS, funding for chimney cap repair will come from the insurance claim submitted by the Town for the storm damage;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby accepts and authorizes the Supervisor of the Town of Lancaster to sign the proposal with Neth & Son, Inc., 146 Taylor Drive, Depew, New York in accordance with their proposal dated April 1, 2019, in the amount not to exceed \$4,400.00 for repair of the chimney cap on the Town of Lancaster Town Hall Building and which will be paid for with funds from the insurance claim submitted by the Town for the storm damage.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Town of Lancaster (“Town”) entered into a Health Benefits Plan Consultant Agreement (“Agreement”) with Premier Consulting Associates, LLC (“Premier”), for the term of May 1, 2017 through April 30, 2019, for the purposes of implementing beneficial changes in the Town’s health insurance programs and procuring services relating to such programs; and

WHEREAS, the Town wishes to renew the Agreement with Premier for an additional two (2) year term; and

WHEREAS, Premier has presented the Town with proposed terms for the renewal of the Agreement, and the Town finds such terms acceptable;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves renewal of the Agreement, pursuant to the terms set forth in the renewal document (“Exhibit D”), as presented by Premier, and the Town Supervisor is hereby authorized to execute the renewal document and to undertake all other actions necessary to effectuate the intent and operation of this resolution.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Hull House Foundation is proposing to develop an asphalt and stone parking lot with new curb cut onto 00 Genesee Street (SBL No. 83.00-5-23.12) on a \pm 1.02 acre parcel (the “Action”), and

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

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

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

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

NOW, THEREFORE,

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

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

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled “**STORMWATER CONTROL REVISION**” which will amend **Chapter 50. Zoning, Article IX. Stormwater Control, Sections 50-54. Performance and design criteria. (A)(1)Technical standards; and §50-55. Maintenance and repair of stormwater facilities. (C)Maintenance after construction; and add (D) Maintenance agreements.**” to further clarify Stormwater Control requirements, and

WHEREAS, the proposed local law of 2019 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

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

1. A public hearing for the proposed Local Law is hereby set for the 6TH day of May 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 15, 2019 , the said Town Board will hold a Public Hearing on the 6th day of May, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town of Lancaster ZONING Code §50-54(A)(1) and §50-55(C) and adding (D) to further clarify Stormwater control requirements. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours and on the Town of Lancaster's website, <http://www.lancasterny.gov>. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

April 18, 2019

Town of Lancaster
Local Law No. ___ of 2019

A Local Law Amending the Town of Lancaster Stormwater Control Requirements.

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

Section 1: Chapter 50. Zoning §50-54(A)(1) of the Town of Lancaster Town Code is amended to read in its entirety as follows:

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the “Design Manual”); The Post-Developed Stormwater runoff from a 24 hr. 100 year storm event must be equal to or less than the Pre-Developed Stormwater runoff from a 24 hr. 10 year storm event.

Section 2: Chapter 50. Zoning, §50-55(C) of the Town of Lancaster Town Code is amended and §50-55(D) is added, to read in their entirety as follows:

- C. Maintenance after construction. The owner and/or operator of permanent stormwater management facilities/practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
 - (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner and/or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training of new maintenance personnel.
 - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with **Article IX. §50-55(C)(3)**.
- D. Maintenance agreements. The Town of Lancaster shall approve a formal maintenance agreement for stormwater management facilities which shall be binding on all subsequent real property landowners and shall be recorded in the Office of the County Clerk as a deed restriction on the property. Proof of said filing shall be provided to the Town prior to the issuance of P.I.P’s.

Section 3: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 4: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

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

WHEREAS, Michelle Barbaro, Park Crew Chief of the Town of Lancaster's Parks Recreation & Forestry Department, has requested wind storm damage repair work be done at Wrigley Field within the Town of Lancaster's Westwood, and

WHEREAS, the Park Crew Chief, requested three (3) proposals for the work to be done at Wrigley Field in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by letter dated April 9, 2019 Michelle Barbaro has recommended that the Town of Lancaster award the contract for the storm repair work to Armor Fence Company of W.N.Y., Inc., in the amount of \$23,982.00 per their quote dated April 4, 2019, and

WHEREAS, funding for the work on the Wrigley Field at Westwood Park will come from the insurance claim submitted by the Town for the storm damage;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the contract for the storm damage repair work at Wrigley Field in Westwood Park with Armor Fence Company of W.N.Y., Inc., P.O. Box 745, Orchard Park, NY , in accordance with their quote dated April 4, 2019 for an amount not to exceed \$23,982.00 and to be paid for with funds available from the Town's Recreation Filing Fees pending receipt and approval of the required documents and insurance certificates by the Town Attorney's Office.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

A BOND RESOLUTION, DATED APRIL 15, 2019, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE REPLACEMENT AND/OR RECONSTRUCTION OF A CULVERT IN THE VICINITY OF ERIE STREET AND PLUM BOTTOM CREEK IN THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$625,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$625,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

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

NOW, THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project, such work to generally consist of (but not be limited to) the replacement and/or reconstruction of a single span 10'x6' precast concrete box culvert in the vicinity of Erie Street and Plum Bottom Creek in the Town, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by DiDonato Associates Engineering & Architecture, P.C., all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$625,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$625,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

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

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

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

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

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

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

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

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

SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary

thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

**NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE
REPLACEMENT AND/OR RECONSTRUCTION OF A CULVERT IN THE
VICINITY OF ERIE STREET AND PLUM BOTTOM CREEK IN THE TOWN**

Notice is hereby given that at its April 15, 2019 meeting the Town Board of the Town of Lancaster adopted a bond resolution authorizing undertake a capital improvements project, such work to generally consist of (but not be limited to) the replacement and/or reconstruction of a single span 10'x6' precast concrete box culvert in the vicinity of Erie Street and Plum Bottom Creek in the Town, as well as other such improvements as more fully identified in (or contemplated by) one or more reports prepared by DiDonato Associates Engineering & Architecture, P.C., all of the forgoing to include all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose") at an estimated maximum cost of \$625,000. Such resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$625,000 of the Town, such amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

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

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

WHEREAS, Victor O'Brien, of C&S Engineers, Inc., has prepared and submitted a site plan application on behalf of PCB Piezotronics, Inc., which includes drawings A1 & A2 prepared by Kulback's dated February 2019; and drawings C-100 through C-107 and C-501 through C-506 prepared by C&S Engineers, Inc., dated February 19, 2019 with a revision date of March 28, 2019, and a Topographic Map prepared by GPI Engineering, Landscape, Architecture & Surveying, LLP dated January 7, 2019, all received March 29, 2019 for the proposed new construction of a single-story 31,000 s.f. manufacturing facility (with potential for 70,000 s.f. addition) which will include 84 parking spaces (with a max of 164 for expansion) and site developments to be located at 00 Walden Avenue (SBL Nos. 105.00-3-54 & 105.00-3-55), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was recommended for approval at their April 3, 2019 meeting, and

WHEREAS, the Town Planning Board has completed an environmental review of the project on April 3, 2019, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on April 15, 2019.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Victor O'Brien, of C&S Engineers, on behalf of PCB Piezotronics, Inc., which includes drawings A1 & A2 prepared by Kulback's dated February 2019; and drawings C-100 through C-107 and C-501 through C-506 prepared by C&S Engineers, Inc., dated February 19, 2019 with a revision date of March 28, 2019, and a Topographic Map prepared by GPI Engineering, Landscape, Architecture & Surveying, LLP dated January 7, 2019, all received March 29, 2019 for the proposed new construction of a single-story 31,000 s.f. manufacturing facility (with potential for 70,000 s.f. addition) which will include 84 parking spaces (with a max of 164 for expansion) and site developments to be located at 00 Walden Avenue (SBL Nos. 105.00-3-54 & 105.00-3-55), with the following conditions:

1. Property owner to return two (2) executed originals of the Stormwater Control Facility Maintenance Agreement to the Town Attorney's Office. This Agreement shall be binding on all subsequent landowners and shall be filed in the office of the County Clerk as a deed restriction on the property prior to issuance of Certificate of Occupancy.
2. Deed descriptions for SBL Nos. 105.00-3-54 & 105.00-3-55 are to be filed with Erie County as one parcel.
3. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
4. Private Improvement Permits are required.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, Nova Site Company, LLC, 6 Lena Court, West Seneca, NY 14224, the contractor for the Town of Lancaster's Highway Capital Improvements Project involving the Bridge & Culvert Improvements on Iroquois Avenue, Broezel Avenue, and Seneca Place has submitted Change Order No.7 in the amount of \$15,399.55 to the Town Board for their approval, based on the description of work previously provided to the Town Board;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 7 to **Nova Site Company, LLC**, with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 7:

Perform asbestos abatement and installation of an additional 40 LF of waterline on Iroquois Avenue.

CHANGE ORDER NO. 7:

The original Contract Sum was	\$	741,051.32
The Contract Sum was increased by Change Order #1 in the amount of....	\$	7,365.42
The Contract Sum was increased by Change Order #2 in the amount of....	\$	2,074.56
The Contract Sum was increased by Change Order #3 in the amount of....	\$	11,813.96
The Contract Sum was increased by Change Order #4 in the amount of...	\$	20,900.00
The Contract Sum was increased by Change Order #5 in the amount of...	\$	20,438.26
The Contract Sum was increased by Change Order #6 in the amount of...	\$	69,782.53
The Contract Sum will be increased by this Change Order in the amount of...	\$	15,399.55
The new Contract Sum increased including this Change Order will be	\$	888,825.60

, and

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

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

WHEREAS, Erie County Public Benefit Funding in the amount of \$4,000 has been included in the 2019 Erie County Budget for use by the Town of Lancaster Senior Citizen Center, and

WHEREAS the Lancaster Senior Center will utilize the funding to enhance the availability of programs and equipment to benefit Senior Citizens;

NOW THEREFORE,
BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled “**CHAPTER 25 REVISION**”, which will amend the Code of the Town of Lancaster by adding, deleting and revising Titles, Articles, Sections and Subsections within the current Chapter 25. Garbage, Rubbish and Refuse, which reads as follows:

A LOCAL LAW OF THE YEAR 2019 ENTITLED “CHAPTER 25 REVISION”, WHICH WILL AMEND THE TOWN CODE OF THE TOWN OF LANCASTER BY ADDING, DELETING AND REVISING TITLES, ARTICLES, SECTIONS AND SUBSECTIONS WITHIN THE CURRENT CHAPTER 25 “GARBAGE, RUBBISH AND REFUSE”,

WHEREAS, the proposed local law of 2019 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

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

1. A public hearing for the proposed Local Law is hereby set for the 6th day of May 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 15, 2019, the said Town Board will hold a Public Hearing on the 6th day of May, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend Chapter 25 of the Town Code of the Town of Lancaster. Copies of the proposed Local Law can be reviewed at Town Hall. At the time and place stated above, all interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: Diane M. Terranova
Town Clerk**

April 18, 2019

Town of Lancaster
Local Law No. ____ of 2019

A Local Law Amending Chapter 25 of the Town Code of the Town of Lancaster to update information relating to the Town’s new Refuse Collection, Disposal and Recyclable Materials Collection and Processing Service.

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

Section 1: The title of Chapter 25 of the Town of Lancaster Town Code is amended to read in its entirety as follows:

Chapter 25. Refuse, Garbage and Recycling

Section 2: Article II. Title and §25-5, and §25-7 of the Lancaster Town Code are amended to read in their entirety as follows:

Article II. Refuse Garbage and Recycling: Hours of Collection

§25-5. Legislative authority: title

The title of this local law shall be “Refuse, Garbage and Recycling: Hours of Collection.”

§25-7. Hours of collection.

Collection of garbage, rubbish, refuse and recycling by private collectors under contract with property owners or businesses in the Town of Lancaster for premises which are sited within a residential district or within 500 feet of any residential district shall occur only between the hours of 7:00 a.m. and 6:00 p.m.

Section 3: Article III. Refuse and Recycling, §25-11 Definitions.is amended, §25-12.(becomes New) Receptacles and storage.; §25-13.(becomes) Duties of owners and occupants, some subsections are amended and new subsections added; §25-14.(becomes) Duties of authorized collector and licensed private collectors, subsection D is amended; §25-15.(becomes) Licensing., subsections F & G(2) are amended, Subsection G(3) is deleted; §25-16.(becomes) Prohibited acts; penalties for offenses., subsection D is amended, and subsection F is added, §25-17.(becomes) Enactment of other provisions., §25-18.(becomes) Severability.; §25-19.(becomes) Effective date., to the Town of Lancaster Town Code which will read as follows:

§25-11. Definitions.

Facility...

ADD:

Garbage Cart

A Town-authorized container of either 65 gallons or 95 gallons for the storage and collection of garbage (black lid). One cart shall be assigned to each residential producer or other authorized unit and shall be the property of the Town of Lancaster. A person who is the owner or occupant of a residential producer shall have the option to purchase, at his or her own expense, one additional level of Garbage Collection and Recycling services and will then be provided one additional garbage cart. There shall be no more than four (4) garbage carts at any residential producer or other authorized unit. Each garbage cart provided by the Town of Lancaster shall remain the property of the Town of Lancaster and shall not be removed from the residence or other authorized unit to which it was assigned.

.....

DELETE:

RECYCLABLE CONTAINERS

Those containers issued by the Town of Lancaster into which recyclable materials must be placed for collection.

REPLACE WITH:

RECYCLABLE CART

A Town-authorized container of either 65 gallons or 95 gallons for the storage and collection of recyclable materials (red lid). One recyclable cart shall be assigned to each residential producer and other authorized unit and shall be the property of the Town of Lancaster. Any recyclable cart assigned to a residential producer or other authorized unit shall remain at the residence or other authorized unit and shall not be moved from the same. Additional recyclable carts shall be available to owners or occupants of either residential units or authorized units in the manner described in the definition of “garbage cart.”

AMEND: RESIDENTIAL PROPERTY

Properties within the Refuse District used as dwellings, including but not limited to single and double-family dwellings and apartment buildings containing three (3) to eight (8) units.

.....

Town Board

ADD: TOWN DISPOSAL STICKER TAG

A sticker or tag available from the Town which shall bear an identification mark established by the Town.

TOWN STICKER ITEMS

Town sticker items must be refuse bags and cannot exceed 40 pounds. Materials must be non-vermin attracting waste and bags cannot be busted open. All collectible material shall be properly sealed and presented and set curbside, adjacent to refuse cart (not on top) and contain a Town Disposal Sticker.

ADD §25-12. Receptacles and storage.

- A. The Town shall provide and assign to each residential unit and other authorized unit one garbage cart and one recycling cart. Additional garbage and recycling carts may be obtained as described in the definition of “garbage cart.” Garbage carts shall be used for the collection, storage and disposal of all garbage and non-recyclable refuse and rubbish that may accumulate or be produced by them. Recycling carts shall be used for the collection, storage and disposal of recyclable materials.**
- B. Garbage and non-recyclable refuse and rubbish shall be stored in the garbage cart with the lid completely closed. No garbage cart shall exceed 300 lbs. (136 kg.) for a 95-gallon cart or 200 lbs (91 kg.) for a 65-gallon cart, in weight when filled.**
- C. Recycling materials shall be stored in the recycling cart with the lid completely closed. No recycling cart shall exceed 300 lbs. (136 kg.) for a 95-gallon cart or 200 lbs (91 kg.) for a 65-gallon cart, in weight when filled.**
- D. All garbage and recycling carts shall be maintained in good condition. All garbage and recycling carts shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage or recyclable materials are removed by the collector. Except when placed at the curb-line for collection, all carts shall be stored on the property producing the solid waste on either the side or in back of the dwelling or inside the garage.**

AMEND: §25-13. Duties of owners and occupants.

A, B & E from original 25-12 to be included & remain the same.

AMEND: C. Every owner and/or occupant of any residential property located within the Town of Lancaster's Refuse District shall, prior to initial collection, source-separate any and all recyclable materials from all other municipal solid wastes.

D. Every owner and/or occupant of any residential property located within the Refuse District shall use the recyclable cart or carts issued to it by the Town to contain any recyclable material prior to collection and shall prepare the recyclable materials to the specifications of the authorized collector.

F. Disposable plastic bags may be placed adjacent to the Town issued refuse carts which are waterproof, strong, and securely tied, and do not exceed more than 40 pounds in weight (each) and have affixed Town issued tags or stickers. However, glass and other objects in refuse that are sharp or that could cause injury shall not be placed in plastic bags. In addition, residents utilizing the Town issued bag tags and stickers shall put food waste in the carts and put non-putrescible and non-vermin attracting waste outside the cart. All residential properties within the Refuse District subscribing to refuse collection services are permitted to purchase additional tags for use.

G. When the authorized collector or any licensed private collector refuses to collect municipal solid waste as provided for in §25-14E hereinafter set forth, such owner and/or occupant shall immediately remove all such materials from any curb, sidewalk or street side.

H. Each owner of a commercial and/or institutional property located within the Refuse District shall contract with a licensed private collector for the collection and removal of all MSW and recyclable materials generated from the use or occupancy of his property, provided that, when approved by the Town, such owners or occupants of commercial and industrial property may collect, convey and dispose of privately generated MSW by their own containers and/or trucks, provided that they comply with the applicable provisions of this local law and New York State Department of Environmental Conservation Regulations.

I. All major appliances or large household furnishings not capable of being placed in receptacles or bundles as provided herein may be placed at the curb-line or pavement-line only on the scheduled bulk pickup collection day for that area. Residents are allowed to place out a total of three (3) bulk items per month per dwelling/parcel during the second full week of each month. It shall be the sole responsibility of the owner to dismantle the appliance or furnishing so that it will not be a hazard to the public. Specifically, all refrigerator and freezer doors must be removed and Freon lines must be decommissioned.

J. Bulk waste and large appliances are to be collected by the authorized collector and each private collector on days to be determined by the Town.

(1) Carpeting must be rolled in lengths of 4 feet or less, taped securely, and no wider than 18 inches.

(2) Large items must be of size that can easily be handled by two employees.

(3) Additional acceptable items include small furniture, bedding and mattresses, hot water tanks, and large appliances.

- (4) Bulk item collection does NOT include air conditioners, microwave-emitting equipment, microwave ovens, and regulated material covered by the New York State Electronic Equipment Recycling and Reuse Act, such as televisions and computers.
- (5) Any item, such as a weed trimmer or small lawnmower, with an engine requiring oil and gas must have those liquids removed prior to collection.

K. Unacceptable waste such as dead animals, explosive and flammable materials, pesticides, batteries, compressed gas cylinders, aerosol cans, motor oils, regulated and non-regulated hazardous chemicals, medical & infectious waste, construction material, septic waste & sludge, junk automobiles and tires shall be separated from the recyclables and non-recyclables and disposed of pursuant to New York State Department of Environmental Conservation regulations. Disposal of said unacceptable waste is the responsibility of the resident and will not be picked up by the licensed authorized collector.

L. Every owner/occupant of any residential, commercial, and/or institutional property located within the Town's Refuse District shall put out for collection municipal solid waste and recyclable materials no earlier than 5:00 p.m. on the day prior to collection. Garbage and recycling days for pick up will be determined by the Town. All garbage and recycling carts shall be removed within twelve (12) hours after being emptied and stored in a concealed location from the street.

M. All garbage and recycling carts shall be placed on the curb-line or pavement-line in front of the premises.

AMEND: §25-14. Duties of authorized collector and licensed private collectors.

A, B, C, E, F (1-5), & G from original 25-13 to be included & remain the same.

AMEND: D. Bulk items and large appliances shall be collected by the authorized collector and each licensed private collector on days to be determined by the Town.

AMEND: §25-15. Licensing.

A, B, C, D, E & H from original 25-14 to be included & remain the same.

AMEND: F. Each private collector to be licensed must have Commercial General Liability coverage, naming the Town of Lancaster as an additional insured, in the amount of \$1,000,000 Each Occurrence and \$3,000,000 in the Aggregate. The licensed private collector shall file with the Town Clerk a certificate of insurance for that amount prior to the issuance of a license to the private collector. In addition, the licensed private collector shall maintain insurance as outlined below:

- (1) **Workers Compensation:**
Part 1: Workers Compensation: Statutory
Part 2: Employers Liability: \$1,000,000.

***Note: If New York State domiciled employees are used, coverage to be New York Statutory for both Parts 1 and 2.**

- (2) **New York Disability Benefits Liability: Statutory coverage if New York State domiciled employees are used.**

- (3) **Automobile Liability:**
 -\$1,000,000. Each Accident
 -Town of Lancaster to be scheduled as an Additional Insured.
- (4) **Umbrella Liability:**
 -\$5,000,000. Each Occurrence
 -\$5,000,000. Aggregate
 -Town of Lancaster to be scheduled as an Additional Insured.
- (5) **Contractors Pollution Liability**
 -\$2,000,000. Each Claim
 -\$2,000,000. Aggregate

G. Every license issued by the Town Clerk, pursuant to this article, shall be subject to the following conditions:

- (1) **Each vehicle used by the licensed private collector in the collection and transportation of MSW and recyclable materials in the Refuse District shall be neat clean and in good repair.**

AMEND: (2) **No owner, collector or employee of a private contractor shall be under the influence of alcohol or other drugs or use insolent or improper language during pickup or when receiving complaints over the telephone.**

DELETE: (3)

AMEND: §25-16. Prohibited acts; penalties for offenses.

A, B, C(1-3), & E(1,2) from original 25-15 to be included & remain the same.

AMEND: D. No court proceedings shall be commenced against any person who violated the provisions of Subsection C hereinabove set forth for any violation occurring before June 1, 2019 in order to permit persons to come into compliance with this local law.

ADD F. Replacement of Lost/Stolen/Damaged Carts. If a cart is reported lost/stolen/damaged, the resident will be responsible for a replacement fee of \$60.

AMEND: §25-17. Enactment of other provisions.

from original 25-16 to be included & remain the same.

AMEND: §25-18. Severability.

from original 25-17 to be included & remain the same.

AMEND: §25-19. Effective date.

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2019 entitled “**Small Wireless Facilities**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Coleman on the 1st day of April, 2019, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on April 15, 2019, where all interested parties were allowed to address the proposed Local Law;

WHEREAS, the Town Board of the Town of Lancaster after due review and deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE,

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

1. The attached Local Law of 2019 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

April 15, 2019

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW OF THE YEAR 2019
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on April 15, 2019 Local Law of the Year 2019, which amends the Town of Lancaster Code, Chapter 50 Zoning, by enacting “Small Wireless Facilities” further designated as ARTICLE VIIC of Chapter 50-Zoning, Sections 50-41.19(A) and 50-41.19(B) of the Code of the Town of Lancaster which will regulate Small Wireless Facilities in the Town of Lancaster; and which is on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster’s website, <http://www.lancasterny.gov>.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

April 18, 2019

**Town of Lancaster
Local Law of 2019**

A Local Law Amending the Town of Lancaster Code Regulating Small Wireless Facilities.

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

Section 1: The Town of Lancaster Town Code is hereby amended to add **Small Wireless Facilities**”, further designated as Article VIIC of Chapter 50- Zoning, Sections 50-41.19(A) and 50-41.19(B), to read in its entirety as follows:

Article VIIC Small Wireless Facilities

19(A). Conditions Applying to All Small Wireless Facilities

1. Definitions.

As used in this section, the following terms shall have the meanings indicated.

CAMOUFLAGE

To use concealment techniques to blend the installation of the structure into the surrounding area by mimicking its surroundings or otherwise disguising it in the environment.

CO-LOCATE

To install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole.

CONCEALED INSTALLATION ON BUILDING

Building-mounted Small Wireless Facilities that completely screen all associated equipment and facilities from public view by approved methods that are in keeping with the character of the building, surrounding area and any applicable design guidelines or standards as determined by the Town.

CPCN

A “certificate of public convenience and necessity” granted by the NPUC or its duly appointed successor agency pursuant to New York Codes, Rules and Regulations Title 16 et seq., as may be amended.

GROUND-BASED EQUIPMENT or GROUND-BASED ENCLOSURES

Any equipment associated with installation of a Small Wireless Facility and/or support structure that will be located on the surface of the ground with some or all of the facility located above grade.

LICENSE

The document granted to an individual under this Section, which permits its holder, the Licensee (see definition), to have all the rights, privileges, and obligations arising under this Local Law. Any license issued under this Section is non-exclusive and is subject to the limitations provided herein.

LICENSEE

Any person having applied for a License under this Section and holding such a License.

NPUC

A New York Public Service Commission, or its duly appointed successor agency.

PERMITTEE

An Applicant that has received a Special Use Permit under this Section.

POLE

A legally constructed pole, such as a utility, lighting, traffic, or similar pole.

RIGHT-OF-WAY or ROW

The area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property, under the jurisdiction of the Town.

RF

Radio frequency.

SMALL WIRELESS FACILITY or MICRO WIRELESS FACILITY, SMALL CELL, "SWF"

A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure measuring no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility measuring no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

SUPPORT STRUCTURE

A freestanding structure such as a utility pole, monopole, or other existing or proposed structure designed to support or be capable of supporting wireless facilities.

UTILITY POLE

A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications; cable or electric service; or for lighting, traffic control, signage, or a similar function regardless of ownership, including Town-owned poles. Such term shall not include structures supporting only Small Wireless Facilities.

WIRELESS INFRASTRUCTURE PROVIDER

Any entity including a person authorized to provide telecommunications service in the state, who builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but who is NOT a wireless services provider.

2. Purpose and Legislative Intent.

- a. The Town desires to encourage small-cell wireless telecommunication infrastructure investment by providing a fair and predictable process for the deployment, while enabling the Town to promote the management of its public ROW in the overall interests of the public health, safety, and welfare. The Town recognizes that wireless facilities are critical to delivering wireless access to advanced technology, broadband, and 911 services to homes, businesses, and schools within the Town, and new technology has increased the need for towers and antennas to serve the Town. The Town further recognizes that SWF often may be deployed most effectively in the ROW. The Town desires to enact a legal framework which will permit the expedited review process for the deployment of such SWF when specified criteria are met and to permit placement of towers and antennas in locations which will allow telecommunications services to be rendered in conformity with both the Federal Telecommunications Act of 1996, and with the goals of local comprehensive plans and zoning ordinances.
- b. In enacting this Section, the Town is establishing uniform standards to address issues presented by SWF, including, without limitation, to:
 1. Prevent interference with the use of streets, sidewalks, alleys, parkways, and other public ways and places;
 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 3. Prevent interference with existing facilities and operations of facilities presently lawfully located in rights-of-way or public property;

4. Ensure reasonable efforts are made to preserve the character of neighborhoods in which facilities are installed;
5. Protect community aesthetics and visual and historic resources.
6. Protect against environmental damage, including damage to trees;
7. Facilitate the installation of SWF to provide benefits of reliable access to wireless telecommunications technology, broadband, and 911 services to homes, business, and schools within the Town.

3. Applicability.

This Section applies to all existing SWF and all Applications and requests for approval to construct, install, modify, co-locate, relocate, or otherwise deploy SWF.

4. Application Requirements.

- a. Special Use Permit Application. All persons wishing to construct, install, modify, co-locate, relocate, or otherwise deploy SWF must submit an application for a Special Use Permit for approval by the Town Board of the Town of Lancaster. The Town Board shall follow the procedures set forth in New York Town Law § 274-b for consideration of the Special Use Permit Applications. The SWF Special Use Permit Application shall contain the following, to include 9 hard copies and 1 digital copy:
 1. Letter Application and Applicable Application Fee(s). The letter application must contain a detailed description of the proposal, the number of SWFs involved in the subject application, their proposed locations, and a description of the proposed locations, including the zoning districts and nearby land uses. The letter application must also contain the Applicant's name and contact information, as well as the names and contact information for all consultants acting on behalf of the Applicant, if any.
 2. Owner's Authorization and/or Evidence of Property Rights. The Applicant must demonstrate it has adequate real property rights for the installation and maintenance of the SWF. This would include, but not be limited to, owner authorization, an easement, a lease, and/or a License issued pursuant to this Section.
 3. Project Plans. The Applicant must provide a fully dimensioned site plan and elevation drawings prepared and sealed by a New York-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed SWF with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed SWF and any associated access or utility easements.
 4. Site Photos and Photo Simulations. The Applicant must provide photographs and simulations that show the proposed SWF in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle. These simulations must indicate both location of the proposed SWF as well as design aesthetics that reflect compliance with this Section.
 5. RF Compliance Demonstration. The Applicant must provide an RF exposure compliance report prepared and certified by a New York-licensed engineer acceptable to the Town that certifies that the proposed SWF, as well as any co-located SWF, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radiated power ("ERPP")) for all existing and proposed

antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of the areas with RF exposures in excess of the controlled/occupations limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site in accordance with FCC requirements, if applicable.

6. Acoustic Analysis. The Applicant must provide a written report that analyzes acoustic levels for the proposed SWF and all associated equipment. The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturer's specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
7. Project Purpose Statement/Need Demonstration. The Applicant must provide a written statement that includes:
 - a. A description of the technical objectives to be achieved, including the services to be offered and/or improvement of existing services;
 - b. An annotated topographical map that identifies the targeted service area to be benefited;
 - c. The estimated number of potentially affected users in the targeted service area; and
 - d. Full-color signal propagation maps with objective units of signal strength measurements that show the Applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites (or a statement that the objectives are other than coverage related).
8. Alternatives Analysis. The Applicant must list all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The Applicant must also provide a written explanation for why the alternatives considered were unacceptable or not feasible, unavailable or not as consistent with the design standards. This explanation must include a comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, not feasible, unavailable, or not as consistent with the design standards in this Section as the proposed location.
9. The Applicant shall provide manufacturer's information for the SWF and support structure, if applicable.
10. The Applicant shall provide technical specifications of the SWF and support structure, if applicable, and evidence that such structure is capable of handling the addition of SWF.
11. The Applicant shall provide a written maintenance and removal plan, made to and acceptable by the Town, to include an agreement by the Applicant and/or owner to remove all the components of the SWF in the event the facility becomes non-functional, ceases to be used for its originally intended purposes or is otherwise abandoned, as determined by the Town. The maintenance and removal plan shall remain in full force for the life of the SWF. An acceptable bond and/or surety, for the purposes of removing the SWF, submitted to the Town for review,

shall be purchased and remain in force for the life of the SWF.

12. The Applicant shall provide any other items that the Town shall deem necessary for a thorough and complete review of the proposal.

- b. One Application Required. Although each SWF requires its own Special Use Permit, the Applicant need submit only one Application regardless of the number of proposed SWF or locations. The Board may, in its sole discretion, deny the Application, grant the Application in full, or partially grant the Application by issuing Special Use Permits for only some of the SWF proposed in the Application.
- c. Maintenance. Subject to the requirements for the initial application, an Application shall not be required for routine maintenance, unless otherwise specified within this Section. Replacement of any portion of a SWF shall require an amendment to the Special Use Permit, requiring compliance with all applicable requirements and procedures set forth in this Section.
- d. Application Fees. The Applicant shall pay the Town a \$600 fee for the Special Use Permit Application for the first SWF, plus \$175 per each additional SWF for which the Applicant is requesting a permit.
- e. Third-Party Professional Consultants. The Town, in its sole discretion, may retain third-party consultant(s) to assist in the review of a proposed SWF. The cost of such third-party consulting services shall be reimbursed by the Applicant to the Town within thirty (30) days of the Town receiving an invoice for third party consulting services.

5. Exceptions to the Special Use Permit Requirement.

The following SWFs shall be exempt from the Special Use Permit requirements and, upon compliance with the substantive requirements of this Section, require only an approval determination from the code enforcement officer. The fee for this review by the code enforcement officer shall be \$325 for the first SWF, plus \$75 per each additional SWF for which the Applicant is requesting approval.

- a. SWFs that are Concealed Installations on Buildings within the following zoning districts: General Business (GB), Commercial and Motor Service (CMS), Light Industrial (LI), General Industrial (GI).
- b. Collocation on existing Poles that are within the following zoning districts: General Business (GB), Commercial and Motor Service (CMS), Light Industrial (LI), General Industrial (GI).

6. Site Location Guidelines.

- a. Preferred Locations. The Town prefers co-location and siting in manufacturing and/or business districts as defined in Chapter 50 over residential zoning districts.
- b. Discouraged Locations. The Town discourages new support structures and the location in residential zoning districts. Where possible, efforts should be made to co-locate or to locate in manufacturing or business zoning districts. If location in a residential zoning district is necessary, techniques to minimize aesthetic impacts are mandatory, including Camouflage.
- c. Prohibited Locations. The Town prohibits any structures or parts of structures associated with SWF placement from obstructing access to above- or underground traffic control infrastructure, public transportation vehicles, shelters, street furniture, or other improvements, above- or underground utility infrastructure, fire hydrants, doors, gates, or other ingress and egress points to any building appurtenant to the ROW, or any fire escape. Ground-mounted equipment shall not be closer than twelve (12) feet from any permanent object,

existing lawful encroachment in the ROW, and driveway aprons.

7. Design Standards.

- a. Construction categories. Each SWF shall comply with the standards set forth for each location type.

1. Existing support structure

- a. Equipment. All equipment must be installed as close to the Support Structure as technically feasible to minimize its visibility from public view to the greatest extent feasible. All conduits, conduit attachments, cables, wires, and other connectors shall be concealed from the public view to the greatest extent feasible. Ground-mounted equipment is not preferred and shall be minimized to the greatest extent feasible. Where used, ground-mounted equipment must incorporate concealment techniques in compliance with the requirements of subsection (c) of this Section 7.
- b. Minimum Clear Height. With the exception of any ground-mounted equipment, no part of the SWF shall be less than ten (10) feet above grade.
- c. Maximum Height. No part of the SWF shall exceed ten (10) feet above the existing Support Structure. Ground mounted cabinets shall be secured to a concrete slab and shall not exceed three feet in height.
- d. Maximum Volume. The maximum volume of each antenna shall not exceed six (6) cubic feet.
- e. Maximum Equipment Volume. The maximum equipment volume shall not exceed twenty-eight (28) cubic feet, or fifteen (15) cubic feet for ground-mounted equipment.
- f. Reservation of Rights. The Town reserves its right to request additional information, analysis, studies, including further expert opinion, at the Applicant's expense, pertaining to the Application and any issues of concern.
- g. Each SWF shall be on one support structure.
- h. Each SWF shall be at least 500 feet from another SWF.

2. New support structure

- a. Basis. The Town will consider new poles only if the Applicant can demonstrate that replacing or utilizing an existing pole is not possible or feasible. Any new poles must meet all Town and other applicable laws.
- b. Support Structure Requirements. All Applicants shall propose new Support Structures that complement the community character of the area, and any applicable design guidelines that may exist for the area. When existing utility poles exist, new support structures may feature a similar design and aesthetic. Where no existing utility poles exist, architecturally significant support structures shall be proposed, including, but not limited to, flag poles and decorative light standards.
- c. Equipment. All equipment must be installed as close to the support structure as technically feasible to minimize its visibility from public view. All conduits, conduit attachments, cables, wires, and other connectors shall be concealed from the

public view to the greatest extent feasible Ground-mounted equipment is not preferred and shall be minimized to the greatest extent feasible. Where used, ground-mounted equipment must incorporate concealment techniques in compliance with the requirements of subsection (c) of this Section 7.

- d. **Minimum Clear Height.** With the exception of any ground-mounted equipment, no part of the SWF shall be less than ten (10) feet above grade.
- e. **Maximum Height.** No part of the SWF shall exceed forty (40) feet above ground level or ten (10) feet above the average height of all Utility Poles within a five hundred (500) foot radius, whichever is less. Ground mounted cabinets shall be secured to a concrete slab and shall not exceed three feet in height.
- f. **Maximum Diameter.** The maximum diameter of any new poles not intended for public distribution shall not exceed eighteen (18) inches at the base.
- g. **Maximum Volume.** The maximum volume of each antenna shall not exceed six (6) cubic feet.
- h. **Maximum Equipment Volume.** The maximum equipment volume shall not exceed twenty-eight (28) cubic feet, or fifteen (15) cubic feet for ground-mounted equipment.
- i. **Installation.** Any new poles not intended for public distribution shall:
 - i. Be installed as far as practicable off the traveled way;
 - ii. Not be taller than any existing poles adjacent to the proposed location;
 - iii. Not be installed in the ROW unless fixed objects exist at the same or closer distance from the roadway;
 - iv. Not be any closer to the roadway than any existing pole line;
 - v. Be buried with no foundation unless an exception is justified and approved by the Town Engineer or designee; and
 - vi. To the extent practicable, be located outside of residentially-zoned neighborhoods.
- j. **Reservation of Rights.** The Town reserves its right to:
 - i. Reject new poles for any of the following reasons: traffic, safety, conflict with existing structure or utility, conflict with pedestrian or complete street features, or future planned activities. Any notice of denial must be in writing and explain the basis for the denial, and be sent to the Applicant and the authority controlling the ROW, if not controlled by the Town of Lancaster.
 - ii. Request additional information, analysis, studies, including further expert opinion, at the Applicant's expense, pertaining to the Application and any issues of concern.

3. Concealed Installation on Building.

- a. **Equipment.** All equipment must be installed such that its visual appearance is consistent with other accessory mechanical and/or building service appurtenances. All conduits, conduit attachments, cables, wires, and other connectors shall match the color of existing building mechanicals or the adjacent building material color. Ground-mounted equipment is not preferred and shall be minimized to the greatest extent feasible. Where used, ground-mounted equipment must incorporate concealment techniques in compliance with the requirements of subsection (c) of this Section 7.
 - b. **Minimum Clear Height.** With the exception of any ground-mounted equipment, no part of the SWF shall be less than ten (10) feet above grade.
 - c. **Maximum Height.** No part of the SWF shall exceed ten (10) feet above the building roof or parapet wall. Ground-mounted cabinets shall be secured to a concrete slab and shall not exceed three feet in height.
 - d. **Maximum Volume.** The maximum volume of each antenna shall not exceed six (6) cubic feet.
 - e. **Maximum Equipment Volume.** The maximum equipment volume shall not exceed twenty-eight (28) cubic feet, or fifteen (15) cubic feet for ground-mounted equipment.
 - f. **Applications.** Applicants must secure an approved building permit from the Office of Building Inspections.
- b. **Engineering Requirements.** The applicant must provide an installation design prepared by a professional engineer licensed in New York State that demonstrates the pole strength of the pole to be used.
- c. **Aesthetic Requirements.** The character of the neighborhood and the visual quality of the surroundings must be taken into account when installing SWF, whether to new or existing poles. In order to avoid unnecessary adverse visual impacts and to preserve the area in which the SWFs are being installed, and in addition to the conditions set forth above, all SWFs shall meet the following requirements:
1. Poles and equipment shall be painted in a neutral color that is consistent with other new and existing poles in the general geographic area so as to reduce visual intrusiveness.
 2. Poles shall be constructed of the same or similar material as other new and existing poles in the general geographic area.
 3. Poles shall be constructed in the same or similar shape as other new and existing poles in the general geographic area.
 4. Poles may be camouflaged or disguised as deemed appropriate.
 5. No artificial lighting is permitted on the pole unless otherwise required by law or permitted *e.g.*, where no existing utility poles exist and a decorative light pole is used with express permission. Any permitted lighting must be consistent in design and bulb type with other lighting fixtures in the general geographic area.
 6. Commercial signage is not permitted on any pole unless already existing at the time of the installation.

7. Equipment shall be affixed to the pole in a tight, neat, and orderly fashion. Where possible, equipment shall be flush mounted with the pole and in no case shall offset mounting exceed six (6) inches. No wires may be loose or dangling, with a preference that the wires be enclosed within the pole where possible.
8. Equipment shall consistent in size with the pole of which it is being attached and minimally shall be consistent with the suggested designs shown in the Appendix to this Section.
 - a. Maximum Volume. The maximum volume of each antenna shall not exceed six (6) cubic feet.
 - b. Maximum Equipment Volume. The maximum equipment volume shall not exceed twenty-eight (28) cubic feet.
9. Ground mounted equipment shall be minimized to the greatest extent feasible. Where used, ground equipment shall incorporate concealment techniques matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Applications shall include proposed concealment techniques for ground-mounted equipment, which may include, but are not limited to: strategic choice of color, paint, and/or materials, landscaping, placement in less visible locations, and placement within existing or replacement street furniture.

8. Standard Conditions of Approval.

In addition to any other conditions imposed by the Town Board or the code enforcement officer in the case of applications exempt from the Special Use Permit requirement, Special Use Permits and approvals by the code enforcement officer for the installation of SWFs shall be automatically subject to the conditions set forth herein. The Town Board and/or the code enforcement officer shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to allow for the proper operation of the approved facility consistent with the goals of this Section.

- a. Approved Plans. Before the Permittee submits any applications to the Building Department, the Permittee must incorporate the Permit, all conditions associated with this Permit and the approved photo simulations into the project plans. The Permittee must construct, install and operate the SWF in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with, must be submitted in a written request subject to the Building Department prior to review and approval, who may refer the request to the Town Board if it is found that the requested alteration, modification or other change implicates a significant or substantial land use concern.
- b. Build-out Period. The Permit will automatically expire one (1) year from the issuance date unless the Permittee obtains all other permits and approvals required to install, construct, and/or operate the approved SWFs and commences the installation and construction, which includes without limitation any permits or approvals required by any federal, state, or local public agencies with jurisdiction over the subject property, the SWF, or its use. The Town may grant extensions to a date certain when the Permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- c. Maintenance Obligations: Vandalism. The Permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, and access routes, in a neat, clean, and safe condition in accordance with the approved plans and all conditions in the Permit. The Permittee shall keep the site area free from all litter and debris at all times. The Permittee, at no cost to the Town, shall remove and remediate any graffiti or other vandalism at the

site within forty-eight (48) hours after the Permittee received notice or otherwise becomes aware that such graffiti or other vandalism occurred.

- d. **Compliance with Laws.** The Permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders or other rules that carry the force of law applicable to the Permittee, the subject property, the SWF or any use or activities in connection with the use authorized in the Permit. The Permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the Permittee's obligations to maintain compliance with all applicable laws, regulations, orders, and rules.
- e. **Inspections.** The Permittee expressly acknowledges and agrees that the Town or its designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the Permittee; provided, however, that the Town may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The Permittee will be permitted to supervise the Town or its designee while such inspection or emergency access occurs.
- f. **Contact Information.** The Permittee shall furnish the Town with accurate and up-to-date contact information for a person responsible for the SWF, which includes, without limitation, such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The Permittee shall keep such contact information up-to-date at all times.
- g. **Rescission of Permit for Non-compliance.** The Town Board may rescind any Permit issued under this Local Law for review at any time due to noncompliance with applicable law or any approval conditions. At a duly noticed hearing and in accordance with all applicable laws, the Town Board may revoke any such Permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.
- h. **Record Retention.** The Permittee shall retain full and complete copies of all licenses, permits, and other regulatory approvals issued in connection with the SWF, which includes, without limitation, all conditions of approval, approved plans, resolutions, and other documentation associated with the license, permit, or regulatory approval.

19(B). Conditions Applying to Small Wireless Facilities Located in the Town ROW

1. Applicability.

The contents of this subsection (B.) are applied in addition to the contents of subsection (A.) for Applicants proposing SWF located in the Town ROW.

2. License.

Where the proposed SWF is in the Town ROW, before any Application may be submitted, a non-exclusive license to place the SWF is required. No SWF is allowed in the Town ROW unless first a non-exclusive license is obtained from the Town by the Applicant.

- a. No exclusive, irrevocable property right or any other interest is created by the License. There is no right to convey, express or implied, with the License.
- b. The License may not be assigned, except upon written consent of the Town, which shall not be unreasonably withheld, provided the assignee assumes all obligations of the License, agrees to abide by its terms in writing, and meets all other criteria as set forth in this Section.
- c. A general License will be granted per Applicant for all Town ROWs provided that the Applicant meets the requirements for such a License.

- d. An Applicant shall demonstrate the entitlement to use the land for the designated purpose *e.g.*, through demonstration that the Town owns the fee of the highway at issue, through the grant of an easement or a pole attachment agreement, and, if requested, by a legal opinion of the Applicant's counsel for the benefit of the Town.
- e. The License agreement shall be in the general form as developed by the Town.
- f. Each License agreement is subject to approval by the Town Board.
- g. By issuance of a License, the Town does not represent or warrant title or ownership of the ROW.
- h. Indemnification. To the fullest extent permitted by law, the Licensee, and, if applicable, the property owner upon which the wireless facility is installed or to be installed shall defend, indemnify, and hold harmless the Town, its agents, officers, officials, employees, and volunteers from any and all (1) damages, liabilities, injuries, losses, costs, and expenses, including reasonable attorneys', experts', and consultants' fees, and from any and all claims, demands, law suits, writs and other actions or proceedings ("Claims") brought against the Town or its agents, officers, officials, employees, or volunteers to challenge, attach, seek to modify, set aside, void, or annul the Town's approval of a License issued under this Local Law, and (2) other Claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the Permittee's or its agents', directors', officers', employees', contractors', subcontractors, Licensee's, or customers' acts or omissions in connection with such a License or the wireless facility. Any further indemnification requirements will be further outlined in the License.
- i. Performance Bond. Before the building official issues any construction permit in connection with the wireless facility, the Licensee shall post a performance bond from a surety and in a form acceptable to the Town Attorney in an amount equal to or greater than a written estimate from a New York Licensed Engineer with experience in SWF removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without imitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed, in connection with the SWF. In establishing or adjusting the bond amount required under this condition, and in accordance with New York Code, the Town shall take into consideration information provided by the Licensee regarding the cost to remove the wireless facility.
- j. The License shall require compliance with this Section, as may be amended by the Town Board.
- k. Insurance. Without limiting the indemnification provision herein, and in addition to the performance bond required herein, Licensee shall procure, at Licensee's expense, insurance as required here:

1. **Workers Compensation:**

Part 1: Workers Compensation: Statutory

Part 2: Employers Liability: \$1,000,000.

Note: If New York State domiciled employees are used, coverage to be New York Statutory for both Parts 1 and 2

2. **New York Disability Benefits Liability:** Statutory coverage if New York State domiciled employees are used.

3. **Commercial General Liability:**

\$2,000,000. General Aggregate

\$2,000,000. Products/Completed Operations Aggregate

\$1,000,000. Each Occurrence

\$1,000,000. Personal Injury/Advertising Liability

Town of Lancaster to be scheduled as an Additional Insured for both on-going and completed operations (attach Additional Insured endorsement to Certificate of Insurance)
Insurance to be primary and non-contributory

4. **Automobile Liability:**
\$1,000,000. Each Accident
Town of Lancaster to be scheduled as an Additional Insured.
5. **Umbrella Liability:**
\$5,000,000. Each Occurrence
\$5,000,000. Aggregate
Town of Lancaster to be scheduled as an Additional Insured
6. **Environmental/Pollution** (If operation involves abatement work):
\$1,000,000. Each Occurrence
\$1,000,000. Aggregate
7. **Certificates of Insurance to be provided to Town of Lancaster prior to start of work as follows:**
ACORD 25 and ACORD 855 (Item i-iv) including copy of Additional Insured Endorsement Note: If coverage provided for NYS domiciled employees require Forms C 105.2 and DB 120.1 for Workers Compensation and NYS DBL.

3. Rates and Fees.

In addition to the fees outlined in subsection (A.) of this Section, the following fees apply for SWF to be located in the Town ROW:

- a. License Review Fee. The Applicant shall pay the Town a License Review Fee upon execution of the License, in the amount of \$1,750.00
- b. ROW Authorization Fee. A Wireless Provider authorized to place SWF in the ROW shall pay the Town a one-time authorization fee of \$600 for the first SWF, plus \$175 per each additional SWF for which the Applicant is requesting authorization.
- c. Annual License Fee. A Wireless Provider authorized to place SWF in the ROW shall pay to the Town an annual license fee as follows: \$350.00 for each SWF located in the Town ROW, plus an additional \$650.00 for each Licensee-constructed Support Structure located in the Town ROW.

Section 2. Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3. Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.