

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 October 7, 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

October 21, 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. 58522 to Claim No. 58741 Inclusive

Total amount hereby authorized to be paid: \$1,156,272.25

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

October 21, 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	Village	
FPD-2		Dr. Chamberlain Corp.	6501 Transit Rd	Develop Floodplain
30402		Jeffrey Blank	198 Peppermint Rd	Er. Shed
30403		Thaddeus Kowalenko	288 Enchanted Forest N	Inst. Generator
30404		Chester Wozniak	35 Glendale Dr	Inst. Generator
30405		Scott Friedman	18 Fox Trace	Er. Porch Cover
30406		Essex Homes of WNY Inc.	548 Pavement Rd	Er. Dwlg.-Sin.
30407		Zenner & Ritter Co. Inc.	3 Old Mill Run	Inst. Generator
30408		Besroi Construction	62 Grambo Dr	Er. Deck
30409		Besroi Construction	80 Grambo Dr	Er. Deck
30410		Mark Shepard	20 Windsor Ridge Dr	Er. Fence
30411		Crew 2 Inc.	1719 Como Park Blvd	Er. Res. Alt.
30412		Thomas Zajac	53 Lombardy St	Re-Roof (V/L)
30413		Sahlems Roofing& Siding Inc.	251 Lake Ave	Re-Roof (V/L)
30414		Sahlems Roofing & Siding Inc.	182 Nathan's Trl	Re-Roof
30415		Thomas Molfese	19 Hemlock Ln	Er. Pool-In Grnd
30416		Thomas Hathaway	36 Hidden Meadow Cros	Er. Pool-In Grnd
30417		Thomas Hathaway	36 Hidden Meadow Cros	Er. Fence
30418		Superiro Decks & Gazebo's Inc.	131 Siebert Rd	Er. Deck
30419		TNT Custom Decks & Remod.	5100 William St	Er. Deck
30420		Daryl Brodnicki	240 Peppermint Rd	Er. Fence
30421		Robert Morello	2 Hemlock Ln	Re-Roof
30422		Linda M. Cieslikowski	138 S Irwinwood Rd	Er. Fence (V/L)
30423		Ulrich Sign Co. Inc.	4931 Transit Rd	Er. Sign - Pole
30424		Kimberly Stibing	99 Sixth Ave	Er. Shed (V/L)
30425		Switala's Siding Cedar Inc.	13 Daniel Dr	Re-Roof
30426		Glenn Tanner	6 Lenox Ave	Re-Roof (V/L)
30427		Glenn Tanner	6 Lenox Ave	Dumpster - Temp. (V/L)
30428		Anthony Nieves	53 Laverack Ave	Er. Fence (V/L)
30429		Gregg's Waterproofing Inc.	5440 Broadway	Er. Comm. Add./Alt. (V/L)
30430		Edward Miller	19 Highland Pl	Er. Fence (V/L)
30431		John Lewis	29 Veterans Dr	Er. Fence (V/L)
30432		Ronald Wargin	5 Saybrook Dr	Er. Deck
30433		Superior Decks & Gazebo's Inc.	13 Nottingham Ln	Er. Deck
30434		Franks Commercial & Home	27 Newell Ave	Er. Res. Alt. (V/L)
30435		Benjamin Jardine	295 Westwood Rd	Er. Pole Barn
30436		Foreman Enterprises	168 Nathan's Trl	Re-Roof
30438		455 Pleasant View LLC	455 Pleasant View Dr	Er. Garage
30439		Philip Hall	57 Lakeside Cres	Er. Res. Alt. (V/L)
30440		Daniel Martin	17 Riemers Ave	Er. Deck
30441		Gilberto Lopez	71 Tranquility Trl	Er. Fence
30442		Cindy Zappo	44 Hillside Pky	Er. Shed
30443		J.S. Sebastiano Construction	2 Logan Ln	Er. Deck
30444		4893 Transit Road LLC	4893 Transit Rd	Er. Sign - Temp
30445		Mark Sikorski	5608 Genesee St	Er. Deck
30446		KCM Custom Built Garages Inc.	298 Westwood Rd	Er. Garage
30447		Severyn Dev. Inc.	39 Rose St	Er. Dwlg.-Sin.
30448		Kamholz Enterprises, LLC	36 Northwood Dr	Er. Deck
30449		Zenner & Ritter Co. Inc.	49 Chestnut Corner	Inst. Generator
30450		Benderson Development Co.	4931 Transit Rd	Er. Comm. Add./Alt.
30451		Fastsigns	3568 Walden Ave	Er. Sign - Temp
30452		R & D Contracting	6 Blackstone Ct	Er. Dwlg.-Sin.
30453		Buffalo Roofing Co. LLC	25 Woodgate Dr	Re-Roof
30454		Buffalo Roofing Co., LLC	86 Schlemmer Rd	Re-Roof
30455		John Hazelton	290 Aurora St	Er. Res. Alt. (V/L)
30456		Joseph Pryblski	11 St Joseph St	Re-Roof (V/L)
30457		Frank's Commercial & Home	5011 William St	Inst. Res. Plumbing
30458		Frank's Commercial & Home	5876 Broadway	Inst. Res. Plumbing
30459		Frank's Commercial & Home	2753 Wehrle Dr	Er. Comm. Add./Alt.
30460		Bill Wiepert	135 Aurora St	Er. Res. Add. (V/L)

30461	Brian McCadden	157 Hinchey Ave	Inst. Fireplace/Stove	(V/L)
30462	Stephen Thiemke	42 Burwell Ave	Er. Garage	(V/L)
30463	Brad Lynch	33 Tanglewood Dr	Er. Fence	
30464	James Ptak	196 Nathan's Trl	Re-Roof	
30465	ABC Hardware & Rental Inc.	35 Hidden Meadow Cros	Inst. Generator	
30466	Buffalo Roofing Co., LLC	47 Sixth Ave	Re-Roof	(V/L)
30467	Janice Jaskowiak	35 Bentley Cir	Inst. Generator	

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

October 21, 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 combining of four (4) lots owned by Love Joy Church into one (1) lot, splitting this one (1) lot into two (2) lots with the existing house being a separate parcel, constructing a new 4,150 SF addition, with new parking for 46 cars, new light poles, with necessary utilities and site amenities, submitted by David Stutz, on behalf of Studio T3 Engineering PLLC, on a +/- 9.10 acre parcel located at 5423 Genesee Street, SBL No.s 82.19-3-4, 82.19-3-5, 82.19-3-6, 82.19-3-7, in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this expansion project pursuant to SEQR regulations at their meeting on October 2, 2019 and recommended a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the expansion project using the short 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 an "Unlisted" action under SEQRA.

NOW, THEREFORE,

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

1. This project is described as combining four (4) lots owned by Love Joy Church into one (1) lot, splitting this one (1) lot into two (2) lots with the existing house being a separate parcel, constructing a new 4,150 SF addition, with new parking for 46 cars, new light poles, with necessary utilities and site amenities, submitted by David Stutz, on behalf of Studio T3 Engineering PLLC, on a +/- 9.10 acre parcel located at 5423 Genesee Street, SBL No.s 82.19-3-4, 82.19-3-5, 82.19-3-6, 82.19-3-7, in the Town of Lancaster, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance 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

October 21, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: October 21, 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 Board of the Town of Lancaster has reviewed the proposed combining of four (4) lots owned by Love Joy Church into one (1) lot, splitting this one (1) lot into two (2) lots with the existing house being a separate parcel, constructing a new 4,150 SF addition, with new parking for 46 cars, new light poles, with necessary utilities and site amenities, submitted by David Stutz, on behalf of Studio T3 Engineering PLLC, on a +/- 9.10 acre parcel located at 5423 Genesee Street, SBL No.s 82.19-3-4, 82.19-3-5, 82.19-3-6, 82.19-3-7, in the Town of Lancaster and the Town Board has determined that the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Love Joy Church #9510

Location of Action: 5423 Genesee Street, SBL No.s 82.19-3-4, 82.19-3-5, 82.19-3-6, 82.19-3-7 Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The project is described as combining four lots into one lot and splitting the one lot into two lots with an existing house being a separate parcel, and constructing a 4,150 SF addition with new parking for 46 cars, new lighting, landscaping and utilities.

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. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**

7. Will the proposed action impact existing:
 - a. public/private water supplies? **No impact.**
 - b. public/private wastewater treatment utilities? **No impact.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact. Reviewed and determined to be compliant.**
11. Will the proposed action create a hazard to environmental resources or human health? **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 SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, Walter H. Hughes III PE, on behalf of Engineering Services, National Fuel Gas Supply Corporation, has prepared and submitted a site plan, dated August 9, 2019 and received September 5, 2019 for a proposed redevelopment of an existing utility supply station to modernize the gas utility equipment on a +/- 5.6 acre parcel, located at 5922 Genesee Street, SBL No. 83.00-5-24 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 October 2, 2019 meeting, and

WHEREAS, the Town Board acknowledges the exclusive jurisdiction of the National Fuel Gas Supply Project, concerning interstate pipeline facilities and it is therefore subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission. As such, the provisions of SEQRA are preempted, and this facility is not subject to review pursuant to SEQR.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan prepared and submitted by Walter H. Hughes III PE, on behalf of Engineering Services, National Fuel Gas Supply Corporation, dated August 9, 2019 and received September 5, 2019 for a proposed redevelopment of an existing utility supply station to modernize the gas utility equipment on a +/- 5.6 acre parcel, located at 5922 Genesee Street, SBL No. 83.00-5-24 in 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

October 21, 2019

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

WHEREAS, WWS Planning, 4915 Pineledge Drive North, Clarence, New York 14031, the Planning Consultant for Zoning Changes, has submitted Amendment No. 1 in the amount of \$1,000.00 for further consulting including review of Zoning Code Changes, to the Town Board for their approval, and

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Amendment No. 1 to WWS Planning with respect to the outlined descriptions previously provided to the Town Board:

DESCRIPTION OF AMENDMENT NO. 1:

Town of Lancaster Zoning update, to provide additional consulting related to a review of Zoning Code Changes.

AMENDMENT NO. 1:

The original Contract Sum was	\$3,000
The Contract Sum will be increased by this Amendment in the amount of....	\$1,000
The new Contract Sum including this Amendment will be....	\$4,000

BE IT FURTHER,

RESOLVED, that the Supervisor be and is hereby authorized to execute this Amendment 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

October 21, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, 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 “**DOGS REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Dickman on the 16th day of September, 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 October 7, 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 No. 8 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

October 21, 2019

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 8 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 October 21, 2019 Local Law No. 8 of the Year 2019, which amends the Town of Lancaster Zoning Code, DOGS DOGS Chapter 13, §13-1 Definitions and §13-9(D) License fee to amend the Town's licensing requirements to match State regulations. Copies of the Local Law are 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**

October 24, 2019

**Town of Lancaster
Local Law No. 8 of 2019**

A Local Law Amending the Town of Lancaster Dog Licensing Requirements.

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

Section 1: Chapter 13. Dogs, §13-1 Definitions within the Town Code of the Town of Lancaster is amended to add the definition of “Service Dog” to read as follows:

RESIDENT ...

SERVICE DOG

Per the 2010 revision to Title II of the Americans with Disabilities Act (ADA) definition of a “Service Animal”, is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely to provide comfort or emotional support (“Therapy Animals”) are considered pets.

Section 2: Chapter 13. Dogs, §13-9 (D) License fee within the Town Code of the Town of Lancaster is amended to read in its entirety as follows:

D. Service dogs, including guide dogs, hearing dogs and detection dogs, are exempt from all licensing fees with proper documentation.

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 SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER TO WIT:

WHEREAS, Alliance Homes, 4727 Camp Road, Hamburg, New York, 14075 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Autumnwood Subdivision, and

WHEREAS, the Town Engineer has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Public Improvement Permit Application No. 816 of Alliance Homes, 4727 Camp Road, Hamburg, New York 14075, for the installation of:

P.I.P. No. 816 (Street Lights)	Autumnwood Subdivision, installation of five (5) street lights per Town specifications along Kevwood Lane, Gailenwood Lane and Hickory Lane.
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

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

October 21, 2019

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

WHEREAS, Michelle Barbaro, the Town of Lancaster Parks, Recreation & Forestry Department's Crew Chief, has requested the Town Board approve expending funds to conduct an emergency repair to the elevator at the Town of Lancaster Library, and

WHEREAS, Michelle Barbaro obtained a quote pursuant to the Town's Procurement Policy from Schindler Elevator Corporation, 80 Curtwright Dr. Suite 3, Williamsville NY 14221 for the emergency repair work which will include the procurement and replacement of a new power unit for the elevator, and

WHEREAS, Schindler Elevator previously entered into a professional services contract with the Town of Lancaster on November 8, 2018 for preventative maintenance services for the Town's elevators with the Town Library and Town Hall, and

WHEREAS, by letter dated October 15, 2019 Michelle Barbaro has recommended the Town of Lancaster authorize Schindler Elevator to conduct the emergency elevator work at the Town of Lancaster Library which includes the procurement and replacement of a new power unit for an amount not to exceed \$15,985.00 per their agreement dated October 9, 2019, and

WHEREAS, funding for the above referenced maintenance work will be paid through the Account 01-7410-0426 entitled Repairs and Maintenance.

NOW THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement for the procurement and replacement of a new power unit for the elevator at the Town of Lancaster Library from Schindler Elevator Corporation, 80 Curtwright Dr. Suite 3, Williamsville NY 14221, in accordance with their quote dated October 9, 2019 for an amount not to exceed \$15,985.00 and to be paid for through Account 01-7410-0426 entitled Repairs and Maintenance.

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

October 21, 2019

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

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Tentative Agreement for a Successor Collective Bargaining Agreement dated October 15, 2019 between the Town of Lancaster and the Lancaster Dispatcher Employee Association (LDEA), as presented, for a successor collective negotiation agreement with a stated term of January 1, 2019 through and including December 31, 2021.

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

October 21, 2019

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

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the agreement, as presented, between the Town of Lancaster and the Lancaster Industrial Development Agency which provides for payment of \$30,000 for 2019 from the Lancaster Industrial Development Agency to the Town of Lancaster for administrative services and overhead support provided by the Town to the Lancaster Industrial Development Agency.

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

October 21, 2019

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

**RESOLUTION ADOPTING UPDATED POST-ISSUANCE
TAX COMPLIANCE PROCEDURES.**

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Town is a periodic issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, the Town has previously adopted post-issuance tax compliance procedures (the “Prior Procedures”); and

WHEREAS, it was intended that the Prior Procedures would be periodically updated and supplemented; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared (and has recommended that the Town adopt) updated and more comprehensive post-issuance tax compliance procedures;

NOW THEREFORE,

BE IT RESOLVED, that the Town hereby adopts the updated post-issuance tax compliance procedures that are attached hereto as “Schedule A” and resolves to be governed thereby; and

BE IT FURTHER,

RESOLVED, that the below Schedule A will be placed in its entirety in the official records, files, and minutes of the Town and adhered to going forward; and

BE IT FURTHER,

RESOLVED, that this resolution shall take effect immediately upon its adoption.

Schedule A

**TOWN OF LANCASTER,
ERIE COUNTY, NEW YORK**

**Post-Issuance Tax Compliance Procedures
for Tax-Exempt Bonds and Notes**

Statement of Purpose

These Post-Issuance Tax Compliance Procedures (the “Procedures”) set forth specific procedures of the **Town of Lancaster, Erie County, New York** (the “Issuer”) designed to monitor, and ensure compliance with, certain requirements of the Internal Revenue Code of 1986, as amended (the “Code”) and the related Treasury regulations, promulgated thereunder (the “Treasury Regulations”) in connection with the Issuer’s issuance of tax-exempt bonds and notes (“Obligations”).

These Procedures describe various systems designed to identify, on a timely basis, facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations to ensure that the interest on such Obligations is eligible for exclusion from gross income for federal income tax purposes. The federal tax law requirements applicable to the Obligations will be described in the tax questionnaire and/or tax certificate prepared by bond counsel and signed by officials of the Issuer. These Procedures establish a permanent, ongoing structure of practices that will facilitate compliance with the requirements for individual borrowings.

To ensure compliance with applicable federal tax requirements, the Issuer must monitor the various direct and indirect uses of proceeds of the obligation and the investment of such proceeds, including but not limited to:

- (1) Monitoring the use of financed property over the life of the obligation.
- (2) Determining the sources of debt service payments and security for the obligation.
- (3) Calculating the percentage of any nonqualified use of the financed property.
- (4) Calculating the yield on investments of proceeds.
- (5) Determining appropriate restrictions on investments.
- (6) Determining the amount of any arbitrage on the investments.
- (7) Calculating any arbitrage rebate payments that must be paid to the U.S. Treasury.

The Issuer recognizes that compliance with the pertinent law is an on-going process, necessary during the entire term of the Obligations. Accordingly, the implementation of the Procedures will require on-going monitoring and consultation with bond counsel and the Issuer's accountants and municipal advisor.

General Procedures

The following procedures relate to monitoring post-issuance tax compliance generally.

- A. **The Town Supervisor (currently Johanna M. Coleman), in consultation with the Director of Administration and Finance (currently David J. Brown) and other appropriate Town officials** shall be the “Compliance Officer” responsible for monitoring post-issuance tax compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations must be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service (“IRS”) requirements, such as those contained in Revenue Procedure 97-22 (see the reference materials presented herewith, referred to herein as “Reference Materials”).

- D. The Compliance Officer shall be aware of remedial actions under Section 1.141-12 of the Treasury Regulations (see Reference Materials) and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance tax compliance procedures and systems on a periodic basis, but not less than annually.
- F. The Compliance Officer will be responsible for training any designated officer or employee who is delegated any responsibility for monitoring compliance pursuant to this procedure. To the extent the Compliance Officer needs training or has any questions with respect to any item in this procedure, he or she should contact bond counsel and/or Issuer's accountants and advisors. The IRS recognizes that the Compliance Officer and any delegated individual are not expected to act as lawyers who know the proper response to all compliance situations that may arise, but they should be familiar enough with federal tax issues that they know when to ask for legal or other compliance advice.

Issuance of Obligations: Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
- B. Confirm that the applicable information reports (e.g., Form 8038 series) for such issue are filed timely with the IRS. Issuer should consult with their accountants and/or bond counsel with questions regarding the filing of such forms.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations.

Arbitrage

The following procedures relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer's municipal advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations (see Reference Materials).
- F. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.

- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity: Use of Proceeds

The following procedures relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records for determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 1. Sale of the facilities, including sale of capacity rights;
 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
 4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
 5. Joint-ventures, limited liability companies or partnership arrangements;
 6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
 7. Development agreements which provide for guaranteed payments or property values from a developer;
 8. Grants or loans made to private entities, including special assessment agreements; and

9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis but not less than annually; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt debt, the Compliance Officer will consult with bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Reissuance

The following procedures relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following procedures relate to retention of records relating to the Obligations issued.

The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 1. The Transcript relating to the transaction (including any arbitrage or other tax questionnaire, tax regulatory agreement, and the bond counsel opinion);
 2. Documentation evidencing expenditure of proceeds of the issue;
 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation;
 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 5. Documentation evidencing all sources of payment or security for the issue; and
 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).

- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

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

October 21, 2019

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

**RESOLUTION ADOPTING SEC-DRIVEN CONTINUING
DISCLOSURE COMPLIANCE PROCEDURES.**

WHEREAS, Securities Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”) generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Town is a periodic issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared (and has recommended that the Town adopt) certain SEC-driven continuing disclosure compliance procedures;

NOW THEREFORE,

BE IT RESOLVED, that the Town hereby adopts the continuing disclosure compliance procedures that are attached hereto as “Schedule A” and resolves to be governed thereby; and,

BE IT FURTHER,

RESOLVED, that the below Schedule A will be placed in its entirety in the official records, files, and minutes of the Town and adhered to going forward; and be it further

BE IT FURTHER,

RESOLVED, that this resolution shall take effect immediately upon its adoption.

Schedule A

**TOWN OF LANCASTER
ERIE COUNTY, NEW YORK**

**Continuing Disclosure Compliance Procedures for
Tax-Exempt Bonds and Notes**

- a. Purpose:** The purpose behind implementation of these continuing disclosure compliance procedures is to ensure that the **Town of Lancaster, Erie County, New York** (the “Issuer”) (i) is compliant with its continuing disclosure obligations with respect to the securities it issues, pursuant to Rule 15c2-12, as amended (the “Rule”), promulgated under the Securities Exchange Act of 1934, as amended and (ii) makes accurate reports as to its compliance therewith in connection with its offerings of securities from time to time.
- b. Disclosure Compliance Officer Designation, Education and Training:** The Issuer will designate a “Disclosure Compliance Officer” who will be the primary official responsible for monitoring compliance with the continuing disclosure requirements listed in the Issuer’s continuing disclosure undertakings. The Disclosure Compliance Officer will attend training and educational seminars that are offered on an annual basis by the Issuer’s bond counsel (the law firm of Hodgson Russ LLP) and will consult with the Issuer’s bond counsel and municipal advisor as needed to keep current on Securities and Exchange Commission regulations and developments relating to continuing disclosure compliance for its obligations. The Issuer’s designated Disclosure Compliance Officer is **the Town Supervisor (currently Johanna M. Coleman), acting in consultation with the Director of Administration and Finance (currently David J. Brown) and other appropriate Town officials.**
- c. Continuing Disclosure Obligations Review:** The Disclosure Compliance Officer is responsible for reviewing, with the Issuer’s municipal advisor, the Issuer’s continuing disclosure undertakings to determine the date(s) by which annual financial information and audited financial information, along with any required material events notices and, if applicable, failure to file notices, must be filed with the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access (“EMMA”) system in accordance with the Rule.
- d. Preparation of Annual Financial Information and Audited Financial Statements:** If the Issuer’s continuing disclosure undertakings require the filing of annual financial information and audited financial statements with EMMA, the Disclosure Compliance Officer will coordinate with the Issuer’s auditor and municipal advisor to ensure that such documents are prepared and submitted in advance of the deadline for such filing.
- e. Monitoring Disclosure Compliance:** The Disclosure Compliance Officer will monitor the filing with EMMA of any and all documents required under the Issuer’s continuing disclosure undertakings through consultation with the Issuer’s municipal advisor and bond counsel when necessary.
- f. Correcting Potential Non-Compliance:** Upon discovery of potential or existing non-compliance with the Issuer’s continuing disclosure undertakings, the Disclosure Compliance Officer will promptly take steps, including consultation with the Issuer’s municipal advisor and bond counsel, to correct such non-compliance, such as by filing failure to file notices with EMMA.
- g. Official Statements:** The Disclosure Compliance Officer will review for accuracy and completeness any descriptions of the Issuer’s continuing disclosure compliance history contained in the initial drafts of notices of sale or official statements that are promulgated by the Issuer in connection with its bond and note issues, and will inform the Issuer’s municipal advisor and bond counsel of any potential inaccuracies or omissions within, so that any discovered inaccuracies or omissions in the draft document(s) can be corrected before such document(s) are finalized and distributed.

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

October 21, 2019

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

WHEREAS, the developer has requested the Town Board of the Town of Lancaster acknowledge the completion of the work regarding Private Improvements within Summerfield Farms Subdivision Phase VIII within the Town of Lancaster, and

WHEREAS, the Town Engineer by letter to the Town Clerk dated October 14, 2019 has inspected the improvements and has recommended them to be deemed complete, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated October 17, 2019, has reported his favorable review for acknowledging the completion of these private improvements.

NOW, THEREFORE,

BE IT RESOLVED, that completed Private Improvements No. 797 for Waterline, Pavement & Curbs, Storm Sewers and Sidewalks within Summerfield Farms Subdivision Phase VIII be and are hereby approved and acknowledged as complete by the Town Board of the Town of Lancaster, and

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

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

October 21, 2019

File: RPIP (P5)