

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held January 21, 2020 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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, 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. 59807 to Claim No. 59968 Inclusive

Total amount hereby authorized to be paid: \$949,392.02

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER MAZUR, 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 | | |
|-------|---------|--------------------------------|---------------------|-------------------------|-------|
| Name | Address | STRUCTURE | | | |
| 30667 | | Mark Nichter | 17 Franklin St | Inst. Generator | (V/L) |
| 30668 | | E&R General Construction, Inc. | 1859 Como Park Blvd | Re-Roof | (V/L) |
| 30669 | | Erie Construction Mid-West Inc | 10 Greenmeadow Dr | Re-Roof | |
| 30670 | | Telco Construction Inc. | 1600 Commerce Pkwy | Er. Comm. Add./Alt. | (V/L) |
| 30671 | | Frank Gordon | 191 Central Ave | Re-Roof | (V/L) |
| 30672 | | Christine O'Neill | 84 Albert Dr | Inst. Generator | (V/L) |
| 30673 | | David Rice | 13 Fox Trace | Inst. Generator | |
| 30674 | | Linda Bamm | 5729 Broadway | Inst. Generator | |
| 30675 | | Big L Distributors Inc. | 55 Banner Ave | Er. Comm. Add./Alt. | (V/L) |
| 30676 | | Village of Lancaster | 5200 Broadway | Er. Comm. Bldg. | (V/L) |
| 30677 | | Hannah Demolition Inc. | 5153 Transit Rd | Dem. Sin. Dwlg & Garage | |
| 30678 | | ABC Hardware & Rental Inc. | 25 Windcroft Ln | Inst. Generator | |
| 30679 | | Armor Heating Co. Inc. | 2 Windsor Ridge Dr | Inst. Generator | |
| 30680 | | Donald Suchyna | 6 Alyssum Ct | Er. Res. Alt. | |
| 30681 | | Mark Seery | 4 Chicory Ln | Re-Roof | |
| 30682 | | Amyco Construction LLC | 36 Burwell Ave | Er. Res. Alt. | (V/L) |
| 30683 | | Philip Moe | 32 Pear Tree Ln | Er. Fence | |
| 30684 | | Stephen Priola | 3 Crabapple Ln | Er. Fence | |
| 30685 | | Richard Augustyniak | 15 Eastwood Pky | Inst. Generator | |
| 30686 | | James Trubits | 29 Stone Hedge Dr | Inst. Generator | |
| 30687 | | Danny Sundell | 5888 Broadway | Re-Roof | |
| 30688 | | Frank Gordon | 447 Central Ave | 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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

NOW THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster hereby approves and authorizes the Town Supervisor to execute the Settlement and Release Agreements, for Lancaster Library located at 5466 Broadway, Lancaster, New York 14086, and for Lancaster Town Hall located at 21 Central Avenue, Lancaster New York 14086, as presented, between the Town of Lancaster and Otis Elevator Company, a New Jersey Corporation with a business location of 354 Sonwil Drive, Buffalo New York, 14225.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, the Town of Lancaster (the “Town”) has negotiated a Temporary Easement with Rodney McConville, a Permanent Easement with Valentine Michalak, and a Permanent Easement with TCC North, Inc. (collectively, the “Easements”) granting the Town non-exclusive easements to construct, access, inspect, maintain, replace and repair water lines on properties known as 5595 Genesee Street (SBL No. 93.00-1-39), 652 Pavement Road (SBL No. 94.00-2-25), and 4206 Walden Avenue (SBL No. 94.00-4-7.1) in the Town of Lancaster, New York (the “Properties”), with rights for appropriate ingress and egress in connection therewith, and

WHEREAS, the Town Board has reviewed the Easements and all other materials submitted in connection therewith, and

WHEREAS, the Town Board determined that the construction, replacement, maintenance, and repair of water lines is a Type II action under SEQR (State Environmental Quality Review) pursuant to 6 NYCRR § 617.5(c)(13).

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that the Board hereby (a) approves the Easements, in the form presented to the Board, for the easements over the Properties; (b) authorizes the Supervisor to execute the Easements (with such non-material amendments, additions or alterations as may be determined appropriate by the Town’s legal counsel); (c) authorizes the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to allow for the Town’s performance of the Easements.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, Hodgson Russ LLP has from time to time represented and currently represents the Town of Lancaster (the “Town”) in a variety of matters and values the Town as a client; and

WHEREAS, Hodgson Russ LLP has not represented the Town in connection with the Gunnville Landfill located to the east of the Lancaster Speedway and the west of the travel center along the NYS Thruway; and

WHEREAS, Hodgson Russ LLP has been asked to represent a client in connection with a potential project on the landfill site, and it is likely that the matter will involve, among other things, submittal of applications to and negotiations with the Town; and

WHEREAS, Hodgson Russ LLP does not possess any confidential information learned from the Town concerning the landfill and has represented that it is confident that this representation will not impact its independent professional judgment on any other matter involving the Town.

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

1. That the Town hereby agrees to waive any conflict of Hodgson Russ LLP as the result of the representation described above.
2. 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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, it is the Town of Lancaster's responsibility to promote public safety within the Town of Lancaster; and

WHEREAS, the Town of Lancaster previously worked with Erie County Legislator John Bruso in coordination with the Village of Depew for a potential reduction in speed on Como Park Boulevard along the perimeter of Cayuga Heights Elementary School; and

WHEREAS, the Town of Lancaster in coordination with the County of Erie has determined that the criteria for establishing a school speed zone is met in accordance with NYSDOT Traffic Engineering Directive OS 03-002; and

WHEREAS, the section of Como Park Boulevard in front of Cayuga Heights Elementary School is under the jurisdictions of Erie County; and

WHEREAS, by referral, Erie County Department of Transportation reviewed the request and determined it will establish a 25 mile per hour school speed limit on Como Park Boulevard along the perimeter of the Cayuga Heights Elementary School between the hours of 7:00AM and 6:00PM on school days; and

WHEREAS, the Town of Lancaster confirmed through conversations with the Erie County Department of Public Works (ECDPW) that these signs may be posted by the Town of Lancaster and Village of Depew due to the shared municipal boundary, upon the adoption of the requisite resolutions and execution of the requisite permits.

NOW, THEREFORE,

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

1. The Town Board respectfully requests the Erie County Department of Public Works establish a 25 MPH school speed zone on Como Park Boulevard along the perimeter of the Cayuga Heights Elementary School.
2. The school speed zone shall be effective only on school days between 7:00AM and 6:00PM.
3. That the Town of Lancaster Highway Department obtain the necessary sign permits from Erie County and install the school speed zone signage in accordance with the Manual of Uniform Traffic Control Devices.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster, the Agreement for Dog Control Services, as presented, between the Town of Lancaster and the Village of Lancaster, 5423 Broadway, Lancaster, New York 14086, effective retroactively to January 24, 2020.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, Richard Roncone, 110 Pavement Road, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on 110 Pavement Road, 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 dated January 27, 2020, the Building Inspector made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that Richard Roncone, 110 Pavement Road, 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 110 Pavement Road, 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. Certified elevation survey is to be submitted to the Town Building Department prior to the expiration of the permit.
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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

BE IT RESOLVED, that the Town elected and appointed officials listed below be and are hereby authorized by the Town Board to attend the 2020 New York State Association of Towns Training School and Annual Meeting, to be held in New York City on February 16th, 17th, 18th and 19th, 2020;

**BE IT FURTHER,
RESOLVED**, that these individuals are eligible for reimbursement for actual and necessary expenses subject to the following limitations:

1. Lodging – single occupancy room rate at established conference rates (New York Marriott Marquis, 1535 Broadway, New York, NY 10036 (Times Square) at a rate of \$299 per night or at a comparable hotel with an equal or lesser rate. Each employee is responsible for presenting a completed NYS Department of Taxation and Finance Exemption Form ST-129 directly to the hotel for the purpose of obtaining tax exempt occupancy. The Town will not pay for or reimburse taxes resulting from failure to submit exemption form.
2. Travel – two-way airfare, train fare or actual mileage direct to hotel.
3. Cab Fare – reimbursement restricted to fare between airport or train station to and from hotel only (maximum reimbursement of two (2) fares per employee only).
4. Meals – Reimbursement not to exceed \$50 per diem and includes reimbursement of actual expenses for the following meals per date for the employee only:
 - Sunday 2/16 – Lunch and Dinner
 - Monday 2/17 – Breakfast, Lunch and Dinner
 - Tuesday 2/18 – Breakfast, Lunch and Dinner
 - Wednesday 2/19 – Breakfast and Lunch
5. Conference Registration Fee – Authorized reimbursement of \$150 per employee. All requests for reimbursement must be presented in the form of original, itemized receipts (un-itemized credit card receipts will not be accepted). Reimbursement will not be made for purchase of alcoholic beverages. Total reimbursement per employee is not to exceed the sum of **\$1,400.00** and also must have funds available in the departmental budget. All requests for reimbursement must be received by the Supervisor no later than Friday, March 13, 2020. Reimbursement requests submitted or received after this date will not be paid. The Finance Director will have final approval for determination of reimbursements.
 1. Highway Superintendent, Daniel Amatura
 2. Planning Board Member to be designated by the Planning Board Chairman
 3. Planning Board Member to be designated by the Planning Board Chairman

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER".

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2nd day of March, 2020 at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Official Newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 3, 2020

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of February, 2020, the said Town Board will hold a Public Hearing on the 2nd day of March, 2020, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article STOP INTERSECTIONS; NON-INTERSECTION STOPS;
YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto following:**

Hidden Meadows Subdivision

| STREET NAME | INTERSECTING STREET | SIGN LOCATION |
|----------------------|----------------------------|--------------------------|
| Hidden Meadow | Squirrel Run | S. E. Corner |

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

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

February 6, 2020

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

WHEREAS, the Town Board is considering a proposed Revised Preliminary Plat Plan assembled by Greenman-Pedersen, Inc. Engineers, submitted by CMK Builders of Alden for a four (4) lot minor subdivision on a 21 +/- acre parcel, splitting the lot into three (3) new residential lots with connection to existing public water supply and private septic systems for each lot, located at 0 Westwood Road, along with one (1) exception lot to remain, containing original family residence and agricultural operation, located at 1036 Townline Road (SBL #106.00-2-12.111), 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 January 22, 2020 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 a four (4) lot minor subdivision, assembled by Greenman-Pedersen, Inc. Engineers, submitted by CMK Builders of Alden, on a 21 +/- acre parcel, splitting the lot into three (3) new residential lots with connection to existing public water supply and private septic systems for each lot, located at 0 Westwood Road, along with one (1) exception lot to remain, containing original family residence and agricultural operation, located at 1036 Townline Road (SBL #106.00-2-12.111), 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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: February 3, 2020

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 Revised Preliminary Plat Plan, assembled by Greenman-Pedersen, Inc. Engineers, submitted by CMK Builders of Alden for a four (4) lot minor subdivision, splitting a 21 +/- acre parcel into three (3) new residential lots with connection to existing public water supply and private septic systems for each lot, located at 0 Westwood Road, with one (1) exception lot to remain containing original family residence and agricultural operation, located at 1036 Townline Road (SBL #106.00-2-12.111) 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: Westwood Subdivision – 4 Lot Split Minor Subdivision # 9075

Location of Action: 1036 Townline Road (SBL No. 106.00-2-12.111) Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The project is described as splitting a 21 +/- acre parcel into three (3) residential building lots for single family detached homes and one (1) exception lot to remain containing original single family residence and agricultural operation.

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.**
Army Corp. of Engineers must grant approval.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
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 COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, CMK Builders of Alden has submitted a proposed Revised Preliminary Plat Plan, assembled by Greenman-Pedersen, Inc. Engineers, dated December 10, 2019, received December 16, 2019, to amend the previously proposed Preliminary Plat Plan application, dated November 12, 2019, received November 14, 2019, for a four (4) lot minor subdivision on a +/- 21 acre lot, subdivided into three (3) residential building lots located at 0 Westwood Road and one (1) exception lot, (SBL# 106.00-2-12.111), located at 1036 Townline Road, in the Town of Lancaster, and

WHEREAS, the Revised Preliminary Plat Plan for this project was submitted to the Planning Board and was recommended for approval at their January 9, 2020 meeting, and

WHEREAS, the Town, acting as lead agency had previously completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations and on February 3, 2020 a Negative Declaration was issued.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Revised Preliminary Plat Plan, dated December 10, 2019, received December 16, 2019, to amend the previously proposed Preliminary Plat Plan application, dated November 12, 2019, received November 14, 2019, for a four (4) lot minor subdivision on a +/- 21 acre lot, subdivided into three (3) residential building lots located at 0 Westwood Road, and one (1) exception lot, SBL# 106.00-2-12.111, located at 1036 Townline Road, in the Town of Lancaster, with the following conditions:

1. Soil bearing reports and corresponding foundation design be submitted with each building permit application to address the “very limited” soil rating identified.
2. Individual grading plans be submitted with each building permit application for Town Engineering approval.
3. Confirmation of wetlands, if any, from Army Corps of Engineers.
4. Five (5) copies of the individual surveys and deed descriptions be submitted to the Town Clerk.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

RESOLVED, that the Supervisor be and hereby is authorized to execute the Financial Advisory Services Agreement, dated January 15, 2020, between the Town of Lancaster and Capital Markets Advisors, LLC, As presented

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

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

February 3, 2020

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

WHEREAS, the Town of Lancaster has been awarded a \$35,571.00 grant through the Education Department of the State of New York, for the Restroom Rehabilitation at the Lancaster Public Library Building located at 5466 Broadway, Lancaster, New York, and

WHEREAS, the Town Board has duly advertised for the submission of bids for the Restroom Rehabilitation at the Lancaster Public Library Building, and

WHEREAS, three (3) bids were received, opened and reviewed on January 23, 2020, and

WHEREAS, Wm. Schutt Associates, the Town of Lancaster's Engineering Consultant, by letter dated January 27, 2020 has recommended that a contract for the Restroom Rehabilitation be awarded to MGR Constructors Inc., as the lowest responsible bidder, in the amount of \$61,500.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards a contract for the Restroom Rehabilitation of the Lancaster Public Library Building located at 5466 Broadway, Lancaster, New York, to MGR Constructors Inc., P.O. Box 61, Bowmansville, New York 14026, in the amount of \$61,500.00 in conformance with the specifications on file in the office of Wm. Schutt Associates, Consulting Engineer, 37 Central Avenue, Lancaster, New York 14086, and

BE IT FURTHER,

RESOLVED, that \$35,571.00 of the cost of the project will be funded by the Education Department of the State of New York and the balance will be paid for with funds from the Town's 2020 Adopted Budget, Other Capital Outlay, line item 001-7410-0260, and

BE IT FURTHER,

RESOLVED that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt and approval of all required documents and insurance certificates by the Town Attorney.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, the Town of Lancaster (the “Town”) previously determined that properties located at 6521 Broadway (SBL No. 117.11-2-15) and 325 Seneca Place (SBL No. 93.20-3-51) (the “Properties”) were a threat to the public health, safety, and welfare; and

WHEREAS, the Town served Notices to Remove or Repair with respect to the properties, as was required by Town Code Chapter 44; and

WHEREAS, as required by Town Code § 44-3, the Town held the required hearing, at which no owner or any other interest holder appeared with respect to the Properties; and

WHEREAS, based upon the record, the information submitted by the Town Code Enforcement Officer, and the lack of any comments or information presented at the hearing, the Town Board determines that the Properties present an imminent danger to the public health and safety, that their condition constitutes a public nuisance that must be abated, and that the Properties are unsafe and dangerous, requiring immediate demolition and removal; and

WHEREAS, air monitoring during asbestos abatement is required to be conducted at the Properties in accordance with NYS Industrial Code Rule 56 before any demolition work may be commenced; and

WHEREAS, the amount of the work in question is under the threshold that would require competitive bidding, and the Town has followed its procurement policy to obtain quotes for the proposed work; and

WHEREAS, Stohl Environmental has quoted unit rates for each of the properties: \$44/hour for project & air monitoring labor, \$65/hour for project management, and \$8/sample for air sample analysis; and

WHEREAS, the Town Engineer has recommended that the contract be awarded to Stohl Environmental; and

WHEREAS, the Town Board has determined that the Action is a “Type II” action under SEQRA, meaning no further environmental review is required; and

NOW, THEREFORE,

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

1. The Town Board hereby determines that the Properties present an imminent danger to the public health and safety, that their condition constitutes a public nuisance that must be abated, and that the Properties are unsafe and dangerous, requiring immediate demolition and removal.

2. The Town Supervisor is hereby authorized to enter into contracts with Stohl Environmental for asbestos air monitoring for the Properties on the terms set forth in the Town’s request for quotes and Stohl Environmental’s response to the same, in a form to be approved by the Town Attorney.

3. All costs and expenses incurred by the Town of Lancaster in connection with these proceedings, including the asbestos air monitoring, legal fees, and demolition contract costs, shall be assessed against the Properties.

4. This resolution is effective immediately upon its adoption.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, the Town of Lancaster previously determined the properties located at 6521 Broadway (SBL No. 117.11-2-15) and 325 Seneca Place (SBL No. 93.20-3-51) were a threat to public health, safety, and welfare and based on information submitted by the Code Enforcement Officer authorized their respective demolitions, and

WHEREAS, the above-referenced project includes asbestos abatement, demolition and removal of all structures and site improvements at both properties, and

WHEREAS, the Town Board has duly advertised for the submission of quotes for the demolition of properties located at 6521 Broadway and 325 Seneca Place, in the Town of Lancaster, and

WHEREAS, five (5) quotes were received, opened and reviewed on January 24, 2020, and

WHEREAS, by letter dated January 27, 2020, the Town Engineer recommended awarding the quote to the lowest responsive and responsible quote to Hannah Demolition, 205 Baitz Avenue, Buffalo, New York 14206, in the amount of \$17,850.00 for 6521 Broadway, and \$10,850.00 for 325 Seneca Place, and

WHEREAS, the Town Board deems it in the public interest to approve the home demolitions of 6521 Broadway and 325 Seneca Place.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

The Town Board of the Town of Lancaster hereby approves the asbestos abatement, demolition and removal of all structures and site improvements at 6521 Broadway and 325 Seneca Place, in the Town of Lancaster, awarding the quote to Hannah Demolition, 205 Baitz Avenue, Buffalo, New York 14206, in the amount of \$17,850.00 for 6521 Broadway, and \$10,850.00 for 325 Seneca Place.

BE IT FURTHER,

RESOLVED, that pursuant to the Town of Lancaster Code, §44-4 the said properties located at 6521 Broadway and 325 Seneca Place in the Town of Lancaster shall be removed, and the cost attributed to that removal shall be attached to said property and/or tax roll.

BE IT FURTHER,

RESOLVED that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt and approval of all required documents and insurance certificates by the Town Attorney.

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020

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

WHEREAS, Katharine D’Auria, the owner of real property situate at **5 Nottingham Lane**, Lancaster, New York, has submitted an application for a Special Use Permit for a Home Occupation (Bookkeeping) in accordance with the provisions of Chapter 50-17(F) Zoning, Supplementary regulations for all residential districts, Home Occupations Code of the Town of Lancaster.

**NOW THEREFORE,
BE IT RESOLVED, as follows:**

That pursuant to Chapter 50-Zoning, Section 17(F), entitled Zoning, Supplementary regulations for all residential districts, Home Occupations, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Home Occupation ((Bookkeeping) on premises locally known as **5 Nottingham Lane**, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York , on the 2nd day of March 2020 at 7:15 o’clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 3, 2020

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT – D’AURIA**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17(F) “Home Occupations” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of February, 2020 the Town Board will hold a Public Hearing on the 2nd day of March, 2020 at 7:15 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Katharine D’Auria**, for a Special Use Permit for a Home Occupation (Bookkeeping) on premises locally known as **5 Nottingham Lane**, in the Town of Lancaster, County of Erie, State of New York.

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

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

February 6, 2020

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

WHEREAS, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated January 15, 2020, has appointed William Wiefert and John Powell of Lancaster, New York, who previously held the title of Automotive Mechanic Helper, to the position of Automotive Mechanic, pursuant to New York State Highway Law.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby recognizes the appointment (s) of William Wiefert and John Powell of Lancaster, New York, to the position of Automotive Mechanic in the Town of Lancaster Highway Department effective February 4, 2020, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the CSEA Blue Collar Union and all applicable provisions of law, and

BE IT FURTHER,

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

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

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

February 3, 2020

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

WHEREAS, John Trojanowsky, Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated January 28, 2020 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Youth Bureau.

NOW, THEREFORE,

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

| NAME | ADDRESS | POSITION | HOURLY RATE | EFFECTIVE DATE |
|-----------------|----------------|-----------------|--------------------|-----------------------|
| Richard Klemenz | Clarence, NY | Tutor | \$13.00 | February 4, 2020 |

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 LEARY | VOTED |
| COUNCIL MEMBER MAZUR | VOTED |
| SUPERVISOR RUFFINO | VOTED |

February 3, 2020