

**Town Board Minutes**

July 18, 2016

Meeting No. 19

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 18<sup>th</sup> day of July 2016 at 7:00 P.M. and there were

**PRESENT:** DAWN GACZEWSKI, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
MATTHEW WALTER, COUNCIL MEMBER  
JOHANNA COLEMAN, SUPERVISOR

**ABSENT:** JOHN ABRAHAM, COUNCIL MEMBER

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
WILLIAM KARN, POLICE CAPTAIN  
MARK LUBERA, PARK CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

**EXECUTIVE SESSION:**

AT 8:00 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a personnel matter.

At 8:15 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, spoke to the Town Board on the following matter:

- Comments and questions regarding the dog shelter and training dog control officers.

**Lemaster, Deborah**, spoke to the Town Board on the following matter:

- Comments and questions regarding the dog shelter.

**Kazmierczak, Tom**, spoke to the Town Board on the following matter:

- Asked about bond payments for the indoor baseball facility.

**Martin, Mitch, Representing Senator Gallivan**, spoke to the Town Board on the following matter:

- Information regarding electronic recycling at Cayuga Heights School on July 23, 2016.

**Morton, Ted, Erie County Legislator**, spoke to the Town Board on the following matters:

- Comments regarding Como Lake Park.
- Statements about traffic, speed zones and speed limits on specific roads.

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

- Questions regarding Como Lake Park.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** Special Use Permit Daniel and Heather Mayer

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit Daniel and Heather Mayer (Dog Grooming) matter.

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

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Heather Mayer, Petitioner	Proponent
Lee Chowaniec	Questions
Tom Kazmierczak	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:21 P.M.

Decision on this matter was reserved.

July 18, 2016

**PRESENTATION OF PREFILED RESOLUTIONS:**

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

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held July 5, 2016 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 ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, 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. 44902 to Claim No. 45079 Inclusive

Total amount hereby authorized to be paid: \$2,371,139.54

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

COUNCIL MEMBER ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

File: Rclaims

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

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

**CODES:**

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

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
25518		TRS Heating & Air Conditioning	6 Sterling Pl	Inst. Generator	
25519		Kevin & Joanna Janik	4 Trails End	Er. Pool-Abv Grnd	
25520		Anthony & Krystina Syracuse	948 Townline Rd	Dem. Bldg	
25521		Jim Marfurt	219 Broezel Ave	Er. Res. Alt.	
25522		Robert & Karen Machovoe	7 Old Schoolhouse Rd	Dem. Bldg	
25523		Domenic Cortese	312 Schwartz Rd	Er. Res. Alt.	
25524		Domenic Cortese	28 Squirrel Run	Er. Res. Alt.	
25525		Lynn D. Coffelt	3 Clermont Ct	Er. Fence	
25526		Thomas & Beverly Morse	14 Old Orchard Comm	Er. Fence	
25527		Raffaele DiPrado	28 Pinetree Dr	Er. Fence	
25528		Kara L. Stock	26 Lenox Ave	Er. Fence	(V/L)
25529		Raymond & Mary Hammer	35 Newell Ave	Er. Shed	(V/L)
25530		Jason Zeczak	16 Summit St	Re-Roof	
25531		JAX Contracting Inc.	44 Heritage Dr	Er. Fence	
25532		Geraldine A. Freier	21 Brandel Ave	Re-Roof	(V/L)
25533		Michael T. Donoghue	24 Stone Hedge Dr	Er. Fence	
25534		Michael D. Harding	18 Tranquility Trl	Er. Pool-Abv Grnd	
25535		Fairway Hills Development	26 Crabapple Ln	Er. Dwlg.-Sin.	
25536		Thomas and Amy Breski	652 Harris Hill Rd	Re-Roof	
25537		Thomas & Mary Breski	652 Harris Hill Rd	Er. Pool-Abv Grnd	
25538		Charles & Janet Welch	46W Home Rd	Inst. Generator	
25539		Russell Haffa, Jr.	719 Erie St	Er. Fence	
25540		David & Tammy Balsavage	112 Michael's Walk	Er. Shed	
25541		Forbes Homes Inc.	57 Worthington Ln	Er. Dwlg.-Sin.	
25542		Forbes Homes, Inc.	20 Silent Meadow Lane	Er. Dwlg.-Sin.	
25543		Daniel & Rosemary Cook	26 Harold Pl	Er. Porch	(V/L)
25544		Misty Hastings	1349 Ransom Rd	Er. Fence	
25545		The Pool Guy	8 Elm Pl	Er. Pool-Abv Grnd	(V/L)
25546		Fairway Hills Development	9 Pear Tree Ln	Er. Dwlg.-Sin.	
25547		Marrano/Marc Equity Corp.	17 Denton Dr	Er. Townhouses	
25548		Mark & Louise Coffed	8 Elm Pl	Er. Deck	(V/L)
25549		Shed Express	20 Irwinwood Rd	Er. Shed	(V/L)
25550		Marrano/Marc Equity Corp.	19 Denton Dr	Er. Townhouses	
25551		Marrano/Marc Equity Corp.	21 Denton Dr	Er. Townhouses	
25552		Marrano/Marc Equity Corp.	23 Denton Dr	Er. Townhouses	
25553		Larry F. Kajfasz	15 Chicory Ln	Er. Fence	
25554		X-Press Signs Inc.	1500 Commerce Pkwy	Er. Sign – Wall	(V/L)
25555		The Pool Guy	1 Stony Brook Dr	Er. Pool-Abv Grnd	
25556		Nicholas Sidhu	1 Hidden Trl	Er. Pool-Abv Grnd	
25557		James Rydzynski	1217 Penora St	Re-Roof	
25558		David & Melissa Skurzewski	59 Rose St	Er. Pool-Abv Grnd	
25559		Matthew & Jessica Goodyear	8 Branch Way	Er. Shed	
25560		Michael & Jean Larosa	37 Lake Forest Pky W	Er. Pool-Abv Grnd	
25561		Black Rock Roofing	138 Stony Rd	Re-Roof	
25562		Christopher & Stephanie Reille	2 Magrum Ln	Er. Shed	
25563		Neth & Son Inc.	4875 Transit Rd	Re-Roof	
25564		RJ Zima Inc.	41 Pear Tree Ln	Inst. Ingrnd. Sprinkler	
25565		David S. Marciniak	235 Pleasant View Dr	Er. Fence	
25566		Francis Harnisch	237 Pleasant View Dr	Er. Fence	

25567	Zenner & Ritter Co. Inc.	31 Redlein Dr	Inst. Generator	
25568	James McElhinny	77 Chestnut Corner	Inst. Generator	
25569	Big Bears Construction	71 Holland Ave	Re-Roof	(V/L)
25570	Sturdi Build Sheds LLC	29 Sussex Ln	Er. Shed	
25571	Tri-Town Construction Inc.	1817 Como Park Blvd	Re-Roof	(V/L)
25572	Peter & Janie Stanek	66 Irwinwood Rd	Er. Deck	(V/L)
25573	RGGT LLC	65 Stony Brook Dr	Re-Roof	
25574	RGGT LLC	880 Townline Rd	Re-Roof	
25575	Susan Wojnowski	1 Harewood Run	Er. Fence	
25576	Richard Cieczka	227 Ransom Rd	Er. Dwlg.-Sin.	
25577	Kelley J. Keller	50 Lancaster Ave	Re-Roof	(V/L)
25578	Collegiate Builders Inc.	178 Enchanted Forest S	Er. Res. Alt.	
25579	RJF Development JV	678 Pleasant View Dr	Er. Dwlg.-Sin.	
25580	RJF Development	6 Middlebury Ln	Er. Dwlg.-Sin.	
25581	William C. Rott	44 Stephens Ct	Re-Roof	(V/L)
25582	Charles Long, Jr.	33 Woodgate Dr	Er. Fence	
25583	1320 Military Road	28 Nicholas Ln	Inst. Generator	
25584	Hildreth Electric Inc.	6337 Transit Rd	Inst. Generator	
25585	The Pool Guy	5 Juniper Blvd	Er. Pool-Abv Grnd	
25586	Iroquois Fence Inc.	42 Sterling Pl	Er. Fence	

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**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 ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

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

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated July 1, 2016, has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

**ADDITION:**

Steve Battaglia  
Lancaster, New York

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

COUNCIL MEMBER ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

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

**WHEREAS**, the New York State Law Enforcement Agency Accreditation Program is available through the New York State Division of Criminal Justice Services to all Agencies that employ one or more police officers as defined by the Criminal Procedure Law, and

**WHEREAS**, attaining accreditation would provide public confidence, heightened moral through consistency of operations and practices and the reduction of exposure to legal liability, and

**WHEREAS**, by letter dated June 28, 2016, Chief of Police, Gerald Gill, Jr. has requested that the Town Board authorize the Town of Lancaster Police Department to apply for the New York State Law Enforcement Agency Accreditation Program.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor and Chief of Police to execute the New York State Law Enforcement Agency Accreditation Program's Application and Agreement allowing the Town of Lancaster Police Department to participate.

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

COUNCIL MEMBER ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

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

**WHEREAS**, Diane Terranova, Town Clerk for the Town of Lancaster, by letter dated July 14, 2016, has recommended the appointment of Donna Brehm to the position of Clerk Typist in the Town of Lancaster Tax Office, and

**WHEREAS**, Donna Brehm is presently employed in the position of Clerk Typist in the Town of Lancaster Police Department and qualifies for an internal lateral transfer pursuant to the standards and procedures as set forth in the Civil Service Law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Donna Brehm of Lancaster, New York, be and is hereby appointed to the position of Clerk Typist in the Town of Lancaster Tax Office, effective July 18, 2016 at an annual salary of \$41,117.00 with terms of employment in accordance with the CSEA White Collar Agreement with the Town of Lancaster, 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 ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

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

**WHEREAS**, Tara Lamberson, Executive Producer of Red Hills Movies, LLC has requested permission to film a movie on Town property located at the end of Cotton and Caswell Streets bordering on Mechanic and St Mary's High School property on July 29, 2016 from approximately 2 o'clock p.m. until 9:00 o'clock p.m.; and

**WHEREAS**, in consideration for the Town granting permission to use its property, Red Hills Movies, LLC will recognize the Town of Lancaster and its residents in the closing credits of the film; and

**WHEREAS**, the Town Attorney of the Town of Lancaster has prepared an agreement outlining the conditions and insurance requirements that must be met in order to allow filming on Town property.

**NOW, THEREFORE**

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute the Agreement with Red Hills Movies, LLC to allow filming of a movie on Town property on July 29, 2016 from 2:00 o'clock p.m. to 9:00 o'clock subject to the terms and conditions contained therein and pending receipt of required insurance certificates prior to the start of filming.

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

COUNCIL MEMBER ABRAHAM	WAS ABSENT
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

July 18, 2016

## COMMUNICATIONS & REPORTS

397. NYS Archive Partnership Trust to Town Clerk –  
Information regarding Niagara 1814: America's Last Invasion of Canada, August 10, 2016 at The Buffalo History Museum. Disposition = Received & Filed
398. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, Erie County DEP –  
Request for lead agency designation for Russell's Steaks, Chops & More, 6675 Transit Rd. – Construction of storage shed addition.  
Disposition = Planning Committee
399. Erie County Dept. of Environment & Planning to Supervisor –  
2015 Consolidated Annual Performance Report. Disposition = Received & Filed
400. Town Clerk to Town Board –  
Copy of final settlement payment to Erie County for 2016 Monthly County Settlement. Disposition = Received & Filed
401. Erie County Health Department to Town Clerk –  
Information regarding Community Training Opioid Overdose Recognition & Naloxone Use on July 21, 2016 at Twin District Vol. Fire Co.  
Disposition = Received & Filed
402. Town Line Volunteer Fire Department, Inc. to Town Clerk –  
Change in roster. Disposition = Resolution 7/18/16
403. Town Clerk to Town Board –  
Town Clerk Monthly Report for June 2016. Disposition = Received & Filed
404. Dog Control Officer to Town Board –  
Monthly report for June 2016. Disposition = Received & Filed
405. Business Administrator, Iroquois Central School District to Town Clerk –  
Confirmation of Diane Terranova as tax receiver for the Town of Lancaster for the 2016-2017 school year. Disposition = Received & Filed
406. Kimberly Stribing to Supervisor –  
Information and request for support regarding "The Big Bash, Don't Even Try It" to be held on September 7, 2016 in the center of the Village of Lancaster.  
Disposition = Received & Filed
407. Town Clerk to Various News Media –  
Notice of Special Meeting of the Town Board and Planning Board to be held on Monday, July 18, 2016 at 6:15PM at Town Hall for the SEQRA Review: Site Plan: Sealing Devices, 2887 Walden Ave. Disposition = Planning Committee
408. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Department of Public Works regarding Sealing Devices, 4400 Walden Ave. (Proj. #2887).  
Disposition = Planning Committee
409. Town Attorney to Town Board and Planning Board –  
SEQR response from New York State Dept. of Environmental Conservation regarding Autowave, 1035 Ransom Road (Proj. #8442).  
Disposition = Planning Committee
410. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Department of Public Works regarding Russell's Steaks, Chops and More, 6675 Transit Rd.; 1,500 sq.ft. storage building addition (Proj. #2454). Disposition = Planning Committee

- 411. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Division of Sewerage Management regarding Russell’s Steaks, Chops & More, 6675 Transit Rd.; 1,500 sq.ft. storage building addition (Proj. #2454). Disposition = Planning Committee**
- 412. Glenn Schilling to Town Board –  
Concerns regarding speed limit and speed limit signs on Siebert Road.  
Disposition = Public Safety Committee**
- 413. Erie County Executive to Supervisor, Lancaster Town Board, Lancaster Village Mayor and Lancaster Village Board –  
Clarification regarding position of Erie County and the County Executive’s regarding the Como Lake Park Dam. Disposition = Received & Filed**
- 414. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Department of Sewerage Management and Erie County Dept. of Environment and Planning regarding Autowave, 1035 Ransom Road (Proj. #8442). Disposition = Planning Committee**
- 415. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Department of Environment & Planning regarding Sealing Devices, 4400 Walden Ave. (Proj. #2887).  
Disposition = Planning Committee**
- 416. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Department Environment & Planning regarding Russel’s Steaks, Chops &More, 6675 Transit Rd.; 1,500 sq.ft. storage building addition (Proj. #2454). Disposition = Planning Committee**
- 417. Sheriff of Erie County to Supervisor –  
Information regarding the Yellow Dot Program and a media presentation to be held in September. Disposition = For Resolution**
- 418. Supervising Code Enforcement Officer to Town Board –  
Recommend renewal of Special Use Permit for Joanne Rocco, 5300 William St. Disposition = For Resolution**
- 419. Town Clerk to Town Board –  
Request for Donna Brehm to be appointed to the position of Clerk-Typist in the Tax Office effective July 18, 2016. Disposition = Resolution 7/18/16**
- 420. Town Clerk to Town Board –  
Appointment of Elizabeth Stock as Deputy Receiver of Taxes effective July 17, 2016. Disposition = Received & Filed**
- 421. County Executive of Dutchess County, NY to Supervisor –  
Information regarding “Think Differently” initiative and copy of draft resolution. Disposition = Received & Filed**
- 422. Police Chief to Town Clerk –  
Articles & communications. Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER GACZEWSKI AND SECONDED BY  
COUNCIL MEMBER WALTER AND CARRIED,** the meeting was adjourned at  
8:16 P.M.

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk