

**Town Board Minutes**

July 17, 2017

Meeting No. 22

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 17<sup>th</sup> day of July 2017 at 7:00 P.M. and there were

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

**ABSENT:** NONE

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

**EXECUTIVE SESSION:**

AT 9:10 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter and a personnel matter.

At 9:28 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 matters:

- Comments regarding placing audio recording of the Town Board minutes on the website.
- Questions about Dog Control officers and twenty-four hour coverage.

**Jurkowski, Mark**, spoke to the Town Board on the following matter:

- Questions about installing a turning lane at the intersection of Walden Avenue and Quail Run.

**Provenzola, John**, spoke to the Town Board on the following matter:

- Questions regarding site plan procedure for 00 Walden Avenue project.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 1 Local Law Solar Energy Facilities

ON MOTION BY COUNCIL MEMBER ABRAHAM, 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 Local Law Solar Energy Facilities 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>
Lee Chowaniec	Comments

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:17 P.M.

Decision on this matter was reserved.

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**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 2 Rezone 00 Walden Avenue

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

At 7:17 P.M., the Town Board held a Public Hearing to hear all interested persons upon a rezone 00 Walden Avenue 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>
Jeffrey Palumbo, Esq. Representing Petitioner	Proponent
Elizabeth Buscaglia, Architect	Proponent
Darlene Bartlett, Petitioner	Proponent
Amanda Schaal	Proponent
Laura DeKruger	Proponent
Elizabeth McNaughton	Proponent
Rick DeBlasi	Opponent
Jill Fecher	Proponent
Scott Puccio	Proponent
Peter Cimino	Questions/Comments
Don Harder	Proponent
Mark Jurkowski	Questions
Sherry Hausrath	Proponent
Peter Bartlett	Proponent
Mary Alajko	Questions/Comments
Wendy Surdej	Questions/Comments
Nancy Reed	Proponent/Comments
Lauri DeBlasi	Proponent
John Provenzola	Proponent/Comments
Erin McGee	Proponent
Joe Heary	Comments/Opponent
Garett Farrugia	Proponent
Jonathan Surdej	Comments

Renee Stegmeier

Proponent

Dave Houck

Proponent

Lee Smith

Proponent

Ken Bartlett

Proponent

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the public hearing was closed at 8:43 P.M.

Decision on this matter was reserved.

July 17, 2017

**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 3, 2017 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	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

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. 49087 to Claim No. 49248 Inclusive

Total amount hereby authorized to be paid: \$866,515.56

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

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

July 17, 2017

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, 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
27007		JLB Installations	41 Tranquility Trl	Er. Pool-In Grnd	
27008		Raymond & Frances Carr	2 Dover Ct	Er. Deck	
27009		John Sobaszek	64 Harvey Dr	Er. Fence	(V/L)
27010		Seibold Construction Inc.	15 Americo Ct	Re-Roof	
27011		William Howes	5 Darien Ct	Inst. Ingrnd. Sprinkler	
27012		JLB Installations	678 Pleasant View Dr	Er. Pool-In Grnd	
27013		LBM Construction	20 Daniel Dr	Er. Add. To Garage	
27014		JLB Installations	10 Darien Ct	Er. Pool-In Grnd	
27015		Franks Commercial & Home	128 Siebert Rd	Er. Res. Alt.	
27016		Franks Commercial & Home	303 Westwood Rd	Er. Res. Alt.	
27017		Joseph & Jill Greco	3 Whitestone Ln	Er. Patio Cover	
27018		Autowave, Inc.	1035 Ransom Rd	Er. Comm. Bldg.	
27019		Anthony & Jennifer Grisanti	1120 Ransom Rd	Er. Fence	
27020		CMK Builders of Alden Inc.	363 Westwood Rd	Er. Dwlg.-Sin.	
27021		Transit Road Apartments LLC	4845 Transit Rd	Er. Sign - Temp	
27022		Alan & Tracy Lumb	10 Buckingham Ct	Er. Fence	
27023		Brian Murphy	25 Highland Pl	Er. Garage	(V/L)
27024		John J. Tamrowski	30 Livingston St	Er. Fence	(V/L)
27025		The Pool Guy	24 Hunters Dr	Er. Pool-Abv Grnd	
27026		Houe Crafters LLC	25 Ashwood Ct	Re-Roof	
27027		Shaun & Daniela Setlock	23 Wilma Dr	Er. Fence	(V/L)
27028		Michael R. Minchen	88 Kurtz Ave	Er. Garage	(V/L)
27029		Irwin Roofing	8 Creekwood Dr	Re-Roof	
27030		J-Cap Contractors LLC	40 Brandel Ave	Re-Roof	(V/L)
27031		Peter J. Priebe, Jr.	140 Peppermint Rd	Er. Pool-Abv Grnd	
27032		Frances M. Kubiak	73 Hess Pl	Er. Fence	
27033		Craig & Kellie Heftka	7 Crabapple Ln	Er. Deck	
27034		Michael R. Gerow	223 Nathan's Trl	Er. Deck	
27035		Peter & Sandra Bedard	30 School St	Er. Shed	(V/L)
27036		Amish Villa	70 Fourth Ave	Er. Shed	(V/L)
27037		Brooke C. Tarquinio	646 Harris Hill Rd	Re-Roof	
27038		Windsor Ridge Partners LLC	52 Worthington Ln	Er. Dwlg.-Sin.	
27039		John Scalfaro	69 Oxford Ave	Er. Shed	(V/L)
27040		John Scalfaro	69 Oxford Ave	Er. Fence	(V/L)
27041		Gerald & Deanna Kocialski	257 Enchanted Forest N	Er. Shed	
27042		Solar Liberty Energy Systems 1	22 Ashwood Ct	Er. Res. Alt.	
27043		Patio Enclosures	8 Nicholas Ln	Er. Porch Cover	
27044		Patio Enclosures	8 Nicholas Ln	Er. Deck	
27045		RGGT LLC	438 Pleasant View Dr	Re-Roof	
27046		John R. Phillips	304 Schwartz Rd	Re-Roof	
27047		Dallas Ward & Company	7 Hill Valley Dr	Re-Roof	
27048		Michael H. Frommann	104 Field Ave	Er. Fence	(V/L)
27049		Precision Pools	10 Bentley Cir	Er. Pool-Abv Grnd	
27050		Brian & Angela Pennock	9 Lenox Ave	Er. Pool-Abv Grnd	(V/L)
27051		JD Brick Fencing	5710 Broadway	Er. Fence	
27052		Keith F. Smith	99 Fourth Ave	Er. Pool-Abv Grnd	(V/L)
27053		John Rautenstrauch	9 Bridgewater Ct	Er. Deck	
27054		Zenner & Ritter Co. Inc.	1287 Penora St	Inst. Generator	
27055		Five Star Roofing	38 Briarwood Dr	Re-Roof	(V/L)
27056		Erie Construction Mid-West Inc	460 Westwood Rd	Re-Roof	
27057		Susan A. Hoeflich	15 Devonshire Ln	Er. Fence	
27058		Michael Ferraraccio	71 Brunck Rd	Er. Res. Add.	
27059		Deborah A. Bouyea	200 Peppermint Rd	Er. Porch Cover	
27060		Woodland Place Apartments LP	4791 William St	Re-Roof	

27061	Sahlems Roofing & Siding Inc.	298 Westwood Rd	Re-Roof	
27062	Walter & Kathleen Mikowski	112 Westwood Rd	Er. Fence	
27063	PAPP Construction	51 Roosevelt Ave	Er. Fence	(V/L)
27064	Deborah A. Paladino	63 Stony Brook Dr	Re-Roof	
27065	KC Custom Remodeling Co.	221 Nathan's Trl	Er. Res. Alt.	
27066	Darrell & Elizabeth Skelton	38 Brandel Ave	Er. Porch	(V/L)
27067	Raymond P. Herb	112 Richmond Ave	Re-Roof	(V/L)
27068	Shane Setlock	40 St Anthony St	Er. Fence	
27069	R.J. Zima Inc.	5 Peachtree Ct	Inst. Ingrnd. Sprinkler	
27070	R.J. Zima Inc.	8 Crabapple Ln	Inst. Ingrnd. Sprinkler	
27071	Scott Gordon	33 Katelyn Ln	Er. Deck	
27072	Gerald Lewis DBA	215 Nathan's Trl	Re-Roof	
27073	Beth Ann Eustace	43 Court St	Re-Roof	(V/L)
27074	Adams Landscape & Design	0 Walden Ave	Er. Fence	
27075	Babula Construction Inc.	5W Main St	Re-Roof	(V/L)
27076	Keith F. Smith	99 Fourth Ave	Er. Deck	(V/L)
27077	Benderson Properties Inc.	3615 Walden Ave	Er. Comm.Add./Alt.	(V/L)
27078	J-Cap Contractors LLC	24 Regency Ct	Re-Roof	
27079	JAX Contracting Inc./Lowe's	23 Plumb Creek Trl	Er. Fence	
27080	Dalex Construction Inc.	9 Heathrow Ct	Re-Roof	
27081	Lamparelli Construction C. Inc	4493 Walden Ave	Er. Comm. Add./Alt.	
27082	Buffalo Roofing Co. LLC	24 Kennedy Ct	Re-Roof	
27083	Aerial Roofing & Exterior, Inc	74 Avian Way	Re-Roof	
27084	James C. Marien	19 Elm Pl	Re-Roof	(V/L)
27085	Designed Conveyer Systems	4201 Walden Ave	Er. Comm. Add./Alt.	
27086	Chris Blake	447 Pavement Rd	Re-Roof	
27087	Affable Care Dental	4845 Transit Rd	Er. Sign - Temp	

**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	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017



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

**WHEREAS, Elizabeth A. Holmes**, on behalf of Taco Cocina Transit, LLC d/b/a **Deep South Taco**, has submitted an application for a Special Use Permit to allow outdoor dining and display of sporting events through a large screen monitor on premises locally known as 6727 Transit Road, Lancaster, New York, currently zoned General Business (GB), in accordance with the provisions of Chapter 50 Section 19C(7) of the Code of the Town of Lancaster to allow operations not authorized within a current zoning classification.

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

That pursuant to Chapter 50-Zoning, Section 46 entitled Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit of Taco Cocina Transit, LLC d/b/a **Deep South Taco**, to allow outdoor dining and display of sporting events through a large screen monitor, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York , on the 7<sup>th</sup> day of August 2017 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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
SPECIAL USE PERMIT– TACO COCINA TRANSIT, LLC  
D/B/A DEEP SOUTH TACO**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50 Section 46 entitled Special use permits, 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 17<sup>th</sup> day of July, 2017 the Town Board will hold a Public Hearing on the 7<sup>th</sup> day of August, 2017 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 **Taco Cocina Transit, LLC d/b/a Deep South Taco**, for a Special Use Permit to allow operations not authorized in a current zoning classification (outdoor dining and display of sporting events through a large screen monitor) on premises locally known as 6727 Transit Road, 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**

July 20, 2017

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

**WHEREAS**, on July 3, 2017, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17(F) of the Code of the Town of Lancaster, upon the application of **Irene J. Colvin**, for a Special Use Permit for a Home Occupation (Cottage Industry – Homemade Pierogi) on premises located at **29 Hawthorne Trail** in the Town of Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT  
RESOLVED,**

1. That pursuant to Chapter 50-Zoning, Section 17(F), entitled "Home Occupations" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Irene J. Colvin**, for a Home Occupation (Cottage Industry – Homemade Pierogi) on premises located at on premises located at **29 Hawthorne Trail**, in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50 Section 17(F), of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a) Only persons residing on the premises shall be engaged in such an occupation.
- b) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- c) This Special Use Permit terminates when the applicant no longer resides on the premises.
- d) Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before July 17, 2019.
- e) Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- f) Applicant will obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided upon application to renew permit.

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

July 17, 2017

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

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated July 5, 2017 has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE, BE IT**

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Owen George Lancaster, NY	Lifeguard	\$11.00	July 5, 2017

**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	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

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

**WHEREAS**, Mark Lubera, Park Crew Chief of the Parks, Recreation and Forestry Department, by letter dated July 5, 2017, has requested an effective date change for the following individual(s)

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this resolution shall hereby amend the resolution dated July 3, 2017, and

**BE IT FURTHER,**

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Anthony Piccolo Lancaster, NY	Recreation Attendant	\$21.00	June 20, 2017

**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	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

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

**WHEREAS**, the Lancaster Junior Redskin Football Organization has offered to donate Two (2) NCAA type football goal posts, valued at not more than \$5,000.00, to the Town of Lancaster Parks Recreation and Forestry, to be installed at the football field in Walden Pond Park, and

**WHEREAS**, the Federal Lands to Parks Project Specialist confirmed that it supports any improvements made to Walden Pond Park that support the existing recreational uses contained within the Program of Utilization, and

**WHEREAS**, by letter dated July 12, 2017, Mark Lubera, the Parks, Recreation and Forestry Department Crew Chief, has requested that the goal post donation from the Lancaster Junior Redskin Football Organization be accepted, and

**WHEREAS**, Mark Lubera, has obtained three quotes for the installation of the proposed goal post donation from the Lancaster Junior Redskin Football Organization, and

**WHEREAS**, by letter dated July 12, 2017 Mark Lubera, the Parks, Recreation and Forestry Department Crew Chief, has requested that the goal post installation be done by Armor Fence for a cost of \$4,438.00 per their quote dated June 27, 2017 and to be paid for with funds from the Recreation Filing Fees Account (37-7000-400), and

**WHEREAS**, after due review and consideration the Town Board has determined that the Town's Walden Pond Park can make use of such a generous offer and deems it in the public interest to accept this donation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby accepts the Two (2) NCAA type football goal posts, valued at not more than \$5,000.00, from the Lancaster Junior Redskin Football Organization, to be installed in the Town of Lancaster's Walden Pond Park, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor is hereby authorized to execute the quote dated June 27, 2017 by Armor Fence in the amount of \$4,438.00 for the installation of the donated goal posts which will be paid for with funds from the Town's Recreation Filing Fees Account.

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

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

July 17, 2017

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

**WHEREAS,** Captain Marco A. Laurienzo of the Town of Lancaster Police Department, by letter dated July 10, 2017, has requested authorization for one (1) member of the Lancaster Police Department to attend the State of New York Police Juvenile Officers Association Training Conference to be held in Geneva, New York from August 27, 2017 through September 1, 2017.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that School Resource Officer William Loewer of the Town of Lancaster Police Department, is hereby authorized to attend the State of New York Police Juvenile Officers Association Training Conference to be held in Geneva, New York from August 27, 2017 through September 1, 2017.

**BE IT FURTHER,**

**RESOLVED,** that the total cost of attendance for one (1) officer at the above mentioned training course is hereby authorized in an amount not-to-exceed \$1,112.54 for actual and necessary expenses, including the cost of registration, lodging, travel and meal expenses for five (5) days on the specified dates of training, and

**BE IT FURTHER,**

**RESOLVED,** that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department 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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Memorandum of Agreement, as presented, between the Town and the Civil Service Employees Association (CSEA) White Collar Unit 6763-01 with regard to certain conditions that will apply to all individuals appointed to the title of Laborer in this bargaining unit.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be authorized and directed to sign such agreement.

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

July 17, 2017



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

**WHEREAS**, the Town of Lancaster has in the past received its no-bid energy services exclusively from an opt-in third party Energy Cooperative (SMEC); and

**WHEREAS**, there exists a need to purchase electricity and natural gas supply through New York State's deregulated Energy market; and

**WHEREAS**, there is the opportunity to go out to bid for third party electric/natural gas suppliers at a reduced overall electric/natural gas rate that would be beneficial to the public and the Town of Lancaster; and

**WHEREAS**, a cost effective combination of suppliers and transporters will be used to provide needed utilities; and

**WHEREAS**, a vendor is needed to serve as the electric/natural gas supplier that is governed by the New York Public Service Commission; and

**WHEREAS**, the deregulated energy market and third-party suppliers have proliferated across New York and whose rates have become evermore competitive with the expanding market; and

**WHEREAS**, since there is no out-of-pocket expense to the Town, there is no need for a Certification of Availability of Funds for expenditure to bid this matter.

**NOW, THEREFORE,**

**BE IT RESOLVED**, the governing body of the Town of Lancaster, hereby authorizes the Town Board to advertise and solicit for the Town's utility profiles for both electric and natural gas.

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	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	NO

July 17, 2017

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

**WHEREAS**, there exists a need to have a Town-wide upgrade to street lighting to enhance energy conservation and efficiency which would be beneficial to both the public and the Town of Lancaster; and

**WHEREAS**, there is the opportunity to go out to bid for qualified energy service companies (ESCO) to provide energy efficient improvements to the Town of Lancaster's street lighting; and

**WHEREAS**, since there is no out-of-pocket expense to the Town, there is no need for a Certification of Availability of Funds for expenditure to bid this matter.

**NOW, THEREFORE,**

**BE IT RESOLVED**, the governing body of the Town of Lancaster, hereby authorizes the Town Board to advertise and solicit bids for the Town's energy conservation and efficiency improvement project involving Town-wide street lighting upgrades.

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

July 17, 2017

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

**WHEREAS**, the Lancaster Depew Soccer Club has offered to donate and install a ball restraining system, valued at not more than \$8,500.00 for use on the turf soccer field at Westwood Park, and

**WHEREAS**, the Lancaster Depew Soccer Club has contracted with Iroquois Fence, Inc., to install the system at no additional cost to the Town and has also provided proper insurance documents from Iroquois Fence, Inc., to the Town Attorney's office, and

**WHEREAS**, after due review and consideration, the Town Board has determined that the Town's Westwood Park can make use of such a generous offer and deems it in the public interest to accept this donation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby accepts the donation of a ball restraining system from the Lancaster Depew Soccer Club, valued at not more than \$8,500.00, for use on the turf soccer field at Westwood Park to be installed by Iroquois Fence, Inc., at no additional cost to the Town.

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

July 17, 2017

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

**WHEREAS**, the Town of Lancaster has accepted the donation of a ball restraining system for use on the turf soccer field located in Westwood Park, and

**WHEREAS**, the area identified for the netting installation would be located within an existing National Fuel Gas/National Fuel Corporation, (“National Fuel”) right-of-way and easement 66’ in width which contains one natural gas transmission line (“Line U”), and

**WHEREAS**, the National Fuel is requesting that an Encroachment Agreement be executed by the Town of Lancaster to allow the Town to go across its right-of-way on the property, to install a ball restraining system which consists of seven (7) wooden posts not closer than 18’ to the designated natural gas transmission line, and

**WHEREAS**, the Town Attorney of the Town of Lancaster has fully reviewed and considered the Encroachment Agreement and approves its content.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute this Encroachment Agreement with National Fuel Gas/National Fuel Corporation, (“National Fuel”) to allow for the placement of a ball restraining system which consists of seven (7) wooden posts not closer than 18’ to the natural gas transmission line within the Town’s Westwood Park.

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

July 17, 2017

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

**WHEREAS**, Howard P. Schultz & Associates, LLC, 4 Centre Drive, Orchard Park, New York 14127, a duly qualified appraisal firm, has submitted an invoice dated June 5, 2017, for appraisal services previously rendered for the property located at 00 Lake Avenue (SBL No. 115.19-3-7.1).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby retro-actively approves the hiring of and work previously performed by, **Howard P. Schultz & Associates, LLC**, for appraisal services rendered for the real property located 00 Lake Avenue (SBL No. 115.19-3-7.1) within 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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GASZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

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

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Lynette M. Metzger**, for a Special Use Permit for a Home Occupation (Dog Grooming Service) on premises located at 33 Meadow Lea Drive, Lancaster, New York, and the Board originally issued such Special Use Permit on May 15, 2006, this Special Use Permit is subject to renewal upon application by the property owner, and

**WHEREAS**, **Lynette M. Metzger** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Supervising Code Enforcement Officer has recommended his approval of this Special Use Permit by his letter dated July 10, 2017

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

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Lynette M. Metzger**, for a Home Occupation (Dog Grooming Service) on premises located at 33 Meadow Lea Drive, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance.

2. That the applicant will continue in compliance with all conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, including but not limited to:

- a. This Special Use Permit terminates when the applicant no longer resides on the premises.
- b. There shall be no outdoor sign advertising this business.
- c. Only persons residing on the premises shall be engaged in such an occupation.
- d. Permit must be renewed every two (2) years at no additional cost to the applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, **on or before May 15, 2019**.
- e. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- f. Applicant will obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided upon application to renew permit.

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

July 17, 2017

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

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Jennifer Cuttitta**, for a Special Use Permit for a Home Occupation (Hair Salon) on premises located at 510 Town Line Road, Lancaster, New York, and the Board originally issued such Special Use Permit on July 20, 2015, this Special Use Permit is subject to renewal upon application by the property owner, and

**WHEREAS**, **Jennifer Cuttitta** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Supervising Code Enforcement Officer has recommended his approval of this Special Use Permit by his letter dated July 10, 2017

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

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Jennifer Cuttitta**, for a Home Occupation (Hair Salon) on premises located at 510 Town Line Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance.

2. That the applicant will continue in compliance with all conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, including but not limited to:

- a. This Special Use Permit terminates when the applicant no longer resides on the premises.
- b. There shall be no outdoor sign advertising this business.
- c. Permit must be renewed every two (2) years at no additional cost to the applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, **on or before July 20, 2019.**
- d. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- e. Applicant will obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided upon application to renew permit.

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

July 17, 2017

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

**WHEREAS**, the Town Board of the Town of Lancaster acknowledges that they administer good government; and

**WHEREAS**, the Town Board of the Town of Lancaster acknowledges that they administer transparency, and

**WHEREAS**, the Town Board of the Town of Lancaster acknowledges that they administer the best practices, and

**WHEREAS**, the Town Board of the Town of Lancaster recognizes that the minutes are the official written documents which memorialize the various boards' meetings, and

**WHEREAS**, it would be extremely valuable to the Town's constituents to and the general public to have the ability to listen to the dialogue of previous meetings if persons were unable to attend a meeting, and

**WHEREAS**, the additional process of audio recording all Town Board, Planning Board and Zoning Board of Appeals' meetings would be of little to no expense to the taxpayers of the Town of Lancaster.

**NOW THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster, hereby mandates that all meetings of the Town Board, Planning Board and Zoning Board of Appeals shall be audio recorded effective immediately, beginning with the July 19, 2017 Planning Board meeting.

**BE IT FURTHER**

**RESOLVED**, that all recordings will be retained by the Clerk's Office for a period of 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 ABRHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017



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

**WHEREAS**, the Town Board of the Town of Lancaster has expressed interest in purchasing land located at 00 Lake Avenue (SBL No. 115.19-3-7.1) to increase park-land area for the residents within the Town of Lancaster, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it to be in the best interest of all parties involved that a Wetland Walkover be obtained for valuation of said property, and

**WHEREAS**, Highway Superintendent Daniel Amatura, obtained one proposal from Earth Dimensions, Inc., a duly qualified soils and environmental consulting firm in accordance with the Town's procurement policy, and

**WHEREAS**, by email correspondence dated July 12, 2017, Council Member Ronald Ruffino, Parks and Recreation Committee Chairman, has requested that the Town of Lancaster engage the services of Earth Dimensions, Inc., to perform a Wetland Walkover, for the property located at 00 Lake Avenue (SBL No. 115.19-3-7.1) at a cost of \$850.00.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Highway Superintendent to execute the proposal from Earth Dimensions, Inc., for Wetland Walkover services for the property located at 00 Lake Avenue (SBL No. 115.19-3-7.1) within the Town of Lancaster at a cost not to exceed \$850.00 and which will be paid for from funds in the Town's Drainage Professional Services Budget Line 01-8540-0410.

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	VOTED	YES
COUNCIL MEMBER GASZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

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

**WHEREAS**, Jean Karn, Dog Control Officer for the Town of Lancaster Dog Control Department, by letter dated July 10, 2017 has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Town of Lancaster Dog Control Department, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Daniel P. McFarland Depew, NY	Dog Control Officer	\$10.00	July 13, 2017

**BE IT FURTHER,**

**RESOLVED**, that these individual(s) shall be compensated for any scheduled work shift for the actual number of hours worked but shall be compensated for any unscheduled call-in for the greater of four hours or the actual number of hours worked.

**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	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, 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**, on June 24, 2011 the New York State Legislature enacted Chapter 97 of the NYS Laws of 2011, hereinafter referred to as the “General Municipal Law §3-c”, and

**WHEREAS**, General Municipal Law §3-c expressly authorizes local governments to override the tax levy limit by the adoption of a Local Law approved by a vote of at least sixty percent (60%) of the total voting power of the governing body (in this case, the “Lancaster Town Board”), and

**WHEREAS**, the Attorney for the Town has prepared a proposed Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c, and

**WHEREAS**, the Town Board has reviewed the proposed Local Law and the Town of Lancaster believes it is in the public interest to consider enacting a Local Law of the year 2017 which reads as follows:

A LOCAL LAW OF THE YEAR 2017 which will override the tax levy limit established in General Municipal Law Sec 3-c.

**2018 Tax Levy Limit Override.**

**Legislative Intent.**

It is the intent of this local law to allow the Town of Lancaster to adopt a budget for the fiscal year commencing January 1, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Tax Levy Limit Override.**

The Town Board of the Town of Lancaster, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Severability.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Effective Date.**

This local law shall take effect immediately upon filing and publication as required by law.

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

**NOW, THEREFORE,**

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

1. A public hearing for the proposed Local Law is hereby set for the 7<sup>th</sup> day of August, 2017 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	NO
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

July 17, 2017

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted July 17, 2017, the said Town Board will hold a Public Hearing on the 7<sup>th</sup> day of August, 2017 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons for the purposes of considering and possibly adopting a Local Law of the year 2017 which will override the tax levy limit established in General Municipal Law Sec 3-c. Copies of the proposed Local Law of the year 2017 are available at the office of the Town Clerk for inspection at Town Hall at its address listed above, between the hours of 9:00 A.M. and 4:00 P.M.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

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

July 20, 2017

**Local Law No. \_\_\_\_ of 2017**  
**Town of Lancaster, County of Erie**

**A local law to override the tax levy limit established in General Municipal Law Sec 3-c**

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

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Town of Lancaster to adopt a budget for the fiscal year commencing January 1, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Sec. 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Sec 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adopt of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Lancaster, County of Erie is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec 3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person , individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

## COMMUNICATIONS & REPORTS

462. Dog Control Officer to Town Board –  
Dog Control Report for June 23, 2017 to June 30, 2017.  
Disposition = Received & Filed
463. Lancaster Lax Association, Inc. to Town Board –  
Letter of support encouraging the Town Board’s consideration of acquiring additional parklands at 00 Lake Ave. in Lancaster.  
Disposition = Received & Filed
464. William Tuyn, Forbes Carpretto Custom Homes to Town Board –  
Request for no parking signs to be posted at the eastern terminus and turnaround in Hidden Meadow Subdivision, Phase I to accommodate school buses. Disposition = Public Safety Committee
465. Park Crew Chief to Supervisor and Town Board —  
Request for Town Board to accept donation from Lancaster Jr. Redskins Football of a set of NCAA football goal posts for Walden Pond Park, and request for resolution authorizing installation of the goal posts by Armor Fence, P.O. Box 745, Orchard Park, NY. Disposition = Resolution 7/17/17
466. Park Crew Chief to Supervisor and Town Board —  
Request for Town Board to accept donation from Lancaster Depew Soccer Club of a ball restraining system for the turf soccer field at Westwood Park, and request for resolution authorizing installation of the ball restraining system by Iroquois Fence, 51 North American Dr., West Seneca, NY, and resolution allowing Supervisor to enter into an encroachment agreement with National Fuel. Disposition = Resolution 7/17/17
467. Town Clerk to Town Board –  
Copy of final settlement payment to Erie County and copy of settlement showing a refund due to the Town of Lancaster for unpaid parcel fees.  
Disposition = Received & Filed
468. Town Clerk to Town Board –  
Town Clerk Monthly Report for June 2017. Disposition = Received & Filed
469. Iroquois Central School District to Town Clerk –  
Notice of confirmation of appointment of Diane Terranova as tax receiver for the Town of Lancaster for the 2017-2018 school year.  
Disposition = Received & Filed
470. Erie County Executive to Supervisor –  
Information regarding 3 scheduled public hearings for New York State Shared Services Property Tax Savings Plan. Disposition = Received & Filed
471. Park Crew Chief to Supervisor and Town Board –  
Request for resolution to change the hire date for Anthony Piccolo and request for resolution to appoint one individual to the position of part-time temporary seasonal employee for the summer of 2017 in the Parks, Recreation & Forestry Dept. effective July 5, 2017. Disposition = Resolution 7/17/17
472. Supervising Code Enforcement Officer to Town Board –  
Recommend renewal of Special Use Permit for 33 Meadow Lea Drive, Lynette Metzger. Disposition = Resolution 7/17/17
473. Supervising Code Enforcement Officer to Town Board –  
Recommend renewal of Special Use Permit for 510 Town Line Road, Jennifer Cuttitta. Disposition = Resolution 7/17/17

474. **Patrol Captain Laurienzo to Supervisor –**  
**Request for resolution to allow School Resource Officer William Loewer to attend the State of New York Police Juvenile Officers Association Training Conference in Geneva, NY from 8/27/2017 – 9/1/2017.**  
**Disposition = Resolution 7/17/17**
475. **Michelle Barbaro, Pres. Town of Lancaster White Collar Unit to Town Board –**  
**Request for resolution authorizing Supervisor to execute Memorandum of Understanding in the White Collar Unit 6763-01 to change labor aide positions to laborer positions. Disposition = Resolution 7/17/17**
476. **Park Crew Chief to Supervisor and Town Board —**  
**Request for resolution to accept donation from Lancaster Jr. Redskins Football of a pair of used football uprights. Disposition = Resolution 7/17/17**
477. **Park Crew Chief to Supervisor and Town Board –**  
**Request for resolution to authorize installation of donated goal posts by Armor Fence, P.O. Box 745, Orchard Park, NY. Disposition = Resolution 7/17/17**
478. **Park Crew Chief to Supervisor and Town Board —**  
**Request for Town Board to accept donation from Lancaster Depew Soccer Club of a ball restraining system for the turf soccer field at Westwood Park, and request for resolution authorizing installation of the ball restraining system by Iroquois Fence, 51 North American Dr., West Seneca, NY, and resolution allowing Supervisor to enter into an encroachment agreement with National Fuel. Disposition = Resolution 7/17/17**
479. **Town Attorney to Town Board and Planning Board –**  
**SEQR response from NYS Dept. of Environmental Conservation regarding Innes Stone Storage Yard, 140 Pavement Road; Proj. #7044.**  
**Disposition = Planning Committee**
480. **Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –**  
**Notice of SEQR Review Meeting on July 17, 2017 at 6:00PM regarding Giorgio's Limousine Service, 5464 Genesee St., Buffalo Vascular Parking Expansion, 6337 Transit Road, Replacement of Highway Garage Roof & various windows, and Replacement of Picnic Shelter Roofs. Disposition = Received & Filed**
481. **Charter Communications to Supervisor –**  
**Information regarding addition of channels. Disposition = Received & Filed**
482. **Town Clerk to Various News Media –**  
**Notice of SEQR Review Meeting on July 17, 2017 at 6:00PM regarding Giorgio's Limousine Service, 5464 Genesee St., Buffalo Vascular Parking Expansion, 6337 Transit Road, Replacement of Highway Garage Roof & various windows, and Replacement of Picnic Shelter Roofs. Disposition = Received & Filed**
483. **Jeanne Kreavy to Town Clerk –**  
**Request for her name to be withdrawn for appointment to the Town of Lancaster Zoning Board of Appeals. Disposition = Received & Filed**
484. **Dog Control Officer to Supervisor and Town Board –**  
**Request for resolution to hire Daniel P. McFarland to the position of Dog Control Officer, part-time in the Town of Lancaster Dog Control Dept.**  
**Disposition = Resolution 7/17/17**
485. **Town Attorney to Town Board and Planning Board –**  
**SEQR response from Erie County Dept. of Health regarding Rezone Walden Acres/Children's Castle, 0 Walden Ave. from RCO to NB.**  
**Disposition = Planning Committee**



**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER \_\_\_\_\_ AND SECONDED  
BY COUNCIL MEMBER \_\_\_\_\_ AND CARRIED,** the meeting was adjourned  
in memory of Ryan Belfour, George E. DelCarto and Stuart A. Hoffman at 9:29 P.M.

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk