

Town Board Minutes

February 20, 2018

Meeting No. 6

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 20th day of February 2018 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
DAWN GACZEWSKI, COUNCIL MEMBER
MATTHEW WALTER, COUNCIL MEMBER
JOHANNA COLEMAN, SUPERVISOR

ABSENT: RONALD RUFFINO, COUNCIL MEMBER

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
MARCO LAURIENZO, POLICE CAPTAIN

EXECUTIVE SESSION:

AT 7:32 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing matters leading to the appointment of a particular person.

At 8:12 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:

Sojka, Greg, spoke to the Town Board on the following matter:

- Questioned term limits of elected officials in the Town of Lancaster.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: Special Use Permit Wreckmaster
5500 Genesee Street

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED
BY COUNCIL MEMBER WALTER 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 – Wreckmaster 5500 Genesee Street matter.

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

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Jeffrey Palumbo, Esq. Representing Petitioner	Proponent
Tom Kazmierczak	Questions

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL
MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:22 P.M.

Decision on this matter was reserved.

February 20, 2018

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held February 5, 2018 and the Regular Meeting of the Town Board held February 5, 2018 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	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 20, 2018

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. 51439 to Claim No. 51663 Inclusive

Total amount hereby authorized to be paid: \$1,130,863.06

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

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

February 20, 2018

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER DICKMAN, 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
27784		Rickard General Construction	4484 Walden Ave	Re-Roof	
27789		Essex Homes of Western NY Inc.	14 Weathersfield Ln	Er. Dwlg.-Sin.	
27790		470 Aurora Street LLC	470 Aurora St	Er. Sign - Temp	
27791		Tri-County Contractors	25 Sugarbush Ln	Er. Res. Add.	
27792		David & Kara Blaszak	18 Silent Meadow Ln	Er. Fence	
27793		Ivy Lea Construction Inc.	40 St Marys St	Re-Roof	(V/L)
27794		Marrano/Marc Equity Corp.	3 Cherryfield Ln	Er. Dwlg.-Sin.	
27795		Franks Commercial & Home	2 Silent Meadow Ln	Er. Res. Alt.	

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

February 20, 2018

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 February 8, 2018, 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:

Zachary J. Dobmeier
Lancaster, New York

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

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

February 20, 2018

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

WHEREAS, the Town Board is considering the site plan application of Up State Tower, Co., LLC, and Buffalo Lake Erie Wireless Systems (“Blue Wireless”) for the construction of a new 125’ self-support tower telecommunications facility consisting of panel and microwave antennas and other appurtenances necessary to operate the facility, on a +/- 16.39 acre parcel of private property located at 255 Peppermint Road (SBL No. 95.00-4-14) identified by Site No. BUF-650 (Dellwood), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on February 5, 2018 and recommended that a Negative Declaration be issued, and

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

WHEREAS, the Town Board has identified the relevant areas of environmental concern, is fully familiar with the proposed location and the surrounding parcels, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled a “Type I” action under SEQRA.

NOW, THEREFORE,

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

1. Based upon the Town Board’s thorough and careful review of the project, Up State Tower, Co., LLC, and Buffalo Lake Erie Wireless Systems (“Blue Wireless”)’s application materials, including the Environmental Assessment Form, project plan and all other materials submitted in connection therewith, the project described as a proposed 125’ Self-Support Tower and associated telecommunications equipment in a 50’ X 50’ leased area, will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated herein.

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

February 20, 2018

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: February 20, 2018

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

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed construction of a new Up State Tower, Co., LLC, and Buffalo Lake Erie Wireless Systems ("Blue Wireless") 125' Self-Support Tower and associated telecommunications equipment in a 50' X 50' leased area, on a +/- 16.39 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Up State Tower Co., LLC, Cell Tower BUF-650, Dellwood

Location of Action: 255 Pavement Road (SBL No. 95.00-4-14) Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: The construction of a proposed 125' Self-Support Tower and associated telecommunications equipment in 50' X 50' Lease Area,.

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

1. Impact on land – Small impact.

- It is noted that the proposed action may involve construction on land where depth to water table is less than three feet.

2. Impact on Geological Features – No impact.

3. Impacts on Surface Water – No impact.

4. Impact on Groundwater – No impact.

5. Impact on Flooding – No impact.

6. Impact on Air – No impact.

7. **Impact on Plants and Animals – No impact.**
8. **Impact on Agricultural Resources – No impact.**
9. **Impact on Aesthetic Resources – Small impact.**
 - It is noted that there is a town park within 100 feet from this proposed action.
10. **Impact on Historic and Archeological Resources – No impact.**
 - Should any artifacts be uncovered, construction would cease.
11. **Impact on Open Space and Recreation – No impact.**
12. **Impact on Critical Environmental Areas – N/A**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. **Impact on Transportation – No impact.**
14. **Impact on Energy – No impact.**
15. **Impact on Noise, Odor and Light – No impact.**
16. **Impact on Human Health – No impact.**
17. **Consistency with Community Plans – No impact.**
18. **Consistency with Community Character – Small impact.**
 - It is noted that the proposed action is visible from a nearby town park.

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

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

Telephone Number: (716) 684-3342

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

WHEREAS, by resolution adopted on February 5, 2018, the Town Board of the Town of Lancaster authorized the soliciting of bids for restoration of the Lancaster Historical Society Building located at 40 Clark Street, to the Town Clerk’s Office, and

WHEREAS, originally all bids were to be received by 10:00 A.M. February 27, 2018, however, due to publishing standards held by the New York State Contract Reporter, the “received by” date needs to be amended to 10:00 A.M. March 6, 2018;

NOW, THEREFORE,
BE IT RESOLVED, that the resolution adopted February 5, 2018, setting the deadline to receive bids for the restoration of the Lancaster Historical Society Building located at 40 Clark Street, be and is hereby amended to change the “received by” date from February 27, 2018 to March 6, 2018.

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

February 20, 2018

NOTICE TO BIDDERS

FOR THE

TOWN of LANCASTER EXTERIOR RESTORATION - 40 CLARK STREET (Lancaster Historical Society Building)

Sealed bids for the proposed Town of Lancaster Exterior Restoration Project at 40 Clark Street in the Village of Lancaster will be received by the Town Clerk at her office in the Town Hall, 21 Central Avenue, Lancaster, New York on or before 10:00 A.M. local time on March 6, 2018, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the ARCHITECT, Flynn Battaglia Architects, P.C., 617 Main Street, Suite S-401, Buffalo, New York 14203 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents for the Exterior Restoration – 40 Clark St. project may be obtained at the office of the ARCHITECT upon deposit of \$50.00 per set. If requested in writing, the ARCHITECT will issue the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ARCHITECT. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

A walk through of the Project will be conducted on Tuesday February 20, 2018 at the project site. Bidders are encouraged to attend to examine the existing conditions and site constraints at that time. Representatives of the Architect will be available to answer questions.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the Work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in this Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

Architect:
Flynn Battaglia Architects, P.C.
617 Main Street, Suite S-40401
Buffalo, NY 14203
Ph. (716) 854-2424; f. (716) 854-2428
Date: February 22, 2018

By the Order of the Town Board of
Lancaster, Erie County, New York

Diane M. Terranova
Town Clerk

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

WHEREAS, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 2018 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were duly opened on February 8, 2018, and

WHEREAS, SCHICHEL'S NURSERY, INC., 7420 Peters Road, Springville, New York 14141, has submitted the lowest responsible bid in the amount of \$14,896.00 for furnishing said trees to the Town of Lancaster, and

WHEREAS, the Park Crew Chief, by letter dated February 9, 2018, requests the Town Board to accept the bid of Schichtel's Nursery, Inc., and

WHEREAS, by same letter, the Park Crew Chief has requested that she be authorized to purchase additional trees at the 2018 bid prices from Schichtel's Nursery Inc. at her discretion for whatever other tree plantings the Town may incur in 2018.

NOW, THEREFORE, BE IT

RESOLVED, that the bid of **SCHICHEL'S NURSERY, INC.**, 7420 Peters Road, Springville, New York 14141, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that the Park Crew Chief be and is hereby authorized to place orders with Schichtel's Nursery, Inc. for those trees which the Town of Lancaster needs for its 2018 Tree Planting Program, and

BE IT FURTHER

RESOLVED, that the Park Crew Chief be and is hereby authorized to purchase additional trees at the 2018 bid prices from Schichtel's Nursery, Inc. at her discretion for whatever other tree plantings the Town may incur in 2018.

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

February 20, 2018

PREFILED RESOLUTION NO. 8 MEETING OF 2/20/18

Gaczewski/_____ Authorize Permit Pavement, Water Line, Detention Basin & Storm Sewer
Hamlet Meadows [Hamlet Meadows]

At the request of Council Member Gaczewski, this resolution was withdrawn for further study.

February 20, 2018

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

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused **2018 Ford Transit 250 Low Roof Long Cargo Van**, for use by the Highway Department, and

WHEREAS, two bids were received, opened and reviewed on February 1, 2018, and

WHEREAS, the bid application submitted by Basil Ford did not meet the required specifications and was therefore disqualified, and

WHEREAS, by letter dated February 2, 2018, Highway Superintendent Daniel Amatura, has recommended awarding the bid for one (1) new and unused **2018 Ford Transit 250 Low Roof Long Cargo Van**, to Delacy Ford, 3061 Transit Road, Elma, New York, 14059 being the most responsible bidder in the amount of \$36,508.92;

WHEREAS, the Highway Department will receive a trade-in allowance for their 2013 Ford Escape SE (VIN# 1FMCU9G96DUB16422 w/80,000 mi.) in the amount of \$6,500.00 which will bring the total expenditure for the 2018 Ford Transit 250 Low Roof Long Cargo Van to \$30,008.92.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Daniel Amatura, Highway Superintendent, hereby awards the bid for one (1) new and unused **2018 Ford Transit 250 Low Roof Long Cargo Van**, which includes a Trade-in Allowance for a 2013 Ford Escape SE (VIN# 1FMCU9G96DUB16422) in the amount of \$6,500.00, to Delacy Ford, 3061 Transit Road, Elma, New York 14059, for use by the Highway Department as it conforms to the specifications on file in the office of the Town Clerk, for a total amount not to exceed \$30,008.92 which will be paid for with funds available from the Bond authorized on May 15, 2017 for Highway Equipment.

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

February 20, 2018

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

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused **2018 Ford F-450 XL 4 x 2 DRW Reg Cab/Chassis to be used with Aluminum Chipper Body**, for use by the Highway Department, and

WHEREAS, two bids were received, opened and reviewed on February 1, 2018, and

WHEREAS, by letter dated February 2, 2018, Highway Superintendent Daniel Amatura, has recommended awarding the bid for the one (1) new and unused **2018 Ford F-450 XL 4 x 2 DRW Reg Cab/Chassis to be used with Aluminum Chipper Body**, to Basil Ford, being the lowest responsible bidder in the amount of \$41,253.00, and

WHEREAS, the Highway Department will receive a trade-in allowance for their 2008 Chevrolet 4500 4 x 2 Cab/Chassis (VIN# 1GBC4C1928F416063 w/122,405 mi.) in the amount of \$5,500.00 which will bring the total expenditure for the new and unused **2018 Ford F-450 XL 4 x 2 DRW Reg Cab/Chassis to be used with Aluminum Chipper Body**, to \$35,753.00;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Daniel Amatura, Highway Superintendent, hereby awards the bid for one (1) new and unused **2018 Ford F-450 XL 4 x 2 DRW Reg Cab/Chassis to be used with Aluminum Chipper Body**, which includes a Trade-in Allowance for 2008 Chevrolet 4500 4 x 2 Cab/Chassis (VIN# 1GBC4C1928F416063 w/122,405 mi.) in the amount of \$5,500.00, to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225, for use by the Highway Department as it conforms to the specifications on file in the office of the Town Clerk, for a total amount not to exceed \$35,753.00 which will be paid for with funds with funds from the 2018 Highway Budget Line Item 13-5110-0220 (Passenger Vehicles).

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

February 20, 2018

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

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

WHEREAS, a proposed Local Law of the year 2018 has been introduced, entitled “**CODE OF ETHICS REVISION**”, which will amend the Code of the Town of Lancaster by amending Section 9-4. Conflicts of interest. Subsections (A)(2) and Subsection (E) within **Chapter 9 “CODE OF ETHICS”** of the Code of the Town of Lancaster, which reads as follows:

A LOCAL LAW OF THE YEAR 2018 ENTITLED “CODE OF ETHICS REVISION”, WHICH WILL AMEND THE TOWN CODE OF THE TOWN OF LANCASTER BY **AMENDING** SECTION 9-4. CONFLICTS OF INTEREST. SUBSECTIONS (A)(2) AND (E), WITHIN CHAPTER 9 “CODE OF ETHICS”

Chapter 9. Code of Ethics

§9-4(A)(2). Directly or indirectly solicit any gift or accept or receive any gift or series of gifts having a value **not in conformance with the amount permitted by New York State General Municipal Law §805-A**, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. The foregoing limitation shall not apply to campaign contributions not otherwise prohibited by law.

§9-4(E). Nothing in this section shall be construed to prohibit any town officer or employee listed in § 11 of the Domestic Relations Law from accepting any gift or benefit having a value **as permitted by New York State General Municipal Law §805-B**, for the solemnization of a marriage by that town officer or employee at a place other than the town officer's or employee's normal place of business or at a time other than the officer's or employee's normal hours of business and except as may be otherwise restricted 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 5TH day of March 2018 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

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

February 20, 2018

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 February 20, 2018, the said Town Board will hold a Public Hearing on the 5th day of March, 2018 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town of Lancaster Code of Ethics by amending Section 9-4(A)(2) and (E). Conflicts of interest. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk
February 22, 2018

Town of Lancaster
Local Law No. ___ of 2018

A Local Law Amending the Town of Lancaster Code of Ethics by Amending Section 9-4(2)(A) and (E). Conflicts of interest.

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

Section 1: Chapter 9. Code of Ethics. Section 4(A)(2) of the Town of Lancaster Town Code, is hereby amended to read in their entirety as follows:

§9-4(A)(2). Directly or indirectly solicit any gift or accept or receive any gift or series of gifts having a value **not in conformance with the amount permitted by New York State General Municipal Law §805-A**, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. The foregoing limitation shall not apply to campaign contributions not otherwise prohibited by law.

Section 2: Chapter 9. Code of Ethics. Section 4(E) of the Town of Lancaster Town Code, is hereby amended to read in their entirety as follows:

§9-4(E). Nothing in this section shall be construed to prohibit any town officer or employee listed in § 11 of the Domestic Relations Law from accepting any gift or benefit having a value **as permitted by New York State General Municipal Law §805-B**, for the solemnization of a marriage by that town officer or employee at a place other than the town officer's or employee's normal place of business or at a time other than the officer's or employee's normal hours of business and except as may be otherwise restricted by law.

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

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

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

WHEREAS, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated February 8, 2018 has requested authorization to solicit bids for the purchase of one (1) new and unused **2018 Ford F-150 XL 4 x 2 Regular Cab Long Bed Pickup**, for the use by the Highway Department, and

WHEREAS, the Highway Department will be considering a trade-in allowance for a 2012 Ford F-150 XL Regular Cab/Long Bed 4 x 2 (VIN# 1FTMF1CM8CKD98698 w/63,000 mi.) to offset the cost, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public's interest to invite public bids in conformance with General Municipal Law §103 of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That Bids be received in the Office the Town Clerk by March 8, 2018, at 10:00 A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing one (1) new and unused **2018 Ford F-150 XL 4 x 2 Regular Cab Long Bed Pickup** for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by 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	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 20, 2018

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to **10:00 A.M.**, Local Time, on the **8th day of March, 2018**, for the purpose of providing to the Town of Lancaster one (1) new and unused **2018 Ford F-150 XL 4 x 2 Regular Cab Long Bed Pickup**, for the use by the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five (5%) of the Total Gross Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

February 22, 2018

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

WHEREAS, the Town of Lancaster provides Year-Round Youth Development Programs to the residents within its geographical areas, and

WHEREAS, the New York State Office of Children & Family Services through the Erie County Department of Social Services has offered to provide assistance to the Town of Lancaster's Youth Program in an award amount of \$23,625.00 for the period of January 1, 2018 through December 31, 2018, and

WHEREAS, John Trojanowsky, Youth Bureau Executive Director, has obtained all documents required by the County to secure the funding for the 2018 operation of the Town of Lancaster's Year-Round Youth Development Program except for the executed 2018 Youth Agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the 2018 Youth Agreement to secure the NYS Office of Children and Family Services funds from the Erie County Department of Social Services for the operation of the Town of Lancaster's 2018 Youth Development Program commencing January 1, 2018 and continuing through December 31, 2018.

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

February 20, 2018

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

WHEREAS, the Town of Lancaster and New York State Electric and Gas Corporation (“NYSEG”) desire to enter into certain discussions which are likely to lead to the disclosure of information which is confidential, proprietary and/or commercially sensitive, and

WHEREAS, NYSEG is requesting that a Confidentiality and Assurance Agreement be executed by the Town of Lancaster in order to reach an understanding with respect to the disclosure of information, and

WHEREAS, the Attorney for the Town of Lancaster has reviewed and approved the agreement;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Confidentiality and Assurance Agreement with the New York State Electric and Gas Corporation (NYSEG).

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

February 20, 2018

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

WHEREAS, Edward Schiller, PE, the Town of Lancaster's Engineer, has requested that the Town Board authorize an invitation to bid for the reconstruction of the Brunck Road Culvert over Slate Bottom Creek and Holland Avenue Culvert over Plumb Bottom Creek, as designed by DiDonato Associates, Engineering & Architecture, P.C., and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law Section 103 of the State of New York;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bid for the reconstruction of the Brunck Road Culvert over Slate Bottom Creek and Holland Avenue Culvert over Plumb Bottom Creek, said bids are to be in conformance with the plans and specifications which are available at the office of DiDonato Associates, Engineering & Architecture, P.C., 689 Main Street, Buffalo, New York 14203 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on March 13, 2018 and opened thereafter.

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

February 20, 2018

NOTICE TO BIDDERS

FOR THE

RECONSTRUCTION OF BRUNCK ROAD CULVERT OVER SLATE BOTTOM CREEK AND HOLLAND AVENUE CULVERT OVER PLUMB BOTTOM CREEK IN THE TOWN OF LANCASTER

Sealed bids for the proposed Reconstruction of Brunck Road Culvert over Slate Bottom Creek and Holland Avenue Culvert over Plumb Bottom Creek in the Town of Lancaster will be received by the Town Clerk at her office in the Town Hall, 21 Central Avenue, Lancaster, New York on or before 10:00 A.M. local time on March 13, 2018, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the CONSULTING ENGINEER, DiDonato Associates, Engineering and Architecture, P.C., 689 Main Street, Buffalo, New York 14203 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays beginning February 26, 2018.

A Pre-Bid meeting will be held at the Holland Avenue over Plumb Bottom Creek in the Town of Lancaster site on Friday, March 2, 2018 at 10:00 A.M.

Contract Documents for the Reconstruction of Brunck Road Culvert over Slate Bottom Creek and Holland Avenue Culvert over Plumb Bottom Creek in the Town of Lancaster may be obtained at the office of the CONSULTING ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the CONSULTING ENGINEER]. If requested in writing, the CONSULTING ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the CONSULTING ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the Work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in this Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

Consulting Engineers:
DiDonato Associates, Engineering and Architecture, P.C.
689 Main Street
Buffalo, NY 14203
(716) 656-1900
Date: February 22, 2018

By the Order of the Town Board of
Lancaster, Erie County, New York

Diane Terranova
Town Clerk

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

WHEREAS, Edward Schiller, PE, the Town of Lancaster's engineer, has requested that the Town Board authorize an invitation to bid for the Town's 2018 Bridge & Culvert Improvement Project on Iroquois Avenue, Broezel Avenue, and Seneca Place, as designed by Foit-Albert Associates, P.C., and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law Section 103 of the State of New York;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bid for the Town's 2018 Bridge & Culvert Improvement Project on Iroquois Avenue, Broezel Avenue, and Seneca Place, said bids are to be in conformance with the plans and specifications which are available at the office of Foit-Albert Associates, P.C., 763 Main Street, Buffalo, New York 14203 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on March 13, 2018 and opened thereafter.

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

February 20, 2018

NOTICE TO BIDDERS

FOR THE

TOWN LANCASTER

HIGHWAY CAPITAL BRIDGE & CULVERT IMPROVEMENT PROJECT FOR IROQUOIS AVE., BROEZEL AVE, AND SENECA PLACE

Sealed bids for the proposed Town of Lancaster 2018 Bridge & Culvert Improvement project on Iroquois Avenue, Broezel Avenue, and Seneca Place in the Town of Lancaster will be received by the Town Clerk at her office in the Town Hall, 21 Central Avenue, Lancaster, New York on or before 10:00 A.M. local time on March 13, 2018, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the CONSULTING ENGINEER, Foit-Albert Associates, P.C., 763 Main Street, Buffalo, New York 14203 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays beginning February 26, 2018.

Contract Documents for the 2018 Bridge & Culvert Improvement Project may be obtained at the office of the CONSULTING ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the CONSULTING ENGINEER]. If requested in writing, the CONSULTING ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the CONSULTING ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the Work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in this Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

Consulting Engineers:
Foit-Albert Associates, P.C.
763 Main Street
Buffalo, NY 14203
(716) 856-3933
Date: February 22, 2018

By the Order of the Town Board of
Lancaster, Erie County, New York

Diane Terranova
Town Clerk

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

WHEREAS, Michelle Barbaro, Parks Crew Chief, has requested that the inside of the Town of Lancaster's Senior Center located at 100 Oxford Avenue in the Town of Lancaster be painted, and

WHEREAS, the Parks Crew Chief, submitted a written request for proposal and obtained three (3) written proposals for the painting, and

WHEREAS, by letter dated February 13, 2018, the Parks Crew Chief has recommended that the Town of Lancaster award the contract for painting the Town of Lancaster's Senior Center to N. Choops Painting, Inc., in the amount of \$18,650.00 per their proposal dated January 29, 2018, and

WHEREAS, funding for the painting of the Town of Lancaster's Senior Center is available from funds in the Town's 2018 Buildings' Budget Line Item 01-1620-0411.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to accept the proposal for the painting of the Town of Lancaster's Senior Center located at 100 Oxford Avenue to N. Choops Painting, Inc., 4404 Walden Avenue, Lancaster, NY 14086, in accordance with their proposal dated January 29, 2018 for an amount not to exceed \$18,650.00 and to be paid for with funds available from in the Town's 2018 Buildings' Budget Line Item 01-1620-0411.

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

February 20, 2018

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

WHEREAS, federal grant monies are available through the Highway Safety Improvement Program as administered by the New York State Department of Transportation to implement the Pedestrian Safety Action Plan for improvements to pedestrian crossings, and

WHEREAS, the Highway Safety Improvement Program will pay for 100% of the engineering, construction and inspection fees associated with such improvements, and

WHEREAS, the Town of Lancaster seeks funding to enhance pedestrian crossings associated with the Lancaster Heritage Trail, and

WHEREAS, an opportunity exists to submit a joint application for funding with a coalition of Erie County municipalities to meet the minimum funding level necessary to file an application;

NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, and Wm. Schutt, the Town's Engineering consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Transportation for the purpose of securing this grant, and

BE IT FURTHER

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

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

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

February 20, 2018

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

WHEREAS, A Public Hearing was held on July 17, 2017 on the petition of **Darlene Bartlett of Walden Acres, LLC**, for the rezone of a parcel of land locally known as 00 Walden Avenue (SBL No. 94.17-1-49), Lancaster, New York from Residential Commercial Office District (RCO) to Neighborhood Business (NB), and

WHEREAS, the Planning Board of the Town of Lancaster recommended approval of the rezone at its June 21, 2017 meeting, and

WHEREAS, a SEQR review was completed on the proposed rezone on January 16, 2018 and on February 5, 2018 a Negative Declaration was issued, and

WHEREAS, notices of said Hearings were duly published and posted,
and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE
BE IT RESOLVED,**

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential Commercial Office District (RCO) to Neighborhood Business (NB) with the following conditions:

- A. No curb cut onto Quail Run Lane.
- B. Two parcels (SBL Nos. 94.17-3-7 & 94.17-1-49) will be maintained and a third will not be split off for future development.
- C. Deed restrictions to exclude the following uses:
 - I. Supermarket/Food Store.
 - II. Bakery and confectionary shops, including the manufacturing of baked/confectionary goods (including ice cream stands), primarily for on-site retail sales.
 - III. Restaurant.
 - IV. Drugstore.
 - V. Liquor store.
 - VI. Home-Garden store.
 - VII. Laundromat, cleaning and dyeing outlets and pickup station.
 - VIII. Cigars and cigarettes.
 - IX. Hardware store.

00 Walden Avenue (SBL No. 94.17-1-49)

All that tract or parcel of land situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 4, Section 8, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the north line of Walden Ave., at its intersection with the west line of Quail Run Lane as shown on Map filed in Erie County Clerk's Office under Cover Map No. 2632; thence S 77° 01' 42" W along the north line of Walden Avenue, 442.77' to the west line of Lot 4: thence northerly along the west line of Lot 4, 225.63' to the southwest corner of Sub Lot 1 Cover Map 2632; thence N 77° 01' 42" E along the south line of Sub 1, 442.17' to the westerly line of Quail Run Lane; thence southerly along the west line of Quail Run Lane to the point of beginning.

Property to be rezoned from RCO to NB consists of approximately 2.47 acres.

2. That said Ordinance Amendment be added in the Minutes of the meeting of the Town Board of the Town of Lancaster held on the 20th day of February 2018;
3. That a certified copy thereof be published in the Official Newspaper of Town of Lancaster pursuant to Town Law;
4. That Affidavits of Publication be filed with the Town Clerk; and
5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

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

February 20, 2018

**LEGAL NOTICE
ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
DARLENE BARTLETT OF WALDEN ACRES, LLC
00 WALDEN AVENUE TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from Residential Commercial Office District (RCO) to Neighborhood Business (NB) for the property known as 00 Walden Avenue (SBL No. 94.17-1-49) within the Town of Lancaster, New York.

February 22, 2018

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY that I, Diane M. Terranova, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 20th day of February 2018 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 20th day of February 2018.

Diane M. Terranova, Town Clerk

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

WHEREAS, Darlene Bartlett of Walden Acres, LLC, has submitted a site plan prepared by Professional Civil Engineering, LLC (PCE), dated November 10, 2017, and received November 15, 2017, and a site layout plan with a revision date of January 30, 2018, and received February 2, 2018, for the proposed construction of a 21,550 SF single story day care center with an accessory building for storage and maintenance vehicles, to be known as **The Rock Child Care Center**, located at the northwest corner of Walden Avenue and Quail Run (SBL No. 94.17-1-49), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their December 6, 2017 meeting, and

WHEREAS, the Town, acting as lead agency has completed an environmental review for the rezone on January 16, 2018, in conformance with SEQR (State Environmental Quality Review) regulations and on February 5, 2018 a Negative Declaration was issued.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Darlene Bartlett of Walden Acres, LLC and prepared by Professional Civil Engineering, LLC (PCE), dated November 10, 2017, and received November 15, 2017, and a site layout plan with a revision date of January 30, 2018, and received February 2, 2018, for the proposed construction of a 21,550 SF single story day care center with an accessory building for storage and maintenance vehicles, to be known as **The Rock Child Care Center**, located at the northwest corner of Walden Avenue and Quail Run (SBL No. 94.17-1-49), with the following condition:

- Site Plan approval is contingent upon the fence to the north being erected prior to the start of any construction activities to mitigate any dust and debris from migrating to the adjacent neighborhood.

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

February 20, 2018

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

WHEREAS, Up State Tower Co., LLC and Buffalo Lake Erie Wireless Systems have submitted a site plan prepared by Carpenter Consulting Group, dated July 18, 2016 with a revision date of November 9, 2017 and received November 15, 2017 for the proposed construction and operation of a new wireless telecommunications facility to be known as “Dellwood BUF-650” located on private property at 255 Peppermint Road (95.00-4-14), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their November 15, 2017 meeting, and

WHEREAS, the Town, acting as lead agency had previously completed an environmental review for the project on February 5, 2018, in conformance with SEQR (State Environmental Quality Review) regulations and on February 20, 2018 a Negative Declaration was issued.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by **Up State Tower Co., LLC and Buffalo Lake Erie Wireless Systems** prepared by Carpenter Consulting Group, dated July 18, 2016 with a revision date of November 9, 2017 and received November 15, 2017 for the proposed construction and operation of a new wireless telecommunications facility to be known as “**Dellwood BUF-650**” located on private property at 255 Peppermint Road (95.00-4-14) in the Town of Lancaster with the following conditions:

1. Provide a Federal Aviation Administration (F.A.A) Determination of No Hazard to Air Navigation Letter with an expiration date beyond March of 2018.
2. Approval of Special Use Permit Application.

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

February 20, 2018

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

WHEREAS, Up State Tower Co, LLC and Blue Wireless (the
“Applicant”) have submitted an application for a special use permit for a telecommunications
tower at 255 Peppermint Road (BUF-650) in the Town of Lancaster; and

WHEREAS, the Zoning Code of the Town of Lancaster requires that
the Town Board conduct a public hearing before the issuance of a Communication Tower
Special Use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Article VII(A),
§41.8, entitled "Communication Towers, Procedure" of the Code of the Town of Lancaster, a
Public Hearing on the proposed Special Use Permit for a telecommunications tower at 255
Peppermint Road (BUF-650) on premises locally known as SBL No. 95.00-4-14, in the Town
of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New
York, on the 5th day of March, 2018, at 7:15 o'clock P.M., Local Time, and that Notice of the
time and place of such Hearing be published in the official newspaper of general circulation in
said Town, and be 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	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 20, 2018

TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING ON APPLICATION FOR SPECIAL USE PERMIT
AND SITE PLAN APPROVAL FOR A TELECOMMUNICATIONS TOWER
255 PEPPERMINT ROAD (BUF-650), LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Article VII(A), §41.8, entitled "Communication Towers, Procedure" 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 20th day of February, 2018 the said Town Board will hold a Public Hearing on the 5th day of March, 2018, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly approving a special use permit application for a proposed telecommunications tower by Up State Tower Co., LLC/Blue Wireless at property located at 255 Peppermint Road, in the Town of Lancaster (SBL No. 95.00-4-14). Copies of the proposed applications can be reviewed at Town Hall. All interested persons will be given the opportunity to be heard.

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 22, 2018

COMMUNICATIONS & REPORTS

111. **Town Engineer to Planning Board Chairman –**
Comments regarding William & Aurora Site Plan, 473 Aurora St.
Disposition = Planning Committee
112. **Town Clerk to Town Board –**
Town Clerk Monthly Report for January 2018. Disposition = Received & Filed
113. **LVAC to Town Clerk –**
Number of LVAC calls for January 2018. Disposition = Received & Filed
114. **Town of Amherst Planning Department to Town of Lancaster –**
Environmental Assessment Form Parts 1 & 2 and disc containing draft
Recreation & Parks Master Plan for the Town of Amherst, NY.
Disposition = Town Attorney, Town Engineer & Code Enforcement Officer
115. **NYS Department of Transportation to Supervisor –**
Information regarding the BRIDGE NY program.
Disposition = Town Engineer & Grant Writer
116. **Town Engineer to Planning Board Chairman –**
Comments on Amended Site Plan for Apple Rubber Products, Inc.,
204 Cemetery Rd. Disposition = Planning Committee
117. **Town Clerk to Various News Media –**
Notice of rescheduled Town Board Meeting to Tuesday, February 20, 2018 due to
observance of Presidents' Day on Monday, February 19, 2018.
Disposition = Received & Filed
118. **Town Line Volunteer Fire Department, Inc. to Town Clerk –**
Change in roster. Disposition = Resolution 2/20/18
119. **National Fuel to Supervisor –**
National Fuel contact information. Disposition = Town Engineer, Code
Enforcement Officer & Highway Superintendent
120. **Highway Superintendent to Town Board –**
Request for resolution to purchase one new and unused 2018 Ford F-450 XL
4X2 DRW Regular Cab/Chassis from Basil Ford, 1540 Walden Ave.,
Cheektowaga, NY. Disposition = Resolution 2/20/18
121. **Highway Superintendent to Town Board –**
Request for resolution to purchase one new and unused 2018 Ford Transit 250
Low Roof Cargo Van from Delacy Ford, 3061 Transit Rd., Elma, NY.
Disposition = Resolution 2/20/18
122. **County Executive, Dutchess County, NY to Supervisor –**
Information regarding "ThinkDIFFERENTLY" initiative resolution.
Disposition = Received & Filed
123. **Park Crew Chief to Supervisor and Town Board –**
Request for resolution to accept the bid from Schichtel's Nursery for the 2018
spring tree planting program. Disposition = Resolution 2/20/18
124. **Town Engineer to Town Board –**
Final Plat for Hamlet Meadows, (Belvedere North), 375 Harris Hill Road is
acceptable. PIP drawings are still required. Disposition = Planning Committee
125. **Town Engineer to Town Board –**
Final Plat for Summerfield Part 7 is acceptable. PIP drawings are still required.
Disposition = Planning Committee

126. **Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Division of Sewerage Management, NYSDOT, Erie County DEP – Information regarding Coordinated Review for Subdivision Preliminary Plat for Plumb Creek Patio Rezone, 0 Broadway. Disposition = Planning Committee**
127. **Youth Bureau Executive Director to Supervisor and Town Board – Request for Town to enter into an agreement with the Erie County Dept. of Social Services for 2018 Youth Development Program. Disposition = Resolution 2/20/18**
128. **NYS Office of Parks, Recreation & Historic Preservation to Supervisor – Information regarding upcoming inspections of municipal parks. Disposition = Park Crew Chief**
129. **Tammie Schaefer to Supervisor, Town Board, Town Clerk, Highway Superintendent and Park Crew Chief = Recreation Committee**
130. **Highway Superintendent to Town Board – Request for authorization for publication of a bid for a new and unused 2018 Ford F150 XL 4X2, Regular Cab, Long Bed Pickup. Disposition = Resolution 2/20/18**
131. **Town Attorney to Town Board and Planning Board – SEQR response from Erie County Dept. of Public Works regarding Mixed Use, 473 Aurora Street, Proj. #1638. Disposition = Planning Committee**
132. **Park Crew Chief to Town Board – Request for resolution to have the inside of the Town Senior Center painted by N. Choops Painting, Inc., 4404 Walden Ave., Lancaster. Disposition = Resolution 2/20/18**
133. **Town Engineer to Town Board – Request for authorization for publication of two bids: Brunck Road Culvert & Holland Ave. Culvert; and Capital Improvements, Iroquois Ave., Broezel Ave. & Seneca Place. Disposition = Resolution 2/20/18**
134. **Town Attorney to Town Board and Planning Board – SEQR response from Erie County Div. of Sewerage Management regarding Summerfield Farms 8, William Street. Disposition = Planning Committee**
135. **Town Attorney to Town Board and Planning Board – SEQR response from Erie County Div. of Sewerage Management regarding Plumb Creek Patio Homes, Broadway. Disposition = Planning Committee**
136. **Town Attorney to Town Board and Planning Board – SEQR response from Erie County Dept. of Public Works regarding Summerfield Farms Phase 7, William Street. Disposition = Planning Committee**
137. **Police Chief to Town Clerk – Articles and communications. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER WALTER AND SECONDED BY
COUNCIL MEMBER GACZEWSKI AND CARRIED,** the meeting was adjourned in
memory of 3 teachers and 14 students killed on February 14, 2018 at Marjory Stoneman
Douglas High School in Parkland, Florida at 8:13 P.M.

Signed _____

Diane M. Terranova, Town Clerk