

Town Board Minutes

March 19, 2018

Meeting No. 9

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 19th day of March 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
MICHELLE BARBARO, PARK CREW CHIEF
WILLIAM SCHUTT, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 7:36 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a matter of litigation and a matter leading to the appointment, employment or promotion of a particular person .

At 8:05 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:

Schlager, Georgia, spoke to the Town Board on the following matters:

- Commended the Town Board on the reconstruction of bridges and culverts.
- Comments and questions regarding the financing of the reconstruction.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: Local Law Flood Plain Map Revision

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 Public Hearing Flood Plain Map Revision 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**

None

ON MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:16 P.M.

Decision on this matter was reserved.

March 19, 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 Regular Meeting of the Town Board held March 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

March 19, 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. 51815 to Claim No. 51981 Inclusive

Total amount hereby authorized to be paid: \$550,142.53

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

March 19, 2018

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, 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
27821		LJ Construction WNY LLC	4 Ellicott Pl	Er. Comm. Alt.	(V/L)
27822		LJ Construction WNY LLC	4 Ellicott Pl	Er. Sign – Wall	(V/L)
27823		Lucas G. James	39 Wayne St	Re-Roof	(V/L)
27824		Jessica L. Carnduff	387 Seneca Pl	Er. Fence	
27825		Jane E. Schroeder	27 Lake Ave	Dumpster - Temp.	(V/L)
27826		Jane E. Schroeder	27 Lake Ave	Dem. Porch	(V/L)
27827		John J. Kobielski	29 Park Blvd	Er. Porch	(V/L)
27828		Forbes Homes, Inc.	28 Hidden Meadow Cros	Er. Dwlg.-Sin.	
27829		Santoro Sign Inc.	4931 Transit Rd	Er. Sign - Wall	
27830		VGM Construction Inc.	51 Chestnut Corner	Er. Res. Alt.	
27831		Transit-William Assoc. LLC	4931 Transit Rd	Er. Comm. Alt.	
27832		First Buffalo Total Basement	34 Sawgrass Ln	Er. Res. Alt.	
27833		Jim's Electric & General Con.	140 Rotech Dr	Er. Comm. Alt.	
27834		David Bouvia	21 Cherryfield Ln	Er. Deck	
27835		Nathan & Hannah McConnell	63 Wilma Dr	Er. Res. Alt.	(V/L)
27836		Jane E. Schroeder	27 Lake Ave	Er. Porch	(V/L)
27837		Flexlume Sign	4993 Transit Rd	Er. Comm. Alt.	
27838		David Chrostowski	2 Silent Meadow Ln	Er. Res. Alt.	
27839		Michael & Kimberly Hyman	66 Nicholas Ln	Er. Fence	
27840		David & Teresa Melanson	13 Cambridge Ct	Er. Fence	
27841		Exterior Home Improvement	175 Aurora St	Re-Roof	(V/L)
27842		3 G Construction Inc. of WNY	33 Hill Valley Dr	Er. Res. Alt.	
27843		5980 Armor Duells	34 Hidden Meadow Cros	Er. Dwlg.-Sin.	
27844		Shirley J. Kozlowski	47 Robert Dr	Re-Roof	(V/L)
27845		David Bandish	84 Schlemmer Rd	Er. Fence	
27846		Mark Affronti	11 Hillside Pky	Er. Fence	
27847		5980 Armor Duells	30 Hidden Meadow Cros	Er. Dwlg.-Sin.	
27848		Tranwer, LLC	6733 Transit Rd	Er. Comm. Alt.	
27849		Anna Niedermeier	130 Belmont Ave	Er. Fence	
27850		Abdulrahman Naseem	46 Michael's Walk	Er. Pergola	
27851		Queen City Home Pros.	33 Kelly Ct	Re-Roof	(V/L)
27852		Surety Construction Co.	3461 Walden Ave	Re-Roof	(V/L)
27853		Ulrich Sign Co. Inc.	5844 Broadway	Er. Sign - Ground	
27854		Erie Construction Mid-West Inc	17 Ravenwood Dr	Re-Roof	
27855		Ulrich Sign Co. Inc.	4845 Transit Rd	Er. Sign - Ground	
27856		Erie Construction Mid-West Inc	42 Brady Ave	Re-Roof	(V/L)

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

March 19, 2018

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 March 7, 2018, 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 Parks, Recreation and Forestry 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>
Diane Stypa Depew, NY	Cleaner	\$13.00	March 26, 2018

BE IT FURTHER,

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

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

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

March 19, 2018

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

WHEREAS, The Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Police Traffic Services (PTS) program to reduce unsafe driving behaviors within the Town, and

WHEREAS, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving;

NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Chief of Police be and hereby are authorized and directed to execute all documents pertaining to the application and 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

March 19, 2018

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

WHEREAS, grant monies are available to local governments through the New York State Department of Transportation Bridge NY program to provide up to 95% of the funding necessary to rehabilitate or replace bridges; and

WHEREAS, the Town of Lancaster seeks funding to replace the Main Street bridge spanning Ellicott Creek, BIN # 2213280;

NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized 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

March 19, 2018

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

WHEREAS, grant monies are available to local governments through the New York State Department of Transportation Bridge NY program to provide up to 95% of the funding necessary to rehabilitate or replace bridges; and

WHEREAS, the Town of Lancaster seeks funding to replace the Central Avenue bridge spanning Scajaquada Creek, BIN # 3326920;

NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized 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

March 19, 2018

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

WHEREAS, grant monies are available to local governments through the New York State Department of Transportation Bridge NY program to provide up to 95% of the funding necessary to rehabilitate or replace bridges; and

WHEREAS, the Town of Lancaster seeks funding to replace the deck on the Aurora Street bridge spanning Cayuga Creek, BIN # 3213250;

NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized 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

March 19, 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-150 XL 4 x 2 Regular Cab Long Bed Pickup**, for the use by the Highway Department, and

WHEREAS, two bids were received, opened and reviewed on March 8, 2018, and

WHEREAS, by letter dated March 9, 2018, Highway Superintendent Daniel Amatura, has recommended awarding the bid for one (1) new and unused **2018 Ford F-150 XL 4 x 2 Regular Cab Long Bed Pickup**, to Basil Ford, Inc. being the lowest responsible bidder in the amount of \$24,400.00, and

WHEREAS, the Highway Department will receive a trade-in allowance for a 2012 Ford F-150 XL Regular Cab/Long Bed 4 x 2 (VIN# 1FTMF1CM8CKD98698 w/63,000 mi.) in the amount of \$7,000.00 which will bring the total expenditure for the new and unused **2018 Ford F-150 XL 4 x 2 Regular Cab Long Bed Pickup**, to \$17,400.00;

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-150 XL 4 x 2 Regular Cab Long Bed Pickup**, which includes a Trade-in Allowance for a 2012 Ford F-150 XL Regular Cab/Long Bed 4 x 2 (VIN# 1FTMF1CM8CKD98698 w/63,000 mi.) in the amount of \$7,000.00, 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 \$17,400.00 and which will be paid for with funds available from the 2018 Highway Equipment, Passenger Vehicles Budget Line Item 13-5110-0220 and 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

March 19, 2018

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

WHEREAS, RJF Development JV, 4430 Walden Avenue, Lancaster, New York, 14086 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Cross Creek Phase VI Subdivision, and

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

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.792 of RJF Development JV, 4430 Walden Avenue, Lancaster, New York 14127, for the installation of:

P.I.P. No. 792 (Street Lights)	Cross Creek Phase VI Subdivision, supply and install five (5) street lights; 150 Watt HPS per Town of Lancaster specifications.
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

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

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

March 19, 2018

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

WHEREAS, RJF Development JV, 4430 Walden Avenue, Lancaster, New York, 14086 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Cross Creek Phase VII Subdivision, and

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

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.793 of RJF Development JV, 4430 Walden Avenue, Lancaster, New York 14127, for the installation of:

P.I.P. No. 793 (Street Lights)	Cross Creek Phase VII Subdivision, supply and install nine (9) street lights 150 Watt HPS per Town of Lancaster specifications.
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

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

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

March 19, 2018

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

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within The Apple Blossom Farms 3-Lot Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated March 14, 2018, has reported his favorable review for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within The Apple Blossom Farms 3-Lot Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 782 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

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	VOTED	YES
COUNCIL MEMBER WALTER	WAS ABSENT	
SUPERVISOR COLEMAN	VOTED	YES

March 19, 2018

File: RPIP (P4)

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

WHEREAS, the Town of Lancaster received a site plan application from Henry Balling, proposing to construct a new 3,231 S.F. St. Teresa of Calcutta Mausoleum within St. Adalbert's Cemetery located at 6200 Broadway (SBL No. 116.00-3-13.1) on a ± 88.25 acre parcel (the "Action"); and

WHEREAS, the Town Board of the Town of Lancaster (the "Town Board") must comply with SEQRA and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Action; and

WHEREAS, the Town Board is an involved agency pursuant to SEQRA; and

WHEREAS, the Town Board has determined that the Action is a "Type I" action under SEQRA, requiring a coordinated review; and

WHEREAS, the Town Board intends to serve as the Lead Agency for the coordinated SEQRA review of the Action; and

NOW, THEREFORE,

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

1. The Action is hereby determined to be a Type I action under SEQRA.
2. The Town Board hereby declares its intent to act as Lead Agency, pursuant to SEQRA, for the purpose of conducting the environmental review of the Action.
3. The Town Board hereby directs the Town Attorney to send the Notice of Intent to Act as Lead Agency to the other involved/interested agencies, pursuant to SEQRA.
4. This Resolution shall be effective immediately.

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

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

March 19, 2018

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, a proposed Local Law of the Year 2018 entitled “**CODE OF ETHICS REVISION**”, was introduced to the Town Board of the Town of Lancaster by Supervisor Coleman on the 20th day of February, 2018, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on March 5, 2018, where all interested parties were allowed to address the proposed Local Law, and

WHEREAS, the Town Board of the Town of Lancaster after due review and deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE,

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

1. The attached Local Law No. 2 of 2018 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

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

March 19, 2018

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 2 OF THE YEAR 2018
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on March 19, 2018 Local Law No. 2 of the Year 2018, which amends the Town of Lancaster Code, by amending Section 9-4. Conflicts of interest. Subsections (A)(2) and Subsection (E) within Chapter 9 “Code of Ethics”, which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: DIANE TERRANOVA
Town Clerk**

March 22, 2018

**Town of Lancaster
Local Law No. 2 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 WALTER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated March 12, 2018, has requested the deletion of one members from the active roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby deletes from the membership of the Twin District Volunteer Fire Company, the following individual:

DELETION:

Elmer Thoman

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

March 19, 2018

File: RFIRE (P6)

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

WHEREAS, Captain William J. Karn Jr. of the Town of Lancaster Police Department, by letter dated March 15, 2018, has requested authorization for one (1) member of the Lancaster Police Department to attend the 2018 Fire Investigation course to be held at the New York State Academy of Fire Science in Montour Falls, New York, from March 23-25, April 6-8, April 20-22, and May 18-20, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that Detective Robert Cornell of the Town of Lancaster Police Department, is hereby authorized to attend the 2018, Fire Investigation course to be held at the New York State Academy of Fire Science in Montour Falls, New York, from March 23-25, April 6-8, April 20-22, and May 18-20, 2018.

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 \$652.00 for actual and necessary expenses, including the cost of registration, lodging, travel and meal expenses for four (4) week-ends, 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 DICKMAN	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

March 19, 2018

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

WHEREAS, by resolution dated January 18, 2011 the Town Board of the Town of Lancaster voted to assume ownership of Penora Street between William Street and the Village of Depew line provided that Erie County complete the highway improvements outlined in that resolution prior to transferring ownership to the Town, and

WHEREAS, by memo dated March 8, 2018 the Town Engineer has reviewed the required improvements and has confirmed all have been completed to current standards, and

WHEREAS, the Highway Superintendent has given his approval to accept the ownership of Penora Street between William Street and the Village of Depew line, and

WHEREAS, Erie County has provided a Memorandum of Understanding to be entered into by both the Town and the County outlining the terms and conditions of the transfer of ownership, operation and maintenance of Penora Street between William Street and the Village of Depew line (approximately 1.06 centerline miles), and

WHEREAS, the Town Board of the Town of Lancaster and the Town Attorney have reviewed the Memorandum of Understanding and deem it in the public's interest to accept the transfer of Penora Street between William Street and the Village of Depew line from the County of Erie, New York;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized and directed to execute the Memorandum of Understanding between the Town and Erie County, NY to accept the transfer of ownership, operation and maintenance of Penora Street between William Street and the Village of Depew line (approximately 1.06 centerline miles), in accordance with the terms and conditions contained therein.

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

March 19, 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 had previously authorized the advertisement for the proposed 2018 Town of Lancaster's Highway Capital Improvements Project involving reconstruction of the Brunck Road Culvert over Slate Bottom Creek and Holland Avenue Culvert over Plumb Bottom Creek Projects, and

WHEREAS, funding for this project is available from the Capital Improvements Project Bond for the Reconstruction, Improvements, and Additions to Culverts and Bridges adopted on May 15, 2017 for a maximum amount not to exceed One Million Three Hundred Thousand dollars (\$1,300,000.00), and

WHEREAS, four (4) bids were received, opened and reviewed on March 13, 2018, and

WHEREAS, DiDonato Associates, P.E., P.C., the Town of Lancaster's consulting engineer, by letter dated March 13, 2018, has recommended awarding the bid to Concrete Applied Technologies Corporation, d/b/a CATCO, being the lowest responsible bidder in the amount of \$868,595.00;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the Town of Lancaster's reconstruction of the Brunck Road Culvert over Slate Bottom Creek and Holland Avenue Culvert over Plumb Bottom Creek Projects to Concrete Applied Technologies Corporation, d/b/a CATCO, 1266 Town Line Road, Alden, New York, in the amount of \$868,595.00 being the lowest responsible bidder in conformance with the specifications on file in the office of the Town's Consulting Engineer, DiDonato Associates, P.E., P.C. and to be paid for with funds available from the May 15, 2017 Culverts and Bridges Capital Improvements Project Bond;

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to proceed with the implementation of all steps reasonably necessary and appropriate to effectuate the intent of this resolution pending the receipt of all required documents and insurance certificates by the Town Attorney.

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

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

March 19, 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 the proposed Town of Lancaster's Highway 2018 Capital Improvements Project involving Bridge & Culvert Improvements on Iroquois Avenue, Broezel Avenue, and Seneca Place, and

WHEREAS, funding for this project is available from the Capital Improvements Project Bond for the Reconstruction, Improvements, and Additions to Culverts and Bridges adopted on June 1, 2015 for a maximum amount not to exceed Two Million Nine Hundred Thousand dollars (\$2,900,000.00), and

WHEREAS, seven (7) bids were received, opened and reviewed on March 13, 2018, and

WHEREAS, Foit Albert Associates, P.C., engineering consultant, by letter dated May 15, 2018, has recommended award of the bid to Nova Site Company, being the lowest responsible base bidder in the amount of \$741,051.32;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the Town of Lancaster's Highway Capital Improvements Project involving the Bridge & Culvert Improvements on Iroquois Avenue, Broezel Avenue, and Seneca Place to Nova Site Company, 6 Lena Court, West Seneca, New York in the amount of \$741,051.32 being the lowest responsible base bidder in conformance with the specifications on file in the office of Foit-Albert Associates, P.C., and to be paid for with funds available from the June 1, 2015 Culverts and Bridges Capital Improvements Project Bond;

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to proceed with the implementation of all steps reasonably necessary and appropriate to effectuate the intent of this resolution pending the receipt of all required documents and insurance certificates by the Town Attorney.

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

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

March 19, 2018

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

WHEREAS, on March 5, 2018, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Article VII (A), §41.8, entitled "Communication Towers, Procedure" of Town Code of the Town of Lancaster, upon the application of Up State Tower Co., LLC, and Blue Wireless (Site No. BUF-650) for a Special Use Permit for the construction of a 125' self-support tower telecommunications facility tower, Dellwood BUF-650, (the "Tower") to be located on private property located at 255 Peppermint Road SBL No. 95.00-4-14 in the Town of Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, 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, which is hereby confirmed.

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

That pursuant to Chapter 50-Zoning, Article VII (A), of the Town Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Up State Tower Co., LLC, and Blue Wireless (Site No. BUF-650)** for a Special Use Permit for the construction of a 125' self-support tower telecommunications facility tower, Dellwood BUF-650, located on premises at 255 Peppermint Road SBL No. 95.00-4-14, Lancaster, New York, upon the terms and conditions as set forth in the Special Use Permits Zoning Ordinance.

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

March 19, 2018

COMMUNICATIONS & REPORTS

- 160. President, Community Development Corp. to Town Clerk –
Transmittal of letter from Ciara Dunn requesting maintenance of the soft ball diamond at Westwood Park. Disposition = Park Crew Chief**
- 161. Charter Communications to Town Clerk –
Upcoming changes for customers in the Western New York – Buffalo area.
Disposition = Received & Filed**
- 162. Park Crew Chief to Town Board –
Request for resolution to allow Ryan Dzik of Boy Scout Troop 618 to build five wooden benches as part of his Eagle Scout Project that he would like to donate to the Town. Disposition = Recreation Commission**
- 163. Town Clerk to Supervisor –
Request for letter to the Erie County Commissioner of Finance asking that an extension be granted to the Warrant to collect unpaid 2018 County/Town taxes until June 30, 2018. Disposition = Received & Filed**
- 164. U.S. Department of Energy to Supervisor –
SEIS (Supplemental Environmental Impact Statement) Scoping Meetings Announcement regarding Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center. Disposition = Town Engineer & Code Enforcement Officer**
- 165. President, Hull House Foundation to Supervisor –
Request for support of second year's campaign to establish an endowment fund for the future of the Hull House. Disposition = Received & Filed**
- 166. National Fuel Engineering Services to Supervisor –
Request for planned Public Improvement Projects in this jurisdiction.
Disposition = Code Enforcement Officer, Town Engineer, Highway Superintendent & Town Attorney**
- 167. Town Clerk to Town Board –
Town Clerk Monthly Report for February 2018. Disposition = Received & Filed**
- 168. Supervisor to Director of Real Property Tax Services –
Copy of letter requesting extension of Warrant to collect 2018 County/Town Taxes/Town of Lancaster. Disposition = Received & Filed**
- 169. Town Clerk to Town Board –
2018 Monthly County Settlement payment. Disposition = Received & Filed**
- 170. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management regarding Amended Site Plan - Apple Rubber, 204 Cemetery Rd., Proj. #9524.
Disposition = Planning Committee**
- 171. Town Attorney to Town Board and Planning Board –
SEQR response from NYSDEC regarding Amended Site Plan – Apple Rubber, 204 Cemetery Rd., Proj. #9524. Disposition = Planning Committee**
- 172. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management regarding Russell's Steaks, Chops & More, 6675 Transit Rd., Proj. #2018.
Disposition = Planning Committee**
- 173. Erie County Dept. of Public Works to Supervisor –
Letter of support for Pedestrian Safety Action Plan (PSAP) Grant for Town of Lancaster. Disposition = Town Engineer, Town Attorney, Highway Superintendent & Grantmaker**

174. **Town Engineer to Planning Board Chairman –**
Comments regarding St. Adalbert Cemetery Amended Site Plan, 6200 Broadway.
Disposition = Planning Committee
175. **Alden Town Clerk to Supervisor –**
Copy of Proposed Local Law No. 2 for Year 2018 entitled “Code of the Town of Alden”. Disposition = Received & Filed
176. **Town of Cheektowaga to Supervisor –**
Environmental Assessment Forms and draft policy for managing the urban forest community within the Town of Cheektowaga.
Disposition = Received & Filed
177. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Division of Sewerage Management regarding Site Plan Delta Sonic, 4817 Transit Road, Proj. #1614.
Disposition = Planning Committee
178. **Park Crew Chief to Town Board –**
Request for resolution appointing Diane Stypa permanent part-time cleaner for the Senior Center and Youth Bureau effective March 26, 2018.
Disposition = Resolution 3/19/18
179. **Town Engineer to Town Board –**
Request for Town Board to authorize a Contract Time Extension to Concrete Applied Technologies Corp. (CATCO) until June 1, 2018.
Disposition = For Resolution
180. **Highway Superintendent to Town Board –**
Request for resolution to purchase one new and unused 2018 Ford F150 XL 4X2 regular cab, long bed pickup with trade. Disposition = Resolution 3/19/18
181. **Sean Hopkins to Town Attorney –**
Information and proposed zoning conditions regarding proposed Plumb Creek Patio Home Project, 0 Broadway. Disposition = Planning Committee
182. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Dept. of Environment and Planning regarding Belvedere North/Hamlet Meadows, 375 Harris Hill Rd, Proj. #1404.
Disposition = Planning Committee
183. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Dept. of Environment and Planning regarding Summerfield Farms Phase 7, William St., Proj. #3041.
Disposition = Planning Committee
184. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Dept. of Environment and Planning regarding Plumb Creek Patio Homes, Broadway, Proj. #1116.
Disposition = Planning Committee
185. **Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –**
Notice of SEQR Review on March 19, 2018 at 6:15PM for Rezone & Site Plan: Plumb Creek Patio Home, 0 Broadway. Disposition = Received & Filed
186. **Town Attorney to Town Clerk –**
Transmittal of Maintenance Bond for Street Lights public improvement for The Apple Blossom Farms 3-Lot Subdivision. Disposition = Resolution 3/19/18

- 187. Town Clerk to Various News Media –
Notice of Municipal Review Committee Meeting on March 19, 2018 at 6:15PM
for the SEQRA Review: Rezone & Site Plan: Plumb Creek Patio Home, 0
Broadway. Disposition = Received & Filed**
- 188. Code Enforcement Officer to Town Board –
Recommend issuance of Special Use Permit for Up State Tower Co., LLC,
255 Peppermint Road. Disposition = Resolution 3/19/18**
- 189. Twin District Fire Company to Town Clerk –
Change in roster. Disposition = Resolution 3/19/18**
- 190. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**
- 191. Detective Captain William Karn, Jr. to Town Board –
Request for resolution to send Detective Robert Cornell to the Fire Investigation
course at New York State Academy of Fire Science in Montour Falls, NY on
March 23-25, April 6-8, April 20-22 and May 18-20.
Disposition = Resolution 3/19/18**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER WALTER AND SECONDED BY
COUNCIL MEMBER GACZEWSKI AND CARRIED,** the meeting was adjourned in
memory of Floyd Adolf, Arlene Boardway, Marsha Cox and Congresswoman Louise
Slaughter at 8:06 P.M.

Signed _____

Diane M. Terranova, Town Clerk