

Town Board Minutes

October 15, 2018

Meeting No. 31

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 15th day of October 2018 at 7:00 P.M. and there were

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

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
MICHELLE BARBARO, PARK CREW CHIEF
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 8:50 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to discuss the employment history and matters leading to the possible discipline of a particular person.

At 9:30 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:

Adamy, Paula, spoke to the Town Board on the following matter:

- Questions regarding the walking path at a private development.

Bruso, John, Erie County Legislator, spoke to the Town Board on the following matters:

- County updates:
 - Fall Festival in Como Park was a great success.
 - Solar speed lights will be installed on Pleasantview Drive and other Town roads.
 - Como Lake Park dredging will not happen until 2019.

Cieczka, Richard, spoke to the Town Board on the following matter:

- Concerns regarding drainage on his property.

Colvin, Kevin, spoke to the Town Board on the following matter:

- Questions concerning cell towers and additional antennas.

Ostroff, James, spoke to the Town Board on the following matters:

- Praised the Code Enforcement Officer.
- Comments regarding the proposed subdivision off Stutzman Road.

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

- Questions regarding proposed refuse contract.

Wheeler, Leo, spoke to the Town Board on the following matter:

- Concerns regarding oversized trucks on Pleasantview Drive.

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

- Concerns regarding oversized trucks on Pleasantview Drive.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Special Use Permit
Telecommunication Tower Co-Location 5393 William 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 Approval for a Telecommunication Tower Co-Location
5393 William Street (William-Bower BUF-653) 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
Mary Beth Aquiline	Opponent
Danielle Witt	Opponent
Jared Lusk, Esq. Representing Petitioner	Proponent

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL
MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:33 P.M.

Decision on this matter was reserved.

October 15, 2018

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 2019 Special District Budget

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

At 7:34 P.M., the Town Board held a Public Hearing to hear all interested persons upon a 2019 Special District Budget 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
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None

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:36 P.M.

Decision on this matter was reserved.

October 15, 2018

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 3 2019 Preliminary Budget

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

At 7:37 P.M., the Town Board held a Public Hearing to hear all interested persons upon a 2019 Preliminary Budget 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
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Georgia Schlager

Proponent

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:45 P.M.

Decision on this matter was reserved.

October 15, 2018

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held October 1, 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	VOTED YES
* COUNCIL MEMBER WALTER	ABSTAINED
SUPERVISOR COLEMAN	VOTED YES

* Council Member Walter was absent for the October 1, 2018 Town Board meeting.

October 15, 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. 54232 to Claim No. 54424 Inclusive

Total amount hereby authorized to be paid: \$625,932.64

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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 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
28962		John Waldmiller	6461 Broadway	Er. Fence	
28963		Robert Davidzik	4909 William St	Inst. Generator	
28964		John Waldmiller	6461 Broadway	Re-Roof	
28965		Decks Etc. & Perfect Fence Inc	15 Brandel Ave	Er. Porch	(V/L)
28966		Janet Golder	10 Bridlepath Ln	Er. Fence	
28967		Besroi Construction	51 Lake Ave	Re-Roof	(V/L)
28968		Ronald Olson	5565 Broadway	Re-Roof	(V/L)
28969		Carol Malesic	34 Towne Square Dr	Re-Roof	
28971		Dennis Raczyk	28 Pear Tree Ln	Er. Fence	
28972		Timothy Burr	5 Impala Pky	Er. Fence	
28973		Patrick McNamara	1935 Como Park Blvd	Er. Res. Alt.	(V/L)
28974		Joseph Brecker	3567 Walden Ave	Er. Sign – Wall	(V/L)
28975		Great Day Improvements	1349 Ransom Rd	Er. Res. Add.	
28976		Wayne Bartell	53 Livingston St	Er. Shed	(V/L)
28977		Lawrence Pignataro	38 Lombardy St	Er. Fence	(V/L)
28978		Lynne Ratajczak	1126 Ransom Rd	Inst. Generator	
28979		Thomas Nowak	16 Primrose Ln	Inst. Generator	
28980		Race Storage Sheds LLC	92 Pheasant Run Ln	Er. Garage	
28981		Jeffrey Fehr	21 Pear Tree Ln	Er. Shed	
28982		Michael Marchese	19 Camner Ave	Re-Roof	(V/L)
28983		Robert Sugg	80 Vandenberg Ave	Re-Roof	(V/L)
28984		Jeff Miller	60 Waltham Ave	Er. Res. Alt.	(V/L)
28985		1767 Como Park LLC	1767 Como Park Blvd	Re-Roof	
28986		Alden Equities Ltd.	5150 Genesee St	Er. Sign – Pole	
28987		Sunroom Additions & Improv.	9 Spring Way	Er. Deck	
28988		David & Ellen Franco	177 Pleasant View Dr	Er. Shed	
28989		Jason & Dawn Uronis	59 Fox Hunt Rd	Er. Shed	
28990		Solcius, LLC	139 Fourth Ave	Inst. Solar Panels	(V/L)
28991		493 Group LLC	43 First Ave	Re-Roof	(V/L)
28992		JCF Farms	5805 Broadway	Er. Sign - Temp	
28993		Richard Gaenzler	4 Country Pl	Re-Roof	
28994		Parker-Hannifin Corp.	4087 Walden Ave	Er. Comm. Bldg.	
28997		Darren & Robin Tolsma	45 Cedar Brook Dr	Inst. Generator	
28998		Stockmohr Co. Inc.	416 Central Ave	Re-Roof	
28999		Frederick Kasprzak	48 Bentley Cir	Re-Roof	
29000		Kevin & Lisa Hyman	479 Schwartz Rd	Re-Roof	
29001		Jonathan Logan	15 Michael Anthony Ln	Inst. Generator	
29002		Z Man Home Improvement	78 Stutzman Rd	Re-Roof	
29003		Herbert & Linda Rassman	10 Carlisle St	Inst. Generator	
29004		Anthony Carroll	23 Cherryfield Ln	Inst. Generator	
29005		Daniel King	3 Rue Madeleine Way	Er. Deck	
29006		David Robida	15 Brandel Ave	Er. Res. Alt.	(V/L)
29007		Sturdi Built Sheds LLC	27 Weathersfield Ln	Er. Shed	
29008		Utech Basement Waterproofing	8 Willow Ridge Ln	Er. Res. Alt.	
29009		James LoBue	7 Deerpath Dr	Re-Roof	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

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

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

October 15, 2018

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

WHEREAS, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the 2017 calendar year.

NOW THEREFORE,
BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute on behalf of the Town of Lancaster, the 2017 Department of Central Police Services STOP-DWI Agreement with the County of Erie for participation in funding of alcohol related traffic safety law enforcement activities under the 2017 STOP-DWI Grant Program.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated October 1, 2018 has recommended the appointment of the following individual to the following part-time permanent position.

NOW, THEREFORE,

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Kirstin Heffler Lancaster, NY	Tutor	\$16.00	October 16, 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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, the Town Line Volunteer Fire Department by letter dated
October 1, 2018, has requested the addition of one (1) 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:

Alexis Grassi
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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, the Town Board of the Town of Lancaster, on November 7, 1988 established a Refuse and Garbage District for the Town of Lancaster, including the Village of Lancaster, and

WHEREAS, it is necessary for the Town of Lancaster to establish charges for parcels within the aforementioned Refuse and Garbage District, and

WHEREAS, the Town Board has reviewed the benefits received by property classification and determined a schedule of unit charges to be applied to these property classifications.

NOW, THEREFORE,

BE IT RESOLVED, that a schedule of unit charges for the Refuse and Garbage District be adopted effective January 1, 2019 for benefits received by the following categories of property:

1. (a) Single family dwelling..... 1.0 Unit Charge

(b) Single family dwelling owned by senior citizen
receiving Town Aged Exemption75 Unit Charge

2. (a) Multiple family dwelling..... 1.0 Unit Charge per unit

(b) Multiple family dwelling owned by senior citizen
receiving Town Aged Exemption..... .75 Unit Charge for first
unit each additional unit..... 1.0 Unit Charge

3. Commercial/Residential..... 1.0 Unit Charge per unit

4. Commercial without Dumpster..... 1.0 Unit Charge per unit

BE IT FURTHER,

RESOLVED, that the Town Assessor take the necessary steps to reflect the unit charges as aforesaid to the Refuse and Garbage Special District tax effective January 1, 2019.

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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

At a meeting of the Lancaster Town Board held on October 15, 2018, the Board authorized Johanna Coleman, Supervisor, to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG:

1. Senior Center Rehabilitation and ADA Improvements
2. ADA Accessibility Project

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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, the Redskins Junior Football and Cheerleading of Lancaster Organization, has petitioned the Town Board of the Town of Lancaster to allow for the allocation of additional recreational space within the Town's Walden Pond Park, for their organized youth events, and

WHEREAS, the proposed project will consist of the construction of a new 3,200 S.F. building to contain sports equipment storage, public restroom, meeting room and indoor practice spaces, the project will also include construction of new practice field(s) with outdoor lighting, and

WHEREAS, the Federal government donated the property for the creation of Walden Pond Park, therefore, any alterations to this park property must be submitted to and approved by the National Park Service, and

WHEREAS, the application to the National Park Service requires authorization from the Town of Lancaster, and

WHEREAS, Walden Pond Park is a public park, therefore, the Town Board of the Town of Lancaster deems it in the public's interest to hold a public hearing to provide an opportunity for citizens to express any concerns or opinions regarding the alterations proposed by the Redskins Junior Football and Cheerleading of Lancaster Organization.

NOW, THEREFORE

BE IT RESOLVED, that a Public Hearing on the proposed alterations to the Town of Lancaster's Walden Pond Park will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 5th day of November, 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 local newspaper of general circulation in said Town and be on the Town Bulletin Board, and that said Notice shall be in 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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
WALDEN POND PARK ALTERATIONS**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to a resolution of the Town Board of the Town of Lancaster adopted on October 15, 2018, a Public Hearing will be held on the 5th day of November, 2018 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons regarding the proposed alterations to Walden Pond Park, by the Redskins Junior Football and Cheerleading of Lancaster Organization. Copies of the proposed alterations are available at the office of the Town Clerk for review within Town Hall at its address listed above, between the hours of 9:00 A.M. and 4:00 P.M.

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**

October 18, 2018

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER WALTER, 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, the Town Board of the Town of Lancaster deems it in the public interest to enact a proposed Local Law of the year 2018, entitled “**DOGS REVISION**”, which will amend the Code of the Town of Lancaster Section 13-5(A) and add Subsection (C); and amend Section 13-13(A) within **Chapter 13 “DOGS**”, of the Code of the Town of Lancaster, which reads as follows:

A LOCAL LAW OF THE YEAR 2018 ENTITLED “**DOGS REVISION**”, WHICH WILL AMEND THE TOWN CODE OF THE TOWN OF LANCASTER CHAPTER 13 “DOGS”, SECTION 13-5(A) AND ADD SUBSECTION (C); AND FURTHER AMEND SECTION 13-13(A).

Chapter 13 – DOGS

§13-5. Impoundment fees and redemption

AMEND: A. Any dog found to be at large, whether licensed or not, seized by any Dog Control Officer or Peace Officer, shall be held for a period of three (3) days starting with the date of seizure, during which time the dog may be redeemed by its owner, provided that the individual claiming the dog is identified as the owner and produces proof that the dog is licensed.

ADD: C. If the dog is unlicensed; the dog will be impounded until such time as the owner has paid the license fee and any impoundment fees.

AND

§13-13, Adoption; disposition of dogs.

AMEND: A. Any dog identified, unlicensed or licensed, in custody of the Dog Control Officer, may be delivered for adoption by the Dog Control Officer or disposed of by euthanasia after a **holding period of not less than three (3) days, except that where notice to the owner is given by mail, then the holding period shall not be less than seven (7) days.**

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 November 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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 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 October 15, 2018, the said Town Board will hold a Public Hearing on the 5^h day of November, 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 Dogs Code to amend the holding periods and redemption requirements for dogs seized by the Town's Dog Control Officers. Copies of the proposed Local Law can be reviewed at Town Hall. At the time and place stated above, all interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

October 18, 2018

Town of Lancaster
Local Law No. ___ of 2018

A Local Law Amending the Town of Lancaster Town Code; Chapter 13 Dogs, Section 5(A) Impound fees and redemption, and add Subsection (C); and amend Section 13(A) Adoption; disposition of dogs; which will amend holding periods and redemption requirements for seized dogs.

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

Section 1: Section 13-5(A) of the Town of Lancaster Town Code is amended as follows and subsection (C) is to be added which will read as follows:

A. Any dog found to be at large, whether licensed or not, **seized by any Dog Control Officer or Peace Officer, shall be held for a period of three (3) days starting with the date of seizure, during which time the dog may be redeemed by its owner, provided that the individual claiming the dog is identified as the owner and produces proof that the dog is licensed.**

C. If the dog is unlicensed; the dog will be impounded until such time as the owner has paid the license fee and any impoundment fees.

Section 2: Section 13-13(A) of the Town of Lancaster Town Code is amended to read in its entirety as follows:

A. Any dog identified, unlicensed or licensed, in custody of the Dog Control Officer, may be delivered for adoption by the Dog Control Officer or disposed of by euthanasia after a **holding period of not less than three (3) days, except that where notice to the owner is given by mail, then the holding period shall not be less than seven (7) days.**

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 SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town of Lancaster is in the process of negotiating a new contract to provide municipal refuse collection, disposal and recyclable materials collection and processing to residents within the Town of Lancaster's Garbage and Refuse District and is soliciting bids for the purchase and distribution of Wheeled Refuse and Recycling Carts for the use by residents within the Town's Garbage and Refuse District, and

WHEREAS, the Town Board 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 October 25, 2018, at 2:00 P.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing and distributing Wheeled Refuse and Recycling Carts for the use by residents within the Town's Garbage and Refuse District 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, said 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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 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 **2:00 P.M.**, Local Time, on the **25th day of October, 2018**, for the purpose of providing to the Town of Lancaster Wheeled Refuse and Recycling Carts for the use by residents within the Town's Garbage and Refuse District, 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, or a bond with sufficient sureties in a penal sum equal to five percent (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.

A Non-Collusive Bidding Certificate must accompany each bid.

All bid deposits, except that of the successful bidder, will be returned. The Town Board of the Town of Lancaster 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

October 18, 2018

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

WHEREAS, Marrano/Marc Equity Corporation, developer of “Summerfield Farms Phase 7 Subdivision” located at 0 William Street (SBL No. 127.00-4-44.1, 127.00-4-1.11 & 127.00-4-46), has requested permission to erect a single family model home within the subdivision.

NOW, THEREFORE,

BE IT RESOLVED, that the Building Inspector be and hereby is authorized to issue a permit for a model home to be constructed in the “Summerfield Farms Phase 7 Subdivision” at 83 Avian Way (SBL No. 116.20-2-32), in the Town of Lancaster; with the following condition:

- No Certificate of Occupancy will be issued by the Town of Lancaster until the entire subdivision infrastructure is completed and all private improvements are made and accepted.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 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 interested in upgrading public street lighting infrastructure to improve energy efficiency and lighting quality, and reduce current energy, operational and maintenance costs, and

WHEREAS, in accordance with Article 9 of the New York State Energy Law, the Town has the opportunity to implement an energy and operational savings project by means of an Energy Performance Contract, and

WHEREAS, the Town Supervisor, Administration and Finance Director, and Town Board, reviewed the opportunity to reduce street lighting utility costs and discussed the opportunity of receiving Energy Performance Contract proposals from qualified companies to improve street lighting infrastructure to reduce associated energy and maintenance costs, and

WHEREAS, on August 23, 2017, the Town issued a Request For Proposals for an Energy Performance Contract, and

WHEREAS, the Town Clerk received Energy Performance Contract proposals on September 20, 2017, reviewed the proposals, and selected Wendel Energy Services, LLC, and

WHEREAS, as a part of the Energy Performance Contract process, the Town executed a Project Development Agreement on December 19, 2017, authorizing Wendel to provide study, GIS, and design services, and

WHEREAS, the results of the Project Development phase indicate that the Town will benefit from purchasing street lighting infrastructure from New York State Electric and Gas Corporation, and then implementing an energy performance contract to upgrade street lighting facilities to energy efficient light emitting diode (LED) and smart controls technology, and

WHEREAS, the Town has received a street light facilities sales proposal, dated March 13, 2018, from New York State Electric and Gas Corporation.

NOW THEREFORE,

BE IT RESOLVED, that the Supervisor, or her designee, contingent upon form and terms of agreement dated March 13, 2018, having been reviewed and approved by Town Counsel, is hereby authorized:

1. Execute the street lighting facilities purchase and sale agreement, and a pole attachment agreement, with New York State Electric and Gas for a cost of \$637,130,
2. Execute associated agreements as required, to implement an energy performance contract with Wendel Energy Services, LLC, 375 Essjay Road, Williamsville, New York, and the New York Power Authority, for the provision of LED street lighting and lighting controls upgrades at a total cost of \$2,173,376, that will result in guaranteed energy savings and operational savings that when combined over the expected life of the improvements will equal or exceed the total cost of the improvements, and
3. Obtain project financing up to \$3,000,000, through public bond(s) or a Municipal Lease agreement with the financial institution offering the most beneficial terms in compliance with the New York State Energy Law Article 9 – Energy Performance Contracts in connection with public infrastructure.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, Weaver Metal & Roofing, Co. Inc., 40 Appenheimer Avenue, Buffalo, New York, 14214 the contractor for the repair of the roof of the Lancaster Historical Society Building located at 40 Clark Street, has submitted Change Order No. 1 in the amount of \$1,046.00 to the Town Board for their approval, based on the description of work previously provided to the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to **Weaver Metal & Roofing, Co. Inc.,** with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 1:

Additional compensation for fabricating gutter brackets and to be installed with gutter.

CHANGE ORDER NO. 1:

The original Contract Sum was	\$	105,000.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	1,046.00
new Contract Sum increased including this Change Order will be	\$	106,046.00

BE IT FURTHER, RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf 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	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, NextEra Energy Transmission New York, Inc. (“NEETNY”), is seeking permission from the New York State Public Service Commission to develop, construct, own, operate, and maintain the Empire State Line Project, an approximate 20-mile 345 Kilovolt transmission line and associated switchyards in the Town of Royalton in Niagara County and the Towns of Alden, Newstead, Lancaster and Elma in Erie County New York, respectively, and

WHEREAS, part of the New York State Public Service Commission’s permitting process the Towns involved are required to enter into a Road Use and Crossing Agreement with “NEETNY,” and

WHEREAS, the Agreement terms and conditions have been reviewed and approved by the Town Engineer and Town Attorney.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town, a Road Use and Crossing Agreement between the Town of Lancaster and NextEra Energy Transmission New York, Inc. (“NEETNY”), subject to the terms and conditions listed herein, which will allow NEETNY to pursue permit approval from the New York State Public Service Commission to construct and operate the Empire State Line Project.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, Michelle Barbaro, Parks Crew Chief, has informed the Board that the New York State Department of Conservation (“NYS DEC”), Division of Fish, Wildlife and Marine Resources, will provide fish to ponds that are open to the general public, and

WHEREAS, the ponds located within the Town of Lancaster’s Walden Pond Park and Westwood Park are eligible to be stocked by the NYS DEC Division of Fish, Wildlife and Marine Resources at no cost to the Town, and

WHEREAS, by letter dated September 21, 2018, the Parks Crew Chief has requested authorization to submit a letter to Mr. Michael Todd requesting that the NYS DEC establish a Spring Trout Stocking Program for the ponds located within Walden Pond Park and Westwood Park, and

WHEREAS, the Town Board of the Town of Lancaster has decided to grant the Parks Crew Chief’s request.

NOW, THEREFORE,

BE IT RESOLVED, that Parks Crew Chief, Michelle Barbaro, is hereby authorized to submit a letter to Mr. Michael Todd at the New York State Department of Conservation, Bureau of Fisheries, requesting that a Spring Trout Stocking Program for the ponds located within Walden Pond Park and Westwood Park, in the Town of Lancaster, be established.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, the Town of Lancaster Parks and Recreation Department has expressed a need to purchase a service agreement for software modification and updating of their current U & S HVAC and computer systems, and

WHEREAS, the above-referenced service contract is available from New York State Contract No. PT63600, Award # 20191, Group 77201, Security and Facility Systems & Solutions, through authorized contractor U&S Services, Inc., which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board has reviewed the terms of U&S Services' contract and deems it in the public's interest to approve the expenditure and enter into the contract.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement, as presented, between the Town of Lancaster and the 2018 authorized New York State Contractor U&S Services, Inc., 95 Stark Street, Tonawanda, NY, to provide software modification and updating of the Parks' Department's current U&S HVAC and computer system, under New York State Contract No. PT63600, Award # 20191, Group 77201, Security and Facility Systems & Solutions as proposed by Park Crew Chief, Michelle Barbaro for an amount not to exceed \$1,245.00 each quarter and which will be paid for with funds from the 2018 Buildings Contractual Expenses Budget, Line Item 01-1620-0411;

BE IT FURTHER,

RESOLVED, that this contract will commence November 1, 2018 and automatically renew each year thereafter according to its terms unless written notice is given by either party requesting termination.

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

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

WHEREAS, The Town Board has previously duly advertised for the submission of bids for the proposed rehabilitation of the roof systems at the Parks and Recreation Department Building, Office of Emergency Management and Keysa Town Park Pool Utility Room within the Town of Lancaster, and

WHEREAS, two bids were received, opened and reviewed on October 10, 2018, and

WHEREAS, by letter dated October 10, 2018, Michelle Barbaro, Town of Lancaster's Park Crew Chief, has recommended awarding of the bid to Elmer W. Davis, Inc., being the lowest responsible bidder in the amount of \$200,300.00, and

WHEREAS, funding for the rehabilitation of the roof systems at the Parks and Recreation Department Building, Office of Emergency Management and Keysa Town Park Pool Utility Room Project will be paid for with funds from the 2018 Buildings Contractual Expenses Budget, Line Item 01-1620-0411.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the rehabilitation of the roof systems at the Parks and Recreation Department Building, Office of Emergency Management and Keysa Town Park Pool Utility Room Project to Elmer W. Davis, Inc., 1217 Clifford Avenue, Rochester, New York, 14621 in the amount of \$200,300.00, being the lowest responsible bidder in conformance with the specifications on file in the office of Wm. Schutt Associates, consulting Town Engineer, and to be paid for with funds from the 2018 Buildings Contractual Expenses Budget, Line Item 01-1620-0411.

BE IT FURTHER RESOLVED, that the 2018 adopted budget for the Town of Lancaster be and hereby is amended to increase appropriations in the Buildings budget to fund the above roofing projects as follows:

GENERAL FUND – TOWNWIDE	Increase
A599 Appropriated Fund Balance	\$200,300
A960 Appropriations	\$200,300
A1620.411 Buildings – Misc. Contractual Services	\$200,300

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	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

October 15, 2018

COMMUNICATIONS & REPORTS

640. Charter Communications to Supervisor –
Notice of upcoming changes regarding adjusted pricing.
Disposition = Received & Filed
641. Town Clerk to Various News Media –
Press Release announcing Passport Day at the Lancaster Town Hall on
Wednesday, October 24, 2018 from 11:00AM to 2:00PM.
Disposition = Received & Filed
642. Lancaster High School Motorcade Committee to Town Board –
Request for permission for the Lancaster motorcade to travel through the
Town of Lancaster on the evening of Friday, October 12, 2018.
Disposition = Police Chief
643. Code Enforcement Officer to Drainage & Storm Sewer Committee –
MS4 Report for September 2018. Disposition = Received & Filed
644. Lancaster Volunteer Ambulance Corps to Town Clerk –
LVAC calls for August 2018. Disposition = Received & Filed
645. Dog Control Officer to Town Clerk –
Dog Control Report for September 2018. Disposition = Received & Filed
646. Town Clerk to Various News Media –
Press Release announcing that the Town Board passed a resolution declaring
the observance of Halloween for all Town residents shall be set for
October 31, 2018 between the hours of 6:00PM and 8:30PM.
Disposition = Received & Filed
647. Town Engineer to Planning Board Chairman –
Comments regarding Site Plan, Frank's Grille, 5820 Broadway, Proj. #1805.
Disposition = Planning Committee
648. Town Clerk to Town Board –
Town Clerk Monthly Report for September 2018.
Disposition = Received & Filed
649. Town Line Volunteer Fire Department, Inc. to Town Clerk –
Change in roster. Disposition = Resolution 10/15/18
650. Executive Director Youth Bureau to Supervisor and Town Board –
Request for resolution to hire Kirstin Heffler as a regular part-time tutor for the
Lancaster Youth Bureau effective October 16, 2018.
Disposition = Resolution 10/15/18
651. Town Attorney to NYSDEC, NYSDOT, US Army Corp of Engineers, Erie County
Water Authority, Erie County Health Dept., Erie County DEP, Division of
Sewerage Management --
Request for lead agency designation regarding Amended Site Plan – Frank's
Grille Addition & Striping for Handicapped Parking, 5820 Broadway.
Disposition = Planning Committee
652. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Public Works regarding Apple
Rubber Addition, 204 Cemetery Road, Proj. #2562.
Disposition = Planning Committee
653. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment & Planning regarding
Apple Rubber Addition, 204 Cemetery Road, Proj. #2562.
Disposition = Planning Committee

654. **Town Engineer to Town Board –
Request for Change Order #1 for Weaver Metal & Roofing for Historical
Building Roof Contract. Disposition = Resolution 10/15/18**
655. **David Picone to Town Board –
30-Day Advance Notice application for liquor license for DP Pizza 2018 LLC,
473 Aurora Street. Disposition = Received & Filed**
656. **Jack Stellrecht Family to Supervisor –
Thank you for assisting in the planting of the dogwoods at the Library.
Disposition = Received & Filed**
657. **Erie County Executive to Supervisor –
Information regarding Erie County Fair Housing Law.
Disposition = Received & Filed**
658. **Park Crew Chief to Town Board –
Request for resolution to enter into a one year service agreement for software
modification and updating of the current U&S Service HVAC and computer
systems from U&S Services, Inc., 95 Stark Street, Tonawanda, NY.
Disposition = Resolution 10/15/18**
659. **Park Crew Chief to Town Board –
Request for resolution to purchase one Smithco Sand Star II Infield Finisher
from MTE Turf Equipment Solutions, 33 Thruway Park Dr., West Henrietta,
NY. Disposition = For Resolution**
660. **Park Crew Chief to Town Board –
Request for resolution for the rehabilitation of the roof systems at Parks &
Recreation, Office of Emergency Management and Keysa Pool Utility Room to be
awarded to Elmer W. Davis, Inc., 1217 Clifford Ave., Rochester, NY.
Disposition = Resolution 10/15/18**
661. **Town Engineer to Town Board –
Recommend acceptance of Public Improvement Permit #770 for Summerfield
Farms Phase 6 - Avian Way Sidewalks. Disposition = For Resolution**
662. **Town Engineer to Tony Cimato, Cimato Brothers –
Required modifications for Summerfield Part 7 Walk Through.
Disposition = Planning Committee**
663. **NYS Coalition Against Domestic Violence to Supervisor –
Information regarding “October is Domestic Violence Awareness Month”.
Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER GACZEWSKI AND SECONDED BY
COUNCIL MEMBER DICKMAN AND CARRIED,** the meeting was adjourned in
memory of John Cansdale and Thomas Kazmierczak at 9:31 P.M.

Signed _____

Diane M. Terranova, Town Clerk