

**Town Board Minutes**

May 4, 2020

Meeting No. 9

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held via teleconference, on the 4<sup>th</sup> day of May 2020 at 7:00 P.M. and there were

**PRESENT:** ADAM DICKMAN, COUNCIL MEMBER  
ROBERT LEARY, COUNCIL MEMBER  
DAVID MAZUR, COUNCIL MEMBER  
RONALD RUFFINO, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
WILLIAM KARN, CHIEF OF POLICE  
MICHELLE BARBARO, PARK CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

**PRESENTATION OF PREFILED RESOLUTIONS:**

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

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held April 20, 2020 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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER LEARY, 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. 60945 to Claim No. 61055 Inclusive

Total amount hereby authorized to be paid: \$843,711.41

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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER MAZUR 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
1		New Frontier Excavating&Paving	5598 Genesee St	Develop Floodplain	
30834		Marc Lease	44 Worthington Ln	Er. Fence	
30864		Jason Graves	24 Pear Tree Ln	Er. Fence	
30866		James Smith	4883 William St	Re-Roof	
30868		Thomas Gregorio	2 Evergreen Dr	Er. Deck	
30870		Dalex Construction Inc.	4 Katelyn Ln	Re-Roof	
30872		Buscaglia Decks	6 Saybrook Dr	Er. Deck	
30873		Crist Construction	36 Saybrook Dr	Er. Deck	
30874		Crist Construction	39 Avian Way	Er. Porch Cover	
30876		Marrano/Marc Equity Corp.	18 Henslow Way	Er. Patio Home	
30877		Superior Painting Remodeling	30 Hampton Ct	Er. Porch Cover	
30878		Marrano/Marc Equity Corp.	129 Avian Way	Er. Dwlg.-Sin.	
30879		Buscaglia Decks	27 Logan Ln	Er. Deck	
30880		Glenn Olejniczak	41 Woodlawn Ave	Er. Fence	(V/L)
30881		James Ferrio	500 Townline Rd	Er. Fence	
30882		Steiner Development, LLC	3715 Walden Ave	Er. Fence	(V/L)
30883		Steiner Development, LLC	3715 Walden Ave	Dumpster - Temp.	(V/L)
30884		Joseph Steiner	5 Wainwright Ct	Er. Shed	
30885		Joseph Steiner	5 Wainwright Ct	Er. Fence	
30886		Jason Bluhm	21 Hidden Meadow Cros	Er. Shed	
30887		Forbes Homes, Inc.	41 Partridge Walk	Er. Dwlg.-Sin.	
30888		Marrano/Marc Equity Corp.	131 Avian Way	Er. Dwlg.-Sin.	
30889		Jeffrey Marshall	12 Weathersfield Ln	Er. Fence	
30890		City Fence	122 Pheasant Run Ln	Er. Fence	
30891		Buffalo's Best Roofing	156 St Marys St	Re-Roof	(V/L)
30892		Todd Verdi	17 Kelly Ann Dr	Er. Deck	
30893		Sitzmans Appliance Center	3 Petersbrook Cir	Inst. Generator	
30894		Rodney Lorenz	1202 Ransom Rd	Er. Garage	
30895		Joe Mecca	28 Greenbriar Dr	Er. Fence	
30896		Ronald Rose	29 Saybrook Dr	Er. Deck	
30897		Gen-Tech Power Systems LLC	35 Tanglewood Dr	Inst. Generator	
30898		Adam Partisano	15 Spruceland Ter	Er. Pool-Abv Grnd	
30900		Patrick Schunk	14W Payne St	Er. Fence	(V/L)
30901		Andrea Wik	131 Stony Rd	Er. Fence	
30902		Amber Nola	37 Ann Marie Dr	Er. Pool-Abv Grnd	
30903		Anderson Water Systems, Inc.	3 Stutzman Rd	Inst. Generator	
30904		Riverside Door & Window	15 Devonshire Ln	Re-Roof	
30905		Riverside Door & Window Inc.	11 Jenny Ln	Re-Roof	
30906		Riverside Door & Window Inc.	6 Ashwood Ct	Re-Roof	
30911		Zenner & Ritter Co. Inc.	18 Butler Dr	Inst. Generator	

**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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

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

**WHEREAS**, the Town of Lancaster recognizes its growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serves our citizens, both in everyday life and in times of natural disaster, and

**WHEREAS**, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry who work year-round to ensure the safe construction of buildings, and

**WHEREAS**, these individuals are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship and play, and

**WHEREAS**, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation, and

**WHEREAS**, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes wildland fires, floods and earthquakes; which, according to a FEMA commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested, and

**WHEREAS**, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety - our local code officials - who assure us of safe, efficient and livable buildings that are essential to keep America's prosperity, and

**WHEREAS**, "Safer Buildings, Safer Communities, Safer World," the theme for Building Safety Month 2020, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses, and

**WHEREAS**, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town Lancaster does hereby proclaim the month of May 2020 as Building Safety Month and authorizes the Town Supervisor to execute the Building Safety Proclamation, and encourages our citizens to join with their communities in participation in Building Safety Month activities.

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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

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

**WHEREAS**, Twin District Volunteer Fire Company, Inc., by letter dated March 9, 2020, has requested the addition of the following member to the roster of said fire association,

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby confirm the addition to the membership of the Twin District Volunteer Fire Company the following individual:

**ADDITION:**

Samuel Magistrale  
Lancaster, NY

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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

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

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter received April 20, 2020 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 confirm the addition to the membership of the Bowmansville Volunteer Fire Association the following individual:

**ADDITION:**

Ryann Carr  
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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020



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

**WHEREAS**, Jean Karn, the Dog Control Officer of the Town of Lancaster, by letter dated April 22, 2020 has recommended the appointment of the following individual to the following part-time temporary seasonal position.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following individual is hereby appointed to the following part-time temporary seasonal position in the Town of Lancaster Dog Control Department, for a period not to exceed five (5) months, 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 temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Elizabeth Bertozzi Depew, NY	Dog Control Officer	\$13.20	May 20, 2020

**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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

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

**WHEREAS**, Natale Builders, Inc. (the “Applicant”) has submitted an application to the Town of Lancaster (the “Town”) to develop a 24 +/- lot single-family residential subdivision of 24 homes (the “Project”) located on approximately 9.7 +/- acres located west of Stutzman Road in the Town (the “Property”); and

**WHEREAS**, the Town of Lancaster Town Board (the “Town Board”) has established itself as the Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”) and the Town Board hereby ratifies such designation; and

**WHEREAS**, the Town Board has determined that the Action is an “Unlisted” action under SEQRA; and

**WHEREAS**, the Town Board has issued a positive declaration of environmental significance and required the Applicant to prepare and submit a draft scope to the Town Board in accordance with 6 N.Y.C.R.R. § 617.8; and

**WHEREAS**, the Applicant submitted the draft scoping document, which is subject to public review and comment and, at the discretion of the Town Board, a public meeting to discuss the draft scoping document prior to the issuance of the final scoping document; and

**WHEREAS**, the public comment period shall be open until the close of business on Friday, June 12, 2020; and

**WHEREAS**, the Town Board will hold a public scoping meeting on June 3, 2020 at the regular meeting of the Town of Lancaster Planning Board; and

**WHEREAS**, the Town requires the use of professional services, such as engineering and counsel, to properly evaluate the Project and the forthcoming draft Environmental Impact Statement and the Town Code and SEQRA provide the authority to require that the Applicant provide funds to be held in escrow for such purposes, in the amount of two percent (2%) of the total project value;

**NOW, THEREFORE,**  
**BE IT RESOLVED**, by the Town Board of the Town of Lancaster as follows:

1. The comment period on the draft scope document is hereby opened, and will be held open until June 12, 2020 at the close of business.
2. A public scoping meeting is hereby scheduled for June 3, 2020 at 7:00 p.m. at the Lancaster Town Hall, 21 Central Ave # 1, Lancaster, NY 14086.
3. The Town Engineer is hereby directed to evaluate the Project documents in order to identify a Project value, two percent of which value is required to be deposited by the Applicant into an escrow account managed by the Town for the Town’s professional services in evaluating the draft environmental impact statement, including during the scoping process.
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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

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

**WHEREAS**, Daniel Amatura, the Highway Superintendent of the Town of Lancaster, by letter dated April 30, 2020 has recommended the appointment of the following individual to the following part-time temporary seasonal position.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following individual is hereby appointed to the following part-time temporary seasonal position in the Town of Lancaster Highway Department, for a period not to exceed five (5) months, 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 temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Kaitlin Walsh Buffalo, NY	Clerk PT	\$18.27	May 5, 2020

**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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 4, 2020

## **COMMUNICATIONS & REPORTS**

- 243. Code Enforcement Officer to Town Board –  
Request for proclamation declaring May 2020 as Building Safety Month.  
Disposition = Resolution 5/4/20**
- 244. Highway Superintendent to Town Board –  
Request for resolution to hire Zoladz Construction Co., Inc., Railroad Street,  
Alden, NY to remove brush material located at 6129 Genesee St., Lancaster.  
Disposition = Resolution 4/20/20**
- 245. Police Chief to Town Clerk –  
Letter of Commendation for Police Officer Andrew Speyer.  
Disposition = Received & Filed**
- 246. Town of Cheektowaga Zoning Board of Appeals to Town Clerk –  
Information regarding Public Hearing for Area Variance, 6700 Transit Road  
on April 30, 2020. Disposition = Received & Filed**
- 247. Town of Cheektowaga Zoning Board of Appeals to Town Clerk –  
Information regarding Public Hearing for Area Variance, 5050 Transit Road  
on April 30, 2020. Disposition = Received & Filed**
- 248. Supervisor to Town residents –  
Executive Order 2020.8 regarding the continuing state of emergency in the  
Town of Lancaster due to the COVID-19 pandemic.  
Disposition = Received & Filed**
- 249. Bowmansville Volunteer Fire Association to Town Clerk –  
Change in roster. Disposition = Resolution 5/4/20**
- 250. Richard J. Koch, CPA to Town Clerk –  
Request for renewal of Special Use Permit for 60 Michaels Walk, CPA  
practice. Disposition = For Resolution**
- 251. Adrienne Graber to Executive Director Lancaster Youth Bureau –  
Letter of intent to retire from her position at the Lancaster Youth Bureau  
effective June 30, 2020. Disposition = Received & Filed**
- 252. Dog Control Officer to Supervisor and Town Board –  
Request for resolution appointing Elizabeth Bertozzi to the position of  
Seasonal Assistant Dog Control Officer effective May 20, 2020.  
Disposition = Resolution 5/4/20**
- 253. Town Clerk to Code Enforcement Officer –  
Copy of letter from Daniel E. Bedell II, 3976 Walden Ave. requesting the  
renewal of a Special Use Permit for a Home Occupation (Gunsmithing &  
Sales). Disposition = For Resolution**
- 254. NYS Town Clerks Association to Supervisor –  
Notice that Diane Terranova, Town Clerk has been awarded the NYS Town  
Clerks Association certification as a Registered Municipal Clerk.  
Disposition = Received & Filed**
- 255. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed**
- 256. Highway Superintendent to Supervisor and Town Board –  
Request for resolution appointing Kaitlin Walsh to the position of part-time  
temporary seasonal position for the spring/summer season of 2020 in the Town  
Highway Department. Disposition = Received & Filed**

**257. Highway Superintendent to Supervisor and Town Board –  
Revised request for resolution appointing Kaitlin Walsh to the position of  
part-time temporary seasonal position for the spring/summer season of 2020  
in the Town Highway Department. Disposition = Resolution 5/4/20**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER LEARY AND SECONDED BY  
COUNCIL MEMBER MAZUR AND CARRIED,** the meeting was adjourned in memory  
of Carmelina Grace Amatura at 7:26 P.M.

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk