

**Town Board Minutes**

May 18, 2020

Meeting No. 10

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 18<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.

**EXECUTIVE SESSION:**

AT 7:37 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER LEARY AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

At 8:38 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:**

**Cacciotti, Donna**, spoke to the Town Board on the following matter:

- Comments regarding truck traffic on Pleasant View Drive.

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

- Questions regarding the Assessment Review of a particular property.

**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 May 4, 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 18, 2020

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MAZUR, 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. 61056 to Claim No. 61178 Inclusive

Total amount hereby authorized to be paid: \$984,775.08

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 18, 2020

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER MAZUR WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER LEARY, 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
OP2020-30		American Professional Events	4975 Transit Rd	Er. Sign	
30875		Tarcisio Filho Bortoletto	20 Hidden Meadow Cros	Er. Res. Alt.	
30899		Nicholas Lista	94 Stony Rd	Er. Fence	
30907		Rachel Destefano	5 Pershing Ave	Er. Shed	(V/L)
30908		Schuster Construction LLC	27 Nicholas Ln	Er. Porch Cover	
30909		Laurie Hulton	6 Crabapple Ln	Er. Deck	
30910		Mark Rogala	9 Rose St	Er. Deck	
30912		Bruce Remodeling Inc.	144 Wendel St	Er. Res. Alt.	
30913		Robert Henrich	100 Robert Dr	Er. Garage	(V/L)
30914		Tom Schuster	181 Irwinwood Rd	Re-Roof	(V/L)
30916		Marrano/Marc Equity Corp.	127 Avian Way	Er. Dwlg.-Sin.	
30917		Thomas Downing	1 Magrum Ln	Er. Fence	
30918		Larry Donnell Jordan	19 Crabapple Ln	Er. Res. Alt.	
30919		Justin Zubricky	42 Stream View Ln	Er. Shed	
30920		Andrea Row	42 Worthington Ln	Er. Shed	
30921		Thomas Gradwell	45 Sussex Ln	Er. Pool-Abv Grnd	
30923		Robert Jacobs	21 Spruceland Ter	Dem. Deck	
30925		Gen-Tech Power Systems LLC	12 Kent Pl	Inst. Generator	
30926		Daniel Curtis	732 Aurora St	Re-Roof	
30927		Scott Kuhlmeier	4 Fox Trace	Re-Roof	
30929		Neth & Son Inc.	58 Rehm Rd	Re-Roof	
30930		Richard Yaeger	11 Fox Hunt Rd	Er. Fence	
30931		Neth & Son Inc.	10 Elm Pl	Re-Roof	(V/L)
30932		Matthew Dutro	29 Michael Anthony Ln	Er. Fence	
30933		Norampac Industries Inc.	4444 Walden Ave	Er. Sign - Temp	
30934		Ryan Rowley	55 W Drullard Ave	Er. Fence	(V/L)
30935		Julian Kossowsky	327 Broezel Ave	Er. Deck	
30936		6635 Transit Road LLC	6635 Transit Rd	Er. Sign - Temp	
30938		Slawomir Rozanski	44 Bentley Cir	Er. Res. Add.	
30939		Crist Construction	67 Avian Way	Er. Porch Cover	
30940		James Wieder	270 Warner Rd	Er. Fence	
30941		All Access Builders LLC	5 Cadet Cir	Re-Roof	(V/L)
30942		Alan Sirface	546 Lake Ave	Er. Fence	
30943		Michael Rohloff	23 Spruceland Ter	Er. Deck	
30944		Kevin Thompson	4 Katelyn Ln	Er. Shed	
30946		Diane Stoyanovski	86 Avian Way	Er. Shed	
30947		Frank Palumbo	65 Pheasant Run Ln	Er. Fence	
30950		Wargo Enterprises Inc.	50 St Marys St	Dem. Bldg	(V/L)
30951		MJU Enterprises	381 Harris Hill Rd	Er. Fence	
30952		Sean Spearance	5623 Genesee St	Er. Res. Add.	
30954		Margaret Hens	78 Pleasant Ave	Dumpster - Temp.	(V/L)
30956		Evan Stewart	52 Parkview Ct	Er. Fence	(V/L)
30961		Peter Atkinson	7 Fox Hunt Rd	Er. Fence	
30962		Sailesh Tailor	13 Middlebury Ln	Er. Fence	
30963		Chautauqua Fence	46 Running Brook Dr	Er. Fence	
30968		Brian Corbett	26 Weathersfield Ln	Er. Shed	
30969		Paul Besch	60 Doris Ave	Er. Pool-Abv Grnd	(V/L)
30971		Shannon Mahoney	5085 William St	Er. Fence	
30972		David Schaub	35 Robert Dr	Er. Fence	(V/L)

**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 18, 2020

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

**WHEREAS**, Jamie Shock, 6181 Broadway, Lancaster New York 14086 has applied for a Dumping Permit for property situated on 6181 and 6177 Broadway, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review of this application and by letter dated April 3, 2020 the Building Inspector made a formal, favorable recommendation to the Town Board.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Jamie Shock, 6181 Broadway, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 6181 and 6177 Broadway, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

**BE IT FURTHER,**

**RESOLVED**, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Certified elevation survey is to be submitted to the Town Building Department prior to the expiration of the permit.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan and be graded and seeded to the proposed elevation.
8. No signage for dumping allowed.
9. The source of fill is clean dirt from Lancaster jobs.

**BE IT FURTHER,**  
**RESOLVED,** that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER,**  
**RESOLVED,** that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

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

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

May 18, 2020

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

**WHEREAS**, Brian Whiteford and Suzie Gonzales, 760 Schwartz Road, Lancaster New York 14086 has applied for a Dumping Permit for property situated on 760 Schwartz Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review of this application and by letter dated May 6, 2020 the Building Inspector made a formal, favorable recommendation to the Town Board.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Brian Whiteford and Suzie Gonzales, 760 Schwartz Road, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 760 Schwartz Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

**BE IT FURTHER,**

**RESOLVED**, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Certified elevation survey is to be submitted to the Town Building Department prior to the expiration of the permit.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan and be graded and seeded to the proposed elevation.
8. No signage for dumping allowed.
9. The source of fill is from ditch cleaning or pipe installations.



**BE IT FURTHER,**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER,**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

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

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

May 18, 2020

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

**WHEREAS**, the Town Board is considering a three (3) lot split-minor subdivision submitted by Kenneth C. Zollitsch, on a +/- 90.74 acre parcel located at the Northside of Peppermint Rd., West of Ransom Rd., (SBL No. 95.00-1-31) in the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the environmental impact of this expansion project pursuant to SEQR regulations at their meeting on May 6, 2020 and recommended a Negative Declaration be issued, and

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

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled an “Unlisted” action under SEQRA.

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

1. This project is described subdividing an original lot into 3 residential building lots and 1 exception lot submitted by Kenneth C. Zollitsch, on a +/- 90.74 acre parcel located at the Northside of Peppermint Rd., West of Ransom Rd., (SBL No. 95.00-1-31) in the Town of Lancaster, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.

2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.

3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.

4. This resolution is effective immediately.

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

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

May 18, 2020

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: May 6, 2020**

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

The Town Board of the Town of Lancaster has reviewed the three (3) lot split-minor subdivision submitted by Kenneth C. Zollitsch, on a +/- 90.74 acre parcel located at the Northside of Peppermint Rd., West of Ransom Rd, (SBL No. 95.00-1-31) in the Town of Lancaster and the Town Board has determined that the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Peppermint Rd. 3 Residential Building Lots and 1 Exception Lot Subdivision # 9082

**Location of Action:** 0 Peppermint Rd., (SBL No. 95.00-1-31), Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted

**Description of Action:** The project is described as a three lot split with the mother parcel remaining with 3.1 acre physically disturbed area.

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**

7. Will the proposed action impact existing:
  - a. public/private water supplies? **No impact.**
  - b. public/private wastewater treatment utilities? **No impact.****On-site septic is proposed for each building lot.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**  
**A 1993 letter signs off on not being a historic resource.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
11. Will the proposed action create a hazard to environmental resources or human health?  
**No impact.**

**For Further Information:**

Contact Person: Kevin E. Loftus, Town Attorney

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

Telephone Number: (716) 684-3342

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

**WHEREAS**, on May 16, 2016, a public hearing was held pursuant to Chapter 50-Zoning Section 17(F) of the Code of the Town of Lancaster, upon the application of **Daniel E. Bedell II**, for a Special Use Permit for a Home Occupation (Gunsmithing and Sales) on premises located at 3976 Walden Avenue, Lancaster, New York, and the Board last renewed this Special Use Permit on July 2, 2018, this Permit is subject to renewal upon application by the resident, and

**WHEREAS**, **Daniel E. Bedell II** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

**WHEREAS**, the Code Enforcement Officer has completed the onsite inspection and verified compliance for this Special Use Permit Renewal as stated in his letter dated April 29, 2020.

**NOW THEREFORE,**

**BE IT RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a renewal of the Special Use Permit to **Daniel E. Bedell II**, for a Home Occupation (Gunsmithing and Sales) on premises located at 3976 Walden Avenue, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning June 6, 2020 and continuing through June 6, 2022, and

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

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

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 18, 2020

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

**WHEREAS**, William J. Karn, Jr., Police Chief of the Town of Lancaster, by letter dated May 11, 2020, has recommended the appointment of Police Officer Angela Greco of Lancaster, New York to the position of Police Lieutenant, and

**WHEREAS**, Angela Greco is eligible for appointment to this position pursuant to the standards and procedures as set forth in New York State Civil Service Law.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Angela Greco is hereby appointed to the position of Police Lieutenant in the Town of Lancaster Police Department effective May 19, 2020, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, and

**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 18, 2020

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

**A BOND RESOLUTION, DATED MAY 18, 2020, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF MAINTENANCE EQUIPMENT FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$200,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, the Town Board of the Town of Lancaster, Erie County, New York (the "Town") has determined to acquire maintenance equipment for use by the Town;

**NOW, THEREFORE,**

**BE IT RESOLVED**, by the Town Board of the Town (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

**SECTION 1.** The Town is hereby authorized to acquire maintenance equipment (a mobile truck lift) for use by the Town including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$200,000.

**SECTION 2.** The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$200,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such Purpose is to be paid by the levy and collection of taxes on all the taxable real property in the Town to pay the principal of such bonds and the interest thereon as the same will become due and payable.

**SECTION 3.** It is hereby determined that the Purpose is a specific object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of such bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

**SECTION 4.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

**SECTION 5.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

**SECTION 6.** The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the

Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**SECTION 7.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

**SECTION 8.** The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 9.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**SECTION 10.** The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11.** The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

**SECTION 12.** The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

**SECTION 13.** In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.



**SECTION 14.** The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

**SECTION 15.** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

**SECTION 16.** This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a 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 18, 2020

## COMMUNICATIONS & REPORTS

258. Town Clerk to Town Engineer and Building Inspector –  
Transmittal of Application for Dumping Permit for 760 Schwartz Road.  
Disposition = Resolution 5/18/20
259. Town Clerk to Town Board –  
Third settlement payment for 2020 Monthly County Settlement.  
Disposition = Received & Filed
260. Code Enforcement Officer to Drainage & Storm Sewer Committee –  
MS4 April 2020. Disposition = Received & Filed
261. Town Attorney to NYSDEC, NYSDOT, US Army Corps of Engineers, Erie  
County Health Dept., Division of Sewerage Management, Erie County DEP –  
Request for lead agency designation regarding 2-Lot Subdivision, Broadway  
and Sawgrass Lane, Proj. #1846. Disposition = Planning Board
262. Code Enforcement Officer to Town Board –  
Recommend renewal of Special Use Permit for 3976 Walden Avenue,  
Daniel Bedell, II for Gunsmithing and Sales. Disposition = For Resolution
263. Town Engineer to Town Board –  
Recommend approval of Dumping Permit for 6181 Broadway with normal  
conditions. Disposition = Resolution 5/18/20
264. NYS Dept. of Environmental Conservation to Town Clerk –  
NYSDEC invites public comment about draft plan to investigate contamination  
at Brownfield Site on Lake Avenue, Lancaster. Disposition = Received & Filed
265. Town Clerk to Town Board –  
Town Clerk Monthly Report for April 2020. Disposition = Received & Filed
266. Town Engineer to Town Board –  
Recommend approval of Dumping Permit for 760 Schwartz Road with normal  
conditions. Disposition = Resolution 5/18/20
267. Code Enforcement Officer to Town Board –  
Recommend approval of Dumping Permit for 760 Schwartz Road; conditions  
noted. Disposition = Resolution 5/18/20
268. Supervisor to Town Board –  
Beginning May 7, 2020 the extra capacity garbage stickers will be reduced from  
\$5.00 to \$3.00 to assist residents that have additional garbage and yard waste.  
Disposition = Received & Filed
269. Edward Street Residents to Supervisor –  
Comments and concerns regarding safety issues caused by garbage trucks  
parking on Edward Street daily at lunch time. Disposition = Police Chief
270. Executive Director Youth Bureau to Supervisor –  
Notice of postponement of Youth Bureau's Hall of Fame and list of honorees.  
Disposition = Received & Filed
271. Town of Cheektowaga Town Planner to Town Clerk –  
Notice of Public Hearing on May 20, 2020 to consider a Use Variance for  
4808 Transit Road. Disposition = Received & Filed
272. NYS Dept. of Environmental Conservation to National Fuel Gas Supply –  
Copy of letter regarding Wetland LA-4 Boundary Delineation within the  
the Town of Lancaster. Disposition = Planning Board

- 273. Park Crew Chief to Planning Board and Town Board –  
No issues with Preliminary Plat Plan for 2-Lot Minor Subdivision (Burden)  
Broadway and Sawgrass Lane, Proj. #1846. Disposition = Received & Filed**
- 274. Park Crew Chief to Planning Board and Town Board –  
No issues with Site Plan Review for Basil Chevrolet Parts Storage Addition,  
5077 Transit Road, Proj. #2031. Disposition = Received & Filed**
- 275. Police Chief to Supervisor and Town Board –  
Notice of selection of Officer Angela Greco to fill the vacant position of  
Lieutenant in the Lancaster Police Department effective May 19, 2020.  
Disposition = Resolution 5/18/20**
- 276. Village of Lancaster Planning Commission to Supervisor –  
Agenda for May 21, 2020 Planning Commission Meeting.  
Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER LEARY AND SECONDED BY  
COUNCIL MEMBER DICKMAN AND CARRIED,** the meeting was adjourned in  
memory of Arlene Schwarzkopf at 8:39 P.M.

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk