

Town Board Minutes

February 1, 2021

Meeting No. 3

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the via teleconference on the 1st day of February 2021 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
MICHAEL WOZNIAK, 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.
JEAN KARN, DOG CONTROL OFFICER

EXECUTIVE SESSION:

AT 7:50 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER DICKMAN 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 8:16 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:

Lemaster, Kevin, spoke to the Town Board on the following matters:

- Asked the Town Board to table the Special Use Permit for AC Power 14, LLC.
- Provided information related to solar panels, their production of greenhouse gases and the toxicity of the panels.

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
January 19, 2021 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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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. 63917 to Claim No. 64036 Inclusive

Total amount hereby authorized to be paid: \$637,734.61

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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
31630		ABC hardware & Rental Inc.	59 Brunck Rd	Inst. Generator	
31843		ABC Hardware & Rental Inc.	3445 Walden Ave	Inst. Generator	(V/L)
32172		Buffalo's Best Roofing	6 Pauline Ct	Re-Roof	
32195		Ray Haberl	53 Hidden Meadow Cros	Er. Fence	
32198		Kulbacks Construction	2 Wendling Ct	Re-Roof	
32199		Zenner & Ritter Co. Inc.	45 Gordon Ave	Inst. Generator	(V/L)
32200		Anderson Water Systems, Inc.	1095 Ransom Rd	Inst. Generator	
32201		Flexlume Sign Corp.	3987 Walden Ave	Er. Sign	
32202		Gen-Tech Power Systems LLC	146 Siebert Rd	Inst. Generator	
32203		Gen-Tech Power Systems LLC	92 Field Ave	Inst. Generator	(V/L)
32204		Gen-Tech Power Systems LLC	20 Via Donato W	Inst. Generator	
32205		Karen Czekalski	27 Roosevelt Ave	Dumpster - Temp.	(V/L)
32207		Aaron's Remodeling LLC	9 St John St	Er. Res. Alt.	(V/L)
32208		Marrano/Marc Equity Corp.	130 Avian Way	Er. Dwlg.-Sin.	
32209		Katherine Walczak	73 Nichter Rd	Er. Res. Alt.	
32210		Jeffrey Matthews	37 Brunck Rd	Re-Roof	
32211		Moeller Sign Service	6515 Transit Rd	Er. Sign - Wall	
32212		Richard Gaenzler	4 Country Pl	Er. Porch Cover	
32216		Quality Craft Contracting	38 Parkdale Dr	Er. Res. Add.	
32217		AVA Roofing & Siding Inc.	28 Newell Ave	Re-Roof	(V/L)
32218		American United Construc.	5482 Broadway	Re-Roof	(V/L)
32219		6513 Broadway LLC	6513 Broadway	Er. Sign - Temp	
32220		Zenner & Ritter Co. Inc.	16 Carlisle St	Inst. Generator	
32221		Douglas Bugenhagen	1312 Ransom Rd	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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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

WHEREAS, in April 2020, President Trump signed the Families First Coronavirus Response Act into law; and

WHEREAS, the Act provided employees with up to eighty (80) hours of emergency paid sick leave if they are seeking testing, have tested positive, or have been instructed to quarantine at home following a Covid-19 exposure; and

WHEREAS, those Federal benefits expired on December 31, 2020; and

WHEREAS, the December 27, 2020 Stimulus Bill signed by President Trump gives both private and public employers the option to extend these emergency paid sick leave benefits until March 31, 2021.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster approves extending the Federal emergency paid sick leave benefits for all qualifying employees through the Federally extended expiration date of March 31, 2021.

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

February 1, 2021

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

WHEREAS, Michelle Barbaro, Park Crew Chief of the Town of Lancaster, by letter dated January 21, 2021 has requested authorization to solicit bids for the purchase of one (1) new and unused **2021 Ford F-250 XL 4x4 Super Cab Short Bed Pickup with Plow** for the use by the Department of Parks, Recreation & Forestry, and

WHEREAS, the Parks Department will be considering a trade-in allowance for a 2015 Ford F-350 4x4 Regular Cab 8' Box Pick-up (VIN# 1FTRF3B68FEC26758 (w/approx. 55,000 mi.) to offset the cost, and

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

NOW, THEREFORE,
BE IT RESOLVED, as follows:

1. That all Sealed Bids for the purpose of purchasing One (1) new and unused **2021 Ford F-250 XL 4x4 Super Cab Short Bed Pickup with Plow** for the use of the Parks Department, shall be received in the Office the Town Clerk by February 18, 2021, at 10:00 A.M. Local Time and opened thereafter in the Council Chamber of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 1, 2021

**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 her office located at 21 Central Avenue, Lancaster, New York, up to **10:00 A.M.**, Local Time, on the **18th day of February, 2021**, for the purpose of providing to the Town of Lancaster One (1) new and **2021 Ford F-250 XL 4x4 Super Cab Short Bed Pickup with Plow**, for use by the Parks, Recreation & Forestry Department, in accordance with specifications on file in the Town Clerk's Office.

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

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

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

February 4, 2021

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

WHEREAS, Nicholas Kwasniak, of Greenfield Manor Inc., 5953 Broadway Lancaster, New York 14086 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster within 5953 Broadway, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the private improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Private Improvement Permit Application No. 825, Greenfield Manor, Inc., 5953 Broadway, Lancaster, New York 14086 which is a permit for Private Improvements for the installation of:

- Infrastructure Improvement Project: Repair and enclose the drainage ditch on the east side of Greenfields property.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

PREFILED RESOLUTION NO. 7 – MEETING OF 2/1/2021

Dickman/_____ Authorize Permit Public Improvement, Pavement & Curbs, Storm
Sewer & Waterline Hidden Meadow Subdivision Phase III
Deepwood Place

At the request of Council Member Dickman, this resolution was tabled until
February 8, 2021.

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

WHEREAS, Town of Lancaster’s Department of Parks, Recreation and Forestry Crew Chief, Michelle Barbaro, by letter dated January 22, 2021 has requested to purchase **one (1) new and unused Soil Conditioner, 84-in Hydraulic Angle and Depth for High Flow Machines** for use by the Parks, Recreation and Forestry Department, and

WHEREAS, the chipper is available from the New York State Contract No. PC67141, Group 40625, and Award No. PGB-22792, through authorized State Contractor Clark Equipment Company d/b/a Bobcat Company, in the amount of \$7,851.00 per their quote (# 32351D032875) dated January 20, 2021, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused Soil Conditioner, 84-in Hydraulic Angle and Depth for High Flow Machines** under New York State Contract No. PC67141, Group 40625, and Award No. PGB-22792 from authorized New York State Contractor Clark Equipment Company d/b/a Bobcat Company, 250 East Beaton Drive, West Fargo, ND 58078, as proposed by the Park Crew Chief, for an amount not to exceed \$7,851.00 per their quote (#32351D032875) dated January 20, 2021, which will be paid for with funds from the 2021 Parks, Trucks and Related Equipment Budget (Line Item 01-7110-0225).

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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

WHEREAS, Andrea DeBernardis of AC Power 14, LLC (the “Applicant”) has submitted an application for a Special Use Permit to install two (2) Co-located Ballasted Community Solar PV Facilities to be located on two (2) parcels on Gunnville Road, locally identified as SBL Nos. 83-00-5-6.1 and 84.3.1-1 in the Town of Lancaster; and

WHEREAS, Chapter 50-Zoning, Article XL Solar Energy Facilities, §50-58 "Special use permit requirements" of the Code of the Town of Lancaster requires the issuance of a Special Use Permit for the proposed use;

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to that pursuant to Chapter 50-Zoning, Section 78, Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for **AC Power 14, LLC**, to install two (2) Co-located Ballasted Community Solar PV Facilities on two (2) parcels located on Gunnville Road locally identified as SBL Nos. 83-00-5-6.1 and 84.3.1-1 in the Town of Lancaster, New York, will be held via teleconference (1-716-800-4267 Access Pin 1232), on the 1st day of March, 2021, at 7:15 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 1, 2021

TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING ON APPLICATION FOR SPECIAL USE PERMIT
FOR A SOLAR PV FACILITY
TWO (2) PARCELS ON GUNNVILLE ROAD, LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 46 "SPECIAL USE PERMITS" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 1st day of February, 2021 the said Town Board will hold a Public Hearing on the 1st day of March, 2021, at 7:15 o'clock P.M., Local Time via teleconference (1-716-800-4267 Access Pin 1232), to hear all interested persons upon the application of Andrea DeBernardis of **AC Power 14, LLC**, for a Special Use Permit install two (2) Co-located Ballasted Community Solar PV Facilities to be located on two (2) parcels on Gunnville Road, locally identified as SBL Nos. 83-00-5-6.1 and 84.3.1-1, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: DIANE M. TERRANOVA
Town Clerk

February 4, 2021

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

WHEREAS, Benderson Development Company, LLC on behalf of Transit-William Associates, LLC, has submitted an application for a Special Use Permit to allow **Rachels Mediterranean Restaurant** to operate a patio with outdoor seating on premises located at 4931 Transit Road, Building 4933 Suite 100, in the Town of Lancaster in accordance with provisions of Chapter 50-Zoning, Article V. Commercial Districts, §50-18 General Commercial (B) (1) (a) of the Code of the Town of Lancaster, and

WHEREAS, §50-78 Special use permits of the Zoning Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to §50-78 Special use permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for **Rachels Mediterranean Restaurant** to operate a patio with outdoor seating on premises located at 4931 Transit Road, Building 4933 Suite 100, in the Town of Lancaster, will be held via teleconference (1-716-800-4267 Access Pin 1232), on the 1st day of March, 2021, at 7:15 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

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

February 1, 2021

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT – RACHELS MEDITERRANEAN RESTAURANT
4931 TRANSIT ROAD, BUILDING 4933 SUITE 100, LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 46 "SPECIAL USE PERMITS" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 1st day of February, 2021 the said Town Board will hold a Public Hearing on the 1st day of March, 2021, at 7:15 o'clock P.M., Local Time be held via teleconference (1-716-800-4267 Access Pin 1232), to hear all interested persons upon the application of Benderson Development Company, LLC on behalf of Transit-William Associates, LLC, for a Special Use Permit to allow **Rachels Mediterranean Restaurant** to operate a patio with outdoor seating on premises located at 4931 Transit Road, Building 4933 Suite 100, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

February 4, 2021

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

WHEREAS, on June 2, 2005 the Town of Lancaster took out a Public Improvement Bond in the amount of \$3,780,000 and on April 10, 2020 redeemed and retired any remaining bonds, and

WHEREAS, the Internal Revenue Service (IRS) has provided the Town of Lancaster with a Voluntary Closing Agreement to execute in order to finalize the matter.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the Voluntary Closing Agreement and the Consent to Disclose Tax Information (Form 15094) with the Internal Revenue Service relating to the June 2, 2005 Public Improvement Bond in the amount of \$3,780,000.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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

RESOLVED, by the Town Board of the Town of Lancaster as follows:

SECTION 1:

That those Town elected and appointed officials listed below be and are hereby authorized by the Town Board to attend the 2021 New York State Association of Towns Training School and Annual Meeting, to be held as an all-virtual educational and networking event on February 14th, 15th, 16th and 17th, 2021;

BE IT FURTHER,
RESOLVED, that these individuals are eligible for reimbursement for conference registration expenses subject to the following limitations:

Conference Registration Fee – Authorized reimbursement of \$100. per employee. All requests for reimbursement must be presented in the form of original registration confirmation. Total reimbursement per employee is not to exceed the sum of **\$100.** and also must have funds available in the departmental budget. The Finance Director will have final approval for determination of reimbursements.

1. Town Supervisor, Ronald Ruffino, Sr.
2. Planning Board Chair, Neil Connelly
3. Planning Board Member to be designated by the Planning Board Chairman
4. Code Enforcement Officer, Matthew Fischione
5. Zoning Board of Appeals Member to be designated by the Zoning Board Chairman

SECTION 2:

That Town Supervisor Ronald Ruffino, Sr. be and is hereby appointed as the delegate and that Planning Board Chairman Neil Connelly be and is hereby appointed as the alternate to the New York State Association of Towns Training School and Annual Meeting to be held via an all-virtual educational and networking event on February 14th, 15th, 16th and 17th, 2021.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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

WHEREAS, the Town of Lancaster previously entered into an agreement with PENN POWER SYSTEMS, to provide inspection and maintenance services for seven (7) generators located within various Town Buildings, and

WHEREAS, said contract is set to expire according to its terms on January 31, 2021, and

WHEREAS, by email dated January 26, 2021, Michelle Barbaro, Parks Crew Chief, has requested to continue the agreement for inspection and preventative maintenance services for seven (7) generators with PENN POWER SYSTEMS for another two (2) year period, and

WHEREAS, the Agreement has been reviewed and approved by the Town Attorney, and

WHEREAS, funding for this service is available from the Town's Buildings, Miscellaneous Contractual Services Budget (Line Item 01-1620-411).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves and authorizes the Supervisor to execute the Agreement between the Town of Lancaster and PENN POWER SYSTEMS, to continue to provide preventative maintenance and inspection services to seven (7) generators located within various Town Buildings commencing February 1, 2021 and terminating January 31, 2023 at a cost not to exceed \$4,886.00 per year, and which will be paid for with funds available in the Town's Buildings, Miscellaneous Contractual Services Budget, Line Item 01-1620-411.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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

WHEREAS, on September 16, 2020, the Town of Lancaster entered into an agreement with Power and Construction Group Inc., to provide street lighting and related infrastructure maintenance services throughout the Town of Lancaster on a per unit and time and material basis per the fees listed in its proposal, and

WHEREAS, the agreement expired according to its terms on December 31, 2020 but it may be extended on a year-to-year basis by mutual agreement between both parties for up to three (3) years, and

WHEREAS, Daniel Amatura has requested that the agreement be extended for one (1) year and Power and Construction Group, Inc., has submitted a revised bid form with prices in response to the Town's request for an extension.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the one (1) year extension agreement with Power and Construction Group Inc. P.O. Box 30, 96 West River Rd., Scottsville NY, to provide street lighting and related infrastructure maintenance services throughout the Town of Lancaster on a per unit and time and material basis per the fees listed in its proposal, beginning January 1, 2021 and terminating December 31, 2021, and

BE IT FURTHER,
RESOLVED, that there shall be no execution of the contract nor payment for services rendered until the required insurance documents have been received and approved by the Town Attorney.

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

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

February 1, 2021

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

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

WHEREAS, the New York State Office of Children & Family Services through the Erie County Department of Social Services has offered to provide assistance to the Town of Lancaster's Youth Program in an award amount of \$23,625.00 for the period of January 1, 2021 through December 31, 2021, and

WHEREAS, John Trojanowsky, Youth Bureau Executive Director, has obtained all documents required by the County to secure the funding for the 2021 operation of the Town of Lancaster's Year-Round Youth Development Program except for the executed 2021 Youth Agreement.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the 2021 Youth Agreement to secure the NYS Office of Children and Family Services funds from the Erie County Department of Social Services for the operation of the Town of Lancaster's 2021 Youth Development Program commencing January 1, 2021 and continuing through December 31, 2021.

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
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

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

WHEREAS, underage drinking and drug use is a significant societal problem that has generated concern in the Town of Lancaster and is a problem that burdens the limited resources of local emergency responders; and

WHEREAS, in December 2018, the Erie County Legislature adopted an amended Social Host Law that imposes criminal penalties for those adults who in their homes provide alcohol and/or drugs to minors;

**NOW, THEREFORE,
BE IT RESOLVED, as follows that:**

1. The Lancaster Town Board congratulates the Erie County Legislature for amending its Social Host Law; for the County's efforts in promoting the public health, safety and general welfare of our residents; and for educating residents regarding the dangers of underage alcohol use and drug use;
2. The Lancaster Town Clerk is directed to forward a certified copy of this resolution to Erie County Executive, the Honorable Mark Poloncarz and to Erie County Legislator the Honorable Frank Todaro; and
3. This resolution shall take effect 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 LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
COUNCIL MEMBER WOZNIAK	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

February 1, 2021

COMMUNICATIONS & REPORTS

72. Supervisor to Town residents –
Local State of Emergency declared in the Town of Lancaster beginning on January 15, 2021 and continuing for a period of time not to exceed 30 days due to Coronavirus Disease (COVID-19). Disposition = Received & Filed
73. Supervisor to Town residents –
Emergency Executive Order declared in the Town of Lancaster beginning on January 18, 2021 and continuing for a period of time not to exceed 5 days due to Coronavirus Disease (COVID-19). Disposition = Received & Filed
74. Town Attorney to Town Board and Planning Board –
SEQR responses from NYSDEC, Erie County Dept. of Public Works and Division of Sewerage Management regarding Rachel's Mediterranean Grill Patio Addition, 4993 Transit Rd., Proj. #1394. Disposition = Planning Committee
75. Town Attorney to Town Board and Planning Board –
SEQR responses from NYSDEC and Erie County Dept. of Public Works regarding Pavement Road Quarry, 300-324 Pavement & 293 Cemetery Rds., Proj. #8102. Disposition = Planning Committee
76. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Public Works regarding Superior Pallets Amended, 3981 Walden Ave., Proj. #1010.
Disposition = Planning Committee
77. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Public Works regarding AC Power/Lancaster Landfill Solar Arrays, Proj. #2127.
Disposition = Planning Committee
78. Town Engineer to Town Board –
Comments regarding Application for Special Use Permit, 5243 – 5255 Genesee Street. Disposition = Planning Committee
79. Town Engineer to Town Board –
No exception to the Application for Special Use Permit, AC Solar Gunnville Road. Disposition = Planning Committee
80. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Health Dept., Div. of Sewerage Management, Erie County DEP and NYSDOT –
Request for lead agency designation regarding Coordinated Review Brazen Brewery, 5839 Genesee St., Proj. #2063. Disposition = Planning Committee
81. Town Clerk to Town Board –
2020 Town Clerk's Annual Report. Disposition = Received & Filed
82. Town Engineer to Town Board –
No exception to the Application for Special Use Permit, 4933 Transit Road.
Disposition = Planning Committee
83. Park Crew Chief to Town Board –
Request for resolution to authorize publication of a bid for a new and unused 2021 Ford F-250 XL 4X4 Super Cab Short Bed Pickup with Snowplow.
Disposition = Resolution 2/1/21
84. Code Enforcement Officer to Town Board –
Recommend approval of Special use Permit, Rachel's Mediterranean Outside Dining, 4931 Transit Rd.; conditions noted. Disposition = Planning Committee

- 85. Office of the Erie County Legislature to Diane M. Terranova, Receiver of Taxes and Assessments –
Warrant for the collection of 2021 County & Town Taxes.
Disposition = Received & Filed**
- 86. The Sun Newspaper to Supervisor –
Notice that the January 21, 2021 edition will be the final issue of The Lancaster-Depew Sun. Disposition = Received & Filed**
- 87. Park Crew Chief to Town Board –
Request for resolution to purchase one new and unused Soil Conditioner, 84-in Hydraulic Angle and Depth for High Flow Machines from Clark Equipment Company DBA Bobcat Company, 250 East Beaton Dr., West Fargo, ND.
Disposition = Resolution 2/1/21**
- 88. Town Clerk to Code Enforcement Officer –
Transmittal of Commercial Special Use Permit Application for 5839 Genesee Street. Disposition = Town Attorney**
- 89. Supervisor to Town residents –
Local State of Emergency declared in the Town of Lancaster beginning on January 23, 2021 and continuing for a period of (5) days or until removed due to Coronavirus Disease (COVID-19). Disposition = Received & Filed**
- 90. Code Enforcement Officer to Town Board –
Comments regarding Special Use Permit for Brazen Brewing Retail Sales and Restaurant, 5839 Genesee St., Lancaster, NY. Disposition = Planning Committee**
- 91. Supervisor to Town residents –
Local State of Emergency declared in the Town of Lancaster beginning on January 27, 2021 and continuing for a period of five (5) days or until removed due to Coronavirus Disease (COVID-19). Disposition = Received & Filed**
- 92. Planning Board Chairman to Town Board, Planning Board, Town Attorney, Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from January 20, 2021 Planning Board meeting.
Disposition = Received & Filed**
- 93. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**
- 94. Vice President, People Inc. to Town Attorney –
Request for continued financial support in 2021. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER LEARY AND SECONDED BY
COUNCIL MEMBER MAZUR AND CARRIED,** the meeting was adjourned in memory
of Richard Gallivan at 8:17 P.M.

Signed _____

Diane M. Terranova, Town Clerk