

The regular meeting of the Village of Lancaster Board of Trustees was held in the Municipal Building Council Chambers, 5423 Broadway, Lancaster NY, on Monday, February 26, 2024, at 7:00 P.M.

Deputy Village Attorney Jessica Kulpit led the pledge to the flag.

MEETINGS TO DATE **29**
NO. OF REGULARS **21**
NO. OF SPECIALS **8**

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| Attendance: | | <u>Attended / Absent</u> |
| Lynne T. Ruda | Mayor | 29 / 0 |
| Cynthia A. Maciejewski | Trustee/ Deputy Mayor | 28 / 1 |
| Tammie E. Malone Schaefer | Trustee | 27 / 2 |
| John Mikoley | Trustee | 29 / 0 |
| David Santoro | Trustee | 6 / 1 |

Also Present:

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| Jessica A. Kulpit | Deputy Village Attorney |
| Michael E. Stegmeier | Clerk-Treasurer |
| Wayne Cisco | Superintendent of Public Works |
| Paul Stencil | Fire Chief |
| Nolin Jackson | Events Coordinator |
| Gavin O'Brien | 175th Anniversary Committee Chairperson |
| Matthew Fischione | Town of Lancaster Supervising Code Enforcement Officer |
| Captain Jeff Smith | Town of Lancaster Police Department |

Motion by **Trustee Mikoley** and seconded by **Trustee Malone Schaefer** to accept the minutes of the February 12, 2024, regular meeting.

Adopted Resolution: **553** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

ABSTRACT OF AUDITED VOUCHERS

Motion by **Trustee Mikoley** and seconded by **Trustee Maciejewski** that the Treasurer be authorized to pay, from the vouchers, all the claims against the GENERAL, SEWER, TRUST, CAPITAL, EQUIPMENT RESERVE, COMMUNITY DEVELOPMENT and SPECIAL REPAIR RESERVE FUNDS for the period from 2/13/2024 to 2/26/2024.

Further, that the report of the Finance Committee be accepted from the abstract of the audited vouchers, a total of 66 claims were approved, and that all claims were paid against the:

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|---|------------------|---------------------|
| GENERAL FUND -----in the amount of | \$ | 321,446.60 |
| SEWER FUND -----in the amount of | \$ | 9,523.40 |
| TRUST FUND -----in the amount of | \$ | 434.75 |
| CAPITAL FUND -----in the amount of | \$ | 5,300.00 |
| EQUIPMENT RESERVE -----in the amount of | \$ | -- |
| COMMUNITY DEVELOPMENT -----in the amount of | \$ | -- |
| SPECIAL REPAIR RESERVE FUND ----in the amount of | \$ | -- |
| For the period from | <u>1/23/2024</u> | To <u>2/12/2024</u> |

Claims that were processed and paid are identified by the following check numbers:

- General Fund checks # 91301 through # 91354
- Sewer Fund checks # 12066 through # 12068
- Trust Fund check # 2569
- Capital Fund check # 1937

Adopted Resolution: **554** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

CORRESPONDENCE:

1) Correspondence from the Town of Lancaster Building Department providing a report of building permit applications and open complaints that were filed for properties within the Village of Lancaster from January 26, 2024 – February 9, 2024.

Motion by Trustee Mikoley and seconded by Trustee Maciejewski to receive and file this correspondence.

Adopted Resolution: **555** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

2) Correspondence from William Skubis, Skoob’s Village Grille, providing a Special Events Application for a Dyngus Day Celebration with an event date of Monday, April 1, 2024 from 12:00 p.m. to 10:00 p.m. at the parking lot next to the Twin Village Music Store.

Motion by Trustee Malone Schaefer and seconded by Trustee Mikoley to approve this event application as presented.

Adopted Resolution: **556** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

3) Correspondence from Thomas Kukoleca, Assistant Fire Chief, providing a Special Events Application for the Protective Hose Company Chicken BBQ with an event date of Sunday, May 5, 2024 from 12:00 p.m. to 6:00 p.m. at the Municipal Building parking lot.

Motion by Trustee Malone Schaefer and seconded by Trustee Mikoley to refer this application to the Community Events Committee for further review.

Adopted Resolution: **557** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

4) Correspondence from Julie Curtis, on behalf of the Lancaster Beautification Committee, providing a Special Events Application for the Spring Clean Up 2024 with event dates in April and May 2024 at Village gardens located throughout the community.

Motion by Trustee Malone Schaefer and seconded by Trustee Maciejewski to approve this event application as presented.

Adopted Resolution: **558** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

- 5) Correspondence from Julie Curtis, on behalf of the Village of Lancaster Events Committee, providing a Special Events Application for the Garden Walk 2024 – 21st Anniversary with event dates of July 19 – 21, 2024 at various gardens located within the Village and Town of Lancaster.

Motion by **Trustee Malone Schaefer** and seconded by **Trustee Santoro** to approve this event application as presented.

Adopted Resolution: **559** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

- 6) Correspondence from Julie Curtis, on behalf of the Lancaster Beautification Committee, providing a Special Events Application for the Fall Clean Up 2024 with event dates of November 1 & 2, 2024 within the Village Business District.

Motion by **Trustee Malone Schaefer** and seconded by **Trustee Maciejewski** to approve this event application as presented.

Adopted Resolution: **560** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

- 7) Correspondence from the NYS Historic Preservation Office providing notice that that Village of Lancaster as a Certified Local Government member is required to complete an audit of the CLG program (every 4 years), and further requesting the Village to provide the required information for the period from 10/1/2020 – 9/30/2023 within 90 days.

Motion by **Mayor Ruda** and seconded by **Trustee Mikoley** to receive and file this correspondence and refer to the Historic Preservation Committee to provide a response.

Adopted Resolution: **561** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

- 8) Correspondence from William Schutt, P.E., providing a summary of the proposals received for asbestos sampling and testing services related to the removal / replacement of existing flooring at the Municipal Building, and further recommending award for these services to AMD Environmental in the amount of \$3,420.00 as the lowest responsive bidder.

Motion by **Trustee Maciejewski** and seconded by **Trustee Santoro** to approve the proposal from AMD Environmental per the recommendation of William Schutt as Village engineer.

Adopted Resolution: **562** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

RESOLUTIONS:

Motion by **Trustee Mikoley** and seconded by **Trustee Malone Schaefer** to accept and approve the following membership changes for the Lancaster Fire Department:

- Joshua Nardolillo, Protective Hose Company, dropped from the rolls of the Department effective January 9, 2024, and ineligible to rejoin the Department for five years.
- Alexis Nowak, Eagle Hose Company, resigned from the rolls of the Department with her letter of resignation accepted at the Department meeting on February 13, 2024.

Adopted Resolution: **563** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Trustee Maciejewski** and seconded by **Trustee Mikoley** to approve the following budget transfer for the Justice Court to cover the cost of court file folders:

- \$489.00 from A1110.401 (Office Supplies) to A1110.430 (Printing & Advertising).

Adopted Resolution: **564** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Trustee Mikoley** and seconded by **Trustee Malone Schaefer** authorizing Mayor Ruda to sign and execute an Agreement with the Lancaster / Depew / Elma Chamber of Commerce for the sale and transfer of the mobile events stage to the Chamber of Commerce with terms as presented.

Adopted Resolution: **565** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Trustee Maciejewski** and seconded by **Trustee Santoro** to authorize the issuance of a Request for Proposals to solicit the services of a planning consultant to update the Comprehensive Plan for the Village of Lancaster and Village of Depew.

Adopted Resolution: **566** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

AUDIENCE PARTICIPATION:

Jennifer Goeddertz- 24 Central Avenue, Apt. 201:

She came to discuss noise concerns related to Fattey Beer Co. (Fattey’s) which moved into her building within the past year. She has spoken with Police Chief Gummo who recommended that she come to a meeting to address the Village Board on behalf of the residents in the building. She reviewed daily noise issues that have been occurring ever since Fattey’s moved into the building this past June which affect her quality of life. She requested that when their permit is up for renewal, that Fattey’s be required to provide additional sound proofing as a requirement to address these noise concerns.

Mayor Ruda questioned the permit status and asked if there is a requirement for sound proofing. Matt Fischione indicated that the only requirement is for fireproofing. Sound proofing between units would be considered an amenity of the building.

Ms. Goeddertz explained what she experiences on a daily basis from the establishment in comparison to normal sound activities that one might expect during the course of a day. The bass and shaking of walls is a common occurrence that affects their residence.

Mayor Ruda stated that the Village Board needs to be aware of legalities that provide proper authority to respond to such complaints before taking any action.

Captain Smith commented that the Police Department has responded many times due to noise complaints, and Fattey’s has been cooperative and turned the music down or off. He noted that the noise is often a product of the volume of people in the establishment and not the music itself.

Ms. Goeddertz stated that the sound and bass shake the walls within the apartments which may feel different from other perspectives outside of the apartments. The landlord is choosing not to get involved

in the situation. She has not been able to meet with the owner of Fattey's directly to discuss the situation despite multiple attempts to make contact.

Mayor Ruda stated that the next step will be to find out what the Village can do legally in this situation.

Matt Fischione noted that the Certification of Occupancy was issued in October 2023 to close out the building permit per State standards. He commented that the village is changing and there is a learning curve as these changes occur. This situation may be used as a lesson for the future towards better communication with tenants and landlords on how to address such concerns.

This matter will be added to the Building, Lights, and Codes Committee for further review.

Lawrence Smaczniak- 263 Aurora Street:

He commented regarding the use of the sidewalk plow and what happens to lawns when the plow goes through in front of his property which must then be fixed in the spring. He provided photos showing the conditions for review. (The photos were returned to Mr. Smaczniak.) He also discussed a pole for the crosswalk in front of his house where there is a hole that the contractor has not filled in. This is a safety issue, and garbage and debris collect in this hole. He has further concerns regarding traffic driving over the new lawn area and how the grass will be impacted by this each year.

Mayor Ruda stated that the crosswalk project is still an open project, and the contractor will address the issues related to those concerns. The DPW will restore the grass in front of his house first thing in the spring related to the plow damage. It was noted that the sidewalk plow is 6 inches wider than the sidewalk which causes it to rip up grass in parts of the yard. Superintendent Cisco also noted that there was so much snow during this year's storms that DPW employees had to drive the sidewalk plow blindly. Mr. Smaczniak asked if the sidewalk plow could skip his property altogether, and Superintendent Cisco agreed that this could be done in the future.

Trustee Maciejewski stated that she is in contact with Catco about the crosswalk project issues already, and she will follow up with her point of contact.

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| COMMITTEE REPORTS & FOLLOW UPS: |
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➤ **FINANCE & CLAIMS** – Trustee Mikoley

No report.

➤ **PUBLIC WORKS** – Trustee Mikoley

He spoke regarding the Intermunicipal Agreement with the Town Highway Department and their shared services with our Department of Public Works. The Town is requesting a payment of \$9,000 towards a current repair bill for its paver that is used by both the Village of Lancaster and Village of Depew. They are also requesting a \$4,000 annual payment for future ongoing maintenance. He discussed the Village of Depew's decision to make these payments based on their usage.

It was decided that the one-time payment of \$9,000.00 is acceptable towards the current maintenance / repair invoice for the paver. Deputy Attorney Kulpit was directed to contact the Town of Lancaster Attorney's Office to begin discussions towards extending the prior Shared Services Agreement in which compensation for future ongoing maintenance costs may be considered as part of that process.

Motion by **Trustee Mikoley** and seconded by **Trustee Santoro** to authorize a one-time payment of \$9,000.00 to the Town of Lancaster in this budget year towards an outstanding maintenance / repair bill for the Town’s paver.

Adopted Resolution: **567** Ayes: Mayor Ruda, Trustees Malone Schaefer, Mikoley, and Santoro

Abstained: Trustee Maciejewski

(Trustee Maciejewski abstained due to her position as an employee of the Town of Lancaster.)

William Schutt is working on the bid specifications for a new street sweeper.

The new plows are expected to be received within the next two (2) weeks. The cost of the plows will be reimbursed from CHIPS funding.

➤ **PUBLIC SAFETY** – Trustee Maciejewski

She spoke with Catco regarding the Aurora Street project and the condition of open spaces related to the crosswalk project at the Briarwood intersection. We have received complaints from Erie County and the Town Highway Department. As of today, this hasn’t been addressed yet. She will follow up with Catco.

At the Safety Committee meeting last week, there was discussion regarding OSHA workplace safety reminders for employees.

There is a WNY Safety Conference on April 24, 2024 which DPW employees may be able to attend.

➤ **BUILDING, LIGHTS & CODES** – Trustee Santoro

He met with Attorney Herdzik to discuss a proposed new law for Chapter 301 of the Village Code. There is no action to be taken at this meeting.

Motion by **Trustee Santoro** and seconded by **Trustee Mikoley** to schedule a special meeting in Council Chambers on Tuesday, March 5, 2024, at 3:30 p.m. to discuss the Town of Lancaster Intermunicipal Agreement regarding Building Department services.

Adopted Resolution: **568** Ayes: Mayor Ruda, Trustees Malone Schaefer, Mikoley, and Santoro

Abstained: Trustee Maciejewski

(Trustee Maciejewski abstained due to her position as an employee of the Town of Lancaster.)

➤ **HUMAN RESOURCES** – Trustee Maciejewski

Motion by **Trustee Maciejewski** and seconded by **Trustee Santoro** to enter into executive session at 7:30 p.m. regarding a personnel matter with Fire Chief Stencil and Deputy Village Attorney Kulpit.

Adopted Resolution: **569** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Trustee Mikoley** and seconded by **Trustee Maciejewski** to close the executive session and reconvene the meeting at 7:54 p.m. There were no votes or action taken during the executive session that would require entry into the minutes.

Adopted Resolution: **570** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

➤ **COMMUNITY EVENTS** – Trustee Malone Schaefer

Motion by **Trustee Malone Schaefer** and seconded by **Trustee Maciejewski** to enter into executive session at 7:54 p.m. regarding a contractual matter with Deputy Village Attorney Kulpit.

Adopted Resolution: **571** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Trustee Maciejewski** and seconded by **Trustee Malone Schaefer** to close the executive session and reconvene the meeting at 7:59 p.m. There were no votes or action taken during the executive session that would require entry into the minutes.

Adopted Resolution: **572** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Trustee Malone Schaefer** and seconded by **Trustee Mikoley** to add to the agenda for the March 5, 2024, special meeting the matter of the Events Director contract for discussion.

Adopted Resolution: **573** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

The Trinity Food Pantry is holding a food drive this week in coordination with the Lancaster Police Department.

➤ **ECONOMIC DEVELOPMENT** – Mayor Ruda

Gavin O'Brien, Chair of the 175th Anniversary Committee –

There is a committee meeting tomorrow, Tuesday, February 27, 2024, at 7:00 p.m.

This Thursday, February 29, 2024, at 7:00 p.m. St. Mary's High School will host the February Speaker Series event where they will discuss the history of the school.

Restaurant Week will begin next week with ten (10) participating restaurants. These restaurants will feature 'Village of Lancaster' specials.

Other Items

The merchants will review the proposed agreement for beautification next week, and it should be ready for consideration at the next meeting.

There is a meeting set up for the first week of March to discuss putting in a bench for the NFTA Bus Stop at the corner of Central Ave and Sawyer Ave.

Liz Brinkworth from Assemblymember Wallace's office is working to set up a meeting with the leadership between the Villages of Lancaster and Depew and the Town of Cheektowaga to discuss another funding possibility for the trail extension through the federal government.

Mayor Ruda is preparing for the State of the Village presentation on Tuesday, March 12, 2024, and she will be giving updates on projects that have been completed.

➤ **SEWER** – Trustee Santoro

No report.

➤ **GRANTS** – Mayor Ruda

Cayuga Creek Park

There is a meeting scheduled with CPL this Thursday, February 29th at 3:00p.m to discuss pending items to be addressed to close out the project.

Firefighters Park Renovation

We will be reaching out to the contractor soon to find out when work will start again.

Climate Smart Committee- GHG Reduction Initiatives (Joint Project with Town)

Amy Stypa is working on data collection.

CDBG- Aurora Street Pedestrian Improvements

We will be reaching out to the contractor soon to find out when work will start again.

USDA Forest Service Tree Planting (Federal) Grant

There is a webinar tomorrow, Tuesday, February 27th, to learn about the next steps required to implement this grant project.

Erie County Municipal Planning Grant – Comp Plan Updates

We have approved the RFP for consultant services, and we will need to identify members for the steering committee for this project.

GIGP Grant Application- Central Ave Green Infrastructure

The Village of Lancaster was not awarded this project. It was noted that the projects that were awarded this grant were huge projects compared to our submission.

➤ **TECHNOLOGY & MARKETING** – Trustee Malone Schaefer

Motion by **Trustee Malone Schaefer** and seconded by **Trustee Maciejewski** to approve the live streaming and audio proposals from Robert Mark Audio for improvements in Council Chambers.

Adopted Resolution: **574** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

➤ **CLIMATE SMART** – Mayor Ruda

Amy Stypa (Sustainability & Community Climate Energy Coordinator) presented and discussed potential composting and solar projects during the work session.

Motion by **Mayor Ruda** and seconded by **Trustee Maciejewski** to approve the composting plan as proposed by Amy Stypa with the Lancaster Municipal Building as the site for this program.

Adopted Resolution: **575** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Amy Stypa will provide options for Community Solar to be considered at a future date.

There is a Climate Smart Task Force and Forest Advisory Board meeting scheduled for next Thursday, March 7th. These meetings may need to be rescheduled to another week due to a scheduling conflict.

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| DEPARTMENT HEAD REPORTS & FOLLOW UPS: |
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➤ **DEPUTY VILLAGE ATTORNEY** – Jessica A. Kulpit

She reported that letters have been sent out for backlogged tickets for the past three (3) years.

➤ **FIRE CHIEF** – Paul Stencil

The department has been busy with calls. There have been 73 calls year-to-date.

➤ **SPECIAL EVENTS** – Nolin Jackson

He is starting plans for this year, including working with the Beautification Committee and vendors.

➤ **TOWN POLICE DEPARTMENT** – Captain Smith

No report.

➤ **TOWN BUILDING DEPARTMENT** – Matt Fischione

The Department of State annual report has been submitted for 2023 activities.

He reported his findings on pending fire inspections and complaints that have been forwarded to his department to address on behalf of the Village.

Chief Stencil commented on the need for the Lancaster Fire Department to be involved when new commercial tenants are moving into properties.

➤ **SUPERINTENDENT OF PUBLIC WORKS** – Wayne Cisco

The sweeper bid process is ongoing with the engineer.

The new generator will be installed during the first week in April.

➤ **CLERK – TREASURER** – Michael E. Stegmeier

The tentative budget will be prepared and filed in the Clerk's office by March 20th. The Village Board needs to schedule budget meetings to review department budgets and employee salaries prior to final adoption of the budget by the end of April.

Motion by **Mayor Ruda** and seconded by **Trustee Mikoley** to schedule a budget work session on Friday, March 15, 2024, starting at 4:05 p.m. to review department budget requests.

Adopted Resolution: **576** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Motion by **Mayor Ruda** and seconded by **Trustee Malone Schaefer** to schedule a budget work session on Thursday, March 21, 2024, starting at 4:05 p.m. to review the DPW budget request and employee salaries.

Adopted Resolution: **577** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

The final sewer bill installment for this fiscal year will be mailed out around March 20th along with the spring newsletters.

He is preparing for the special election on Tuesday, March 19, 2024, for one (1) Trustee position with one (1) year remaining in the term.

His office is working on updating insurance information to prepare for bidding out coverage this year.

Tree City USA update - The Growth Award was approved, and we are awaiting final approval for Tree City USA designation for 2023 which should come very soon.

The payroll transition with NextHR and isolved has been cancelled as authorized at the last meeting. The NextHR representative (Mark Grugnale) indicated that there are no fees due since payroll services did not officially begin.

MISCELLANEOUS:

-None-

ADJOURNMENT:

Motion by **Trustee Maciejewski** and seconded by **Trustee Malone Schaefer** to adjourn the meeting at 8:20 p.m.

Adopted Resolution: **578** Ayes: Mayor Ruda, Trustees Maciejewski, Malone Schaefer, Mikoley, and Santoro

Respectfully submitted,

Michael E. Stegmeier
Clerk – Treasurer