

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held November 18, 2013 and the Regular Meeting of the Town Board held November 18, 2013 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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER , 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 Director of Administration and Finance, to wit:

Claim No. 33332 to Claim No. 33487 Inclusive

Total amount hereby authorized to be paid: \$3,678,841.94

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER STEMPNIAK , WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER 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
22328		Gen-Tech Power System	32 Running Brook Dr	Inst. Generator	
22329		Tommy Vullo	69 Middlebury Ln	Er. Fence	
22330		James & Judy Sipior	5 Harewood Run	Er. Shed	
22331		Andrea Karan	23 Pardee Ave	Er. Fence	(V/L)
22332		KJMK LLC	7 Cloyes Ave	Re-Roof	
22333		Donald Molino	62 Avian Way	Er. Fence	
22334		Timothy & Sue Haniszewski	971 Ransom Rd	Re-Roof	
22335		Tom Zimmer	16 Pleasant Ave	Re-Roof	(V/L)
22336		Marrano Marc Equity Corp	29 Sterling Pl	Er. Dwlg.-Sin.	
22337		William E Unger	6 Old Orchard Comm	Re-Roof	
22338		Richard & Carole Kulinski	33 Grant St	Er. Shed	(V/L)
22339		Riverside Door & Windows Inc.	17 Cobblestone Ct	Re-Roof	
22341		Dalex Construction Inc	47 Albert Dr	Re-Roof	(V/L)
22342		Benderson Properties Inc	3615 Walden Ave	Er. Comm.Add./Alt.	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

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

WHEREAS, Young Development, Inc., C/O Hopkins & Sorgi, PLLC, 5500 Main Street, Williamsville, New York 14221, has petitioned the Town Board of the Town of Lancaster for the rezone of a parcel of land located at 00 & 5828 Broadway, Lancaster, New York from a General Business District (GB) and Agriculture Residential District (A-R) to Multifamily Residential District Four (MFR-4), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and was approved at their October 2, 2013 meeting.

NOW, THEREFORE

BE IT RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 16th day of December, 2013, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the local newspaper of general circulation in said Town and be on the Town Bulletin Board, and that Notice of such 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 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 ABAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

LEGAL NOTICE
REZONE-PUBLIC HEARING
00 & 5828 BROADWAY
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to 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 December 2, 2013, the said Town Board will hold a Public Hearing on the 16th day of December, 2013 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a General Business District (GB) and Agriculture Residential District (A-R) to Multifamily Residential District Four (MFR-4) for the property known as 00 & 5828 Broadway (S.B.L. No.116.00-1-10.1 & 116.00-1-10.2) within the Town of Lancaster, 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: JOHANNA M. COLEMAN
Town Clerk

December 2, 2013

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

WHEREAS, the Town Board is considering the 2014 Tree Planting Program,
and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the Tree Planting Project and recommended its approval at their meeting on November 18, 2013, and

WHEREAS, the Town Board has duly considered the project, 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 Municipal Review Committee; 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 as the 2014 Phase of the Town of Lancaster’s annual tree planting program which includes the planting of 400-450 trees on Town rights-of-way between the sidewalk and street on Town residential streets, 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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 2, 2013

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 of Lancaster Town Board (the "Town Board"), has reviewed the proposed 2014 Town of Lancaster annual tree planting program which will include the planting of 400-450 trees on Town rights-of-way between the sidewalk and street on Town residential streets. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town of Lancaster 2014 Tree Planting Program

Location of Action: The Town of Lancaster, Lancaster, New York 14086, Erie County

SEQR Status: Unlisted Action.

Description of Action: The 2014 Phase of the Town of Lancaster annual tree planting program which will include the planting of 400-450 trees on Town rights-of-way between the sidewalk and street on Town residential streets

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. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.

8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

Contact Person: John M. Dudziak, Town Attorney
Town of Lancaster
Address: 21 Central Avenue
Lancaster, New York 14086
Telephone Number: (716) 684-3342

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

WHEREAS, it is the adopted policy of the Town Board of the Town of Lancaster to provide group health, dental and optical insurance coverage for Town Justices at no cost to said Town Justices, and

WHEREAS, said policy has been in place for several decades, and

WHEREAS, the cost of health insurance coverage has escalated to a great degree over the last several years, and

WHEREAS, to reduce costs and save money for the taxpayers of the Town of Lancaster, the Town Board of the Town of Lancaster desires to change its policy regarding health, dental and optical insurance coverage for a Town Justice.

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2014:

1. A Town Justice shall be entitled to individual or family coverage in the town's group health and/or dental and/or optical insurance plans provided they pay 100% of the premium(s), said premium(s) to be payroll deducted.
2. A Town Justice shall not be entitled to a health insurance buyout payment.
3. The terms of this resolution shall supercede any inconsistent provisions of previously adopted Town laws, policies and resolutions.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

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

WHEREAS, Town Justices, J. Michael Kelleher and Mark Montour, by letter dated November 21, 2013, have recommended the appointment of Ryan Gerevics of Amherst, New York to the position of Court Officer part-time permanent in the Town Justice Department of the Town of Lancaster working not more than nineteen and three-quarter hours per week, and

WHEREAS, Ryan Gerevics qualifies for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE, BE IT

RESOLVED, that Ryan Gerevics be and is hereby appointed to the position of Court Officer part-time permanent in the Town Courts Department at the rate of \$14.47 per hour, effective December 3, 2013, and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees, and

RESOLVED, that when Mr. Gerevics is called upon to serve as Court Officer, he shall receive a minimum of three (3) hours pay or pay for the actual number of hours worked, whichever is greater, 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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

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

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated November 21, 2013, has recommended the appointment of one (1) individual to the position of Tutor part-time permanent at the Youth Bureau, working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of Tutor part-time permanent at the Youth Bureau, working not more than nineteen and three-quarter hours per week, effective December 2, 2013, and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>PAY RATE/HR.</u>
Guy Schiavi (re-hire) Lancaster, NY	\$15.00

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish 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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

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

WHEREAS, the Town of Lancaster Highway Superintendent has expressed a need for a facility to store Highway equipment that was held in the previously Town owned Cole Craft Building, and

WHEREAS, Charlene and Clyde Mays, Jr. have offered to lease one of their bays located at 73 Cemetery Road, Lancaster, New York to the Town for storage of said equipment and provided a proposed Lease Agreement for same, and

WHEREAS, the Town Attorney has reviewed the proposed Lease agreement which is on a month to month basis at five hundred fifty dollars (\$550.00) per month, beginning December 1, 2013 and terminating March 31, 2014 and requiring a 30 day notification by either party prior to the Lease expiring, and

WHEREAS, the Town Board of the Town of Lancaster has determined that it is in the best interest of the Town to enter into the Lease Agreement with Charlene and Clyde Mays, Jr. to provide a bay for the storage of Highway equipment.

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute a lease with Charlene and Clyde Mays, Jr., leasing Bay # 9 at 73 Cemetery Road in the Town of Lancaster for use as a storage facility for the Town of Lancaster Highway Department's equipment for a term commencing December 1, 2013 and terminating March 31, 2014, and further subject to the terms and conditions contained therein.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

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

WHEREAS, Twin District Volunteer Fire Company, Inc., by letter dated November 20, 2013, has requested the addition of the following member to the roster of said fire association,

NOW, THEREFORE, BE IT

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

ADDITION:

John Jason
Lancaster, New York 14086

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 2, 2013

File: RFIRE (P5)