

1 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 May 20, 2013 and the Regular Meeting of the Town Board held May 20, 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

June 3, 2013

File: RMIN (P1)

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. 30903 to Claim No. 31023 Inclusive

Total amount hereby authorized to be paid: \$416,824.63

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

June 3, 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
21539		Michael & Jennifer Showalter	14 Stutzman Rd	Er. Pool-Abv Grnd	
21544		Bowen Road Acquisition LLC	10 Logan Ln	Er. Res. Alt.	
21545		Precision Construction	49 Southwest Pky	Re-Roof	(V/L)
21546		Comfort Window Co. Inc.	33 Signal Dr	Er. Porch	
21547		Edwin & Judith Kwandrans	961 Erie St	Er. Pool-Abv Grnd	
21548		Daniel George	52 Lake Ave	Er. Fence	(V/L)
21549		Paul B. Cudeck	7 Banner Ave	Er. Res. Add.	(V/L)
21550		Stephen & Megan Leising	25 Carter St	Er. Pool-Abv Grnd	(V/L)
21551		James J. Horbett	1125 Penora St	Er. Pool-Abv Grnd	
21552		S.A.G. Construction	681 Pleasant View Dr	Er. Res. Add.	
21553		C. Kelkenberg Construction	18 Main St	Er. Garage	
21554		United Church Homes	5522 Broadway	Er. Fence	(V/L)
21555		Riverside Door & Windows	15 Lakeside Cres	Re-Roof	(V/L)
21556		GBP, LLC	2085 Como Park Blvd	Dem. Bldg	(V/L)
21557		Expert Fence Company	41 Cedar Brook Dr	Er. Fence	
21558		AAA Race Storage Sheds	15 Ashwood Ct	Er. Shed	
21559		Jay & Stacy Conklin	31 Woodgate Dr	Re-Roof	
21560		Derek DiPasquale	59 Middlebury Ln	Er. Fence	
21561		Todd & Susan Puccio	44 Trentwood Trl N	Er. Pool-Abv Grnd	
21562		Suzie Gonzales	760 Schwartz Rd	Re-Roof	
21563		Henry L. Construction	60 Rehm Rd	Er. Res. Alt.	
21564		Amy F. Inglet	6 Sweet Brier Ct	Er. Fence	
21565		James Grieco	479 Lake Ave	Re-Roof	
21566		Michael & Karen Blatto	19 Quail Hollow	Er. Fence	
21567		Brian & Margaret Thompson	9 Avian Way	Er. Deck	
21568		D Allen & Son Contracting	40 St Marys St	Re-Roof	(V/L)
21569		D Allen & Son Contracting	24 Clark St	Re-Roof	(V/L)
21570		Thomas & Amy Kotarski	12 Rose St	Er. Fence	
21571		Jason A. Johnston	46 Avian Way	Er. Deck	
21572		Justin & Amy Strauch	24 Fourth Ave	Re-Roof	(V/L)
21573		Gregory & Janice Justen	13 Whitestone Ln	Er. Fence	
21574		Gregory & Janice Justen	13 Whitestone Ln	Er. Pool-In Grnd	
21575		Michael P. Meinzer	16 Tanglewood Dr	Er. Shed	
21576		J M & Sheila Ransbottom	31 Ashwood Ct	Er. Shed	
21577		S K Development of WNY	4737 William St	Dem. Bldg	
21578		Kent & Sandra Hughes	13 Cloverside Dr	Er. Shed	(V/L)
21579		Windsor Ridge Partners LLC	67 Chestnut Corner	Er. Dwlg.-Sin.	
21580		Albert & Barbara Hapeman	2 Hillside Pky	Er. Shed	
21581		Neth & Son Inc.	30 Ronald Dr	Re-Roof	
21582		Neth & Son Inc.	95 Elm Pl	Re-Roof	(V/L)
21583		Iroquois Fence Inc.	7 Chapin Cir	Er. Fence	
21584		George J. Taylor, Jr.	51 Lombardy St	Er. Pool-Abv Grnd	(V/L)
21585		Custom Sign Company	3687 Walden Ave	Er. Sign – Wall	(V/L)
21586		Niagara Nursery Inc.	4 Riemers Ave	Er. Fence	
21587		Hometeck Roofing & Remodeling	16 Broezel Ave	Re-Roof	(V/L)
21588		Transit-Rehm Associates	6375 Transit Rd	Er. Comm. Add./Alt.	
21589		Rogers Hemlock Homes LLC	8 Caladium Ct	Er. Res. Alt.	
21590		City Fence Inc.	5679 Broadway	Er. Fence	
21591		Leon & Marlene Goldthwait	78 Woodlawn Ave	Er. Shed	(V/L)
21592		DATO Development LLC	145 Slate Bottom Dr	Er. Townhouses	
21593		DATO Development LLC	143 Slate Bottom Dr	Er. Townhouses	

21594	DATO Development LLC	141 Slate Bottom Dr	Er. Townhouses
21595	DATO Development LLC	139 Slate Bottom Dr	Er. Townhouses
21596	DATO Development LLC	137 Slate Bottom Dr	Er. Townhouses
21597	DATO Development LLC	135 Slate Bottom Dr	Er. Townhouses
21598	Swimco Manufacturing Co.	10 Peachtree Ct	Er. Pool-In Grnd
21599	James & Amy Ward	10 Peachtree Ct	Er. Fence
21600	Kevin A. Dudas	10 Clark St	Er. Fence (V/L)
21601	William & Cheryl McCracken	14 Schilling Ct	Er. Pool-Abv Grnd
21602	Gary Stevenson	1279 Penora St	Er. Deck

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 ABRAHAM

VOTED

COUNCIL MEMBER AQUINO

VOTED

COUNCIL MEMBER RUFFINO

VOTED

COUNCIL MEMBER STEMPNIAK

VOTED

SUPERVISOR FUDOLI

VOTED

COUNCIL MEMBER RUFFINO

VOTED

COUNCIL MEMBER STEMPNIAK

VOTED

June 3, 2013

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY

COUNCIL MEMBER,

TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of June 2013, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, 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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

June 3, 2013

**LEGAL NOTICE
PUBLIC HEARING**

**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF 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 the 3rd day of June, 2013, the said Town Board will hold a Public Hearing on the 17th day of June, 2013, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article STOP INTERSECTIONS; NON-INTERSECTION STOPS;
YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto following:**

Pleasant Meadows Subdivision

STREET NAME	INTERSECTING STREET	SIGN LOCATION
Jonquille Court	Juniper Lane	S.W. Corner
Sterling Place	Sterling Place	N.W. Corner

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**

June 3, 2013

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY

COUNCIL MEMBER,

TO WIT:

WHEREAS, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letters dated May 24, 2013 has requested authorization to solicit bids for the Purchase of one (1) new and unused 3-Ton Vibratory Roller and one (1) new and unused 3.5 Ton Rubber Track Compact Excavator, for use within the Highway Department, and

WHEREAS, the purchase will be paid for with funds from the 2013 Highway Equipment bond, 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 Bids be received in the Office of the Lancaster Town Clerk, 21 Central Avenue, Lancaster, New York, by June 20, 2013, at 10:00 A.M. Local Time for the purpose of purchasing one (1) 3-Ton Vibratory Roller and at 10:15 A.M. Local Time for the purpose of purchasing one (1) new and unused 3.5 Ton Rubber Track Compact Excavator, for the use of the Highway Department, 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 ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

June 3, 2013

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 the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to **10:00 A.M.**, Local Time, on the **20th day of June, 2013**, for the purpose of providing to the Town of Lancaster One (1) new and unused **3-Ton Vibratory Roller** additionally, up to **10:15 A.M.**, Local Time, on the **20th day of June, 2013**, for the purpose of providing to the Town of Lancaster One (1) new and unused **3.5 Ton Rubber Track Compact Excavator**, for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

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: JOHANNA M. COLEMAN
Town Clerk**

June 3, 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 construction of a 42 Single Family Home Subdivision to be known as Autumnwood Subdivision by K & K Development of Alden, LLC to be located at 5335 William Street, Lancaster, New York, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the construction request and recommended its approval at their meeting of May 20, 2013, and

WHEREAS, the Town Board has duly considered the plans for the building, the Long 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. The proposed construction of a 42 Single Family Home Subdivision to be known as Autumnwood Subdivision by K & K Development of Alden, LLC 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

June 3, 2013

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: June 3, 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 42 Single Family Home Subdivision to be known as Autumnwood Subdivision by K & K Development of Alden, LLC (the "Project"). 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: Autumnwood Subdivision (Formerly William & Bowen Subdivision)

Location of Action: 5335 William Street, Lancaster, New York

SEQR Status: Unlisted Action.

Description of Action: The proposed action involves the construction of new 1-story retail appliance facility and associated paved parking.

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 result in a small to moderate physical change to the project site.

It is noted that construction will be on land where the seasonal depth to the water table is less than three feet and construction will be in two phases and continue for two years.

2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will have a small to moderate impact upon a water body designated as protected.

It is noted that the sewer extension is through a federal wetland.

4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction. The action will use approximately 22,000 gallons of water per day.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.

Pesticide and herbicide will be used for lawn care.

It is noted that the New York State Department of Environmental Conservation has made no comment about the Henslows Sparrows, although they have been noted on adjacent property.

9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will

not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing

transportation systems.

Although the two roadways on Bowen Road are approximately 400 feet apart, for emergency access purposes it was determined that the Bowen Road access was necessary.

16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will be a small to moderate noise impact during construction.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
Additional demand for school, police and fire services will be created.
The proposed action will create employment during construction.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

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, the Recreation Leader of the Senior Center of the Town of Lancaster, by letter dated May 9, 2013 has recommended the appointment of Margaret Jankiewicz of Lancaster, New York as a part-time permanent Recreation Instructor to teach Tai Chi class at the Senior Center, working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Margaret Jankiewicz be and is hereby appointed to the position of part-time permanent Recreation Instructor in the Town of Lancaster Senior Center to teach Tai Chi class. Tai Chi class is currently scheduled to meet once per week for approximately one hour per class.
2. That Margaret Jankiewicz be compensated at an hourly rate of \$22.00.
3. That this appointment shall take effect June 4, 2013.
4. 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.
5. That the Supervisor of the Town of Lancaster shall be authorized to 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

June 3, 2013

THE FOLLOWING RESOLUTION WAS OFFERED

BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, The Town Board has previously duly advertised for bids for the Lancaster Police Headquarters and Court Building (Public Safety Building) Communications Equipment and Cabling, and

WHEREAS, bids were received, opened and reviewed on May 29, 2013, and

WHEREAS, by letter dated May 29, 2013, Wm Schutt & Associates P.C., consulting Engineer for the Town of Lancaster, has recommended awarding the bid to Industrial Power and Lighting Company, being the lowest responsible bidder in the amount of \$56,400.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby awards the bid for the Lancaster Police Headquarters and Court Building (Public Safety Building) Communications Equipment and Cabling, to Industrial Power and Lighting Company, 701 Seneca Street, Suite 500, Buffalo, New York 14210, in conformance with the specifications on file in the office of Wm Schutt & Associates P.C., in the total amount not to exceed \$56,400.

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

June 3, 2013

THE FOLLOWING RESOLUTION WAS OFFERED

BY SUPERVISOR FUDOLI
MOVED ITS ADOPTION,
COUNCIL MEMBER

WHO
SECONDED BY
TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated May 28, 2013, has requested the appointment of one (1) part-time temporary seasonal laborer to work in the Highway Department for the 2013 summer season.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of part-time temporary seasonal laborer for the 2013 summer season, for a period not to exceed five (5) months, in the Highway Department, and that this being a part-time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>PAY RATE/HR.</u>	<u>EFFECTIVE DATE</u>
Matthew Szwajda (new hire) Lancaster, NY	\$8.00	June 4, 2013

BE IT FURTHER,

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

June 3, 2013

1THE FOLLOWING RESOLUTION WAS OFFERED BY

COUNCIL MEMBER AQUINO,
MOVED ITS ADOPTION,
COUNCIL MEMBER

WHO
SECONDED BY
, TO WIT:

WHEREAS, General Municipal Law, '53, as attached hereto, requires towns to file a certificate with the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the town of Lancaster, County of Erie designates Johanna M. Coleman, in her capacity as Town Clerk, to receive notices of claim served upon the Secretary of State by mail at 21 Central Avenue, Lancaster, New York.

BE IT FURTHER

RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

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

June 3, 2013

General Municipal Law, §53

Alternative service of notice of claim upon the secretary of state

1. In lieu of serving a notice of claim upon a public corporation as provided for in section fifty-e of this article, a notice of claim setting forth the same information as required by such section may be served upon the secretary of state in the same manner as if served with the public corporation. All the requirements relating to the form, content, time limitations, exceptions, extensions and any other procedural requirements imposed in such section with respect to a notice of claim served upon a public corporation shall correspondingly apply to a notice of claim served upon the secretary of state as permitted by this section. For purposes of this article, the secretary of state shall be deemed to be the agent for all public corporations upon whom a notice of claim may be served prior to commencement of any action or proceeding subject to the requirements of this article.

2. All public corporations entitled to have served upon them a notice of claim as a condition precedent to commencement of an action or proceeding shall, no later than thirty days after the date upon which this section shall take effect, file a certificate with the secretary of state designating the secretary as the agent for service of a notice of claim and shall in such statement provide the secretary with the name, post office address and electronic mail address, if available, of an officer, person, or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary as the public corporation's agent. Any designated post office address or electronic mail address to which the secretary of state shall mail transmit a copy of the notice of claim served upon him or her as agent shall continue to be the address to which such notices shall be transmitted until the public corporation sends a notice to the secretary informing him or her of a new post office address or electronic mail address to which such notices shall be transmitted. The initial filing with the secretary of state shall also contain the applicable time limit for filing a notice of claim upon that public corporation, or if later changed by statute, a new filing shall be made detailing the new time limit. Any public corporation that does not have a current and timely statutory designation filed with the secretary of state shall not be entitled to the portion of the fee to which it would otherwise be entitled pursuant to subdivision four of this section. Failure of the public corporation to so file with the secretary of state will not invalidate any service of a notice of claim upon the public corporation which has been received by the secretary of state.

3. The secretary of state is hereby empowered to accept properly transmitted notices of claims on behalf of a public corporation, with the same effect as if served directly upon a public corporation. The secretary of state shall accept such service upon the following terms and conditions:

(a) the secretary of state shall set and notify the public, on his or her website of times, places and manner of service upon him or her of notices of claims necessary to comply with the provisions of this section;

(b) upon receipt of a notice of claim, the secretary of state shall issue a receipt or other document acknowledging his or her receipt of such notice, and such receipt shall contain the date and time of receipt of the notice, an identifying number or name particular to the notice received, and the logo or seal of the department of state embossed upon it. Such receipt shall be prima facie evidence of service upon the secretary of state for all purposes;

(c) nothing in this section shall be deemed to alter, waive or otherwise abrogate any defense available to a public corporation as to the nature, sufficiency, or appropriateness of the notice of claim itself, or to any challenges to the timeliness of the service of a notice of claim. Timely service upon the secretary of state shall be deemed timely service upon the public corporation for purposes of instituting an action or proceeding or other requirement imposed by law.

4. The secretary of state may impose a fee upon any person who serves a notice of claim with the department. Such fee shall not exceed two hundred fifty dollars for each such notice filed. One-half of the fee imposed shall be retained by the secretary of state as payment for its services provided in accordance with this section. The remaining one-half of such fee shall be forwarded to the public corporation named in the notice of claim provided, however, if more than one such public corporation is named, each named public corporation shall be entitled to an equal percentage of the one-half amount.

5. The secretary of state shall within sixty days after the effective date of this section post on the departmental website a list of any public corporation, including any public authority, public benefit corporation or any other entity entitled to receive a notice of claim as a condition precedent to commencement of an action or proceeding, and that has filed, pursuant to this section, a certificate with the secretary of state designating the secretary as the agent for service of a notice of claim. The list should identify the entity, the post office address and electronic mail address, if available, of the public corporation to which the notice of claim shall be forwarded by the secretary of state, and any statutory provisions uniquely pertaining to such public corporation and the commencement of an action or proceeding against it.

6. The secretary of state is authorized to promulgate any rules or regulations necessary to implement the provisions of this section.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO 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 May 29, 2013, has recommended appointments for the Youth Bureau's Special Exam Prep Session, Summer Skills Building Program, Safe Summer Reinforcement & Enrichment Programs, and Summer Performing Arts Academy.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the following part-time temporary seasonal positions in the Youth Bureau's Special Exam Prep Session, Summer Skills Building Program, Safe Summer Reinforcement & Enrichment Programs, and Summer Performing Arts Academy, effective June 3, 2013 through August 31, 2013, for a period not to exceed five (5) months, in the Youth Bureau, and that these being part-time positions provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>
Guy Schiavi (new hire) Lancaster, NY	Tutor Part-Time Seasonal	\$15.00 hr.
Deanna Baker (rehire) Lancaster, NY	Tutor Part-Time Seasonal	\$15.25 hr.
Kelly Gram (new hire) Lancaster, NY	Tutor Part-Time Seasonal	\$15.00 hr.
Donna Greene (rehire) Depew, NY	Tutor Part-Time Seasonal	\$16.00 hr.
Brittany Jahreis (rehire) Orchard Park, NY	Tutor Part-Time Seasonal	\$15.75 hr.
Kim Pesany-Au (rehire) Lancaster, NY	Tutor Part-Time Seasonal	\$16.75 hr.
Lynn Dalfonso (rehire) Lancaster, NY 14086	Tutor Part-Time Seasonal (Choreographer)	\$17.00 hr.
Robert Pacillo (rehire) Lewiston, NY	Tutor Part-Time Seasonal (Music Director/Accompanist)	\$17.00 hr.
John Kaczorowski (rehire) Amherst, NY	Tutor Part-Time Seasonal (Drama Director)	\$17.00 hr.
Ryan Kaminski (rehire) Lancaster, NY	Tutor Part-Time Seasonal (Music Director)	\$15.50 hr.

Kevin Koperski (rehire) Lancaster, NY	Tutor Part-Time Seasonal (Technical Assistant)	\$12.50 hr.
Joseph Cardinale (new hire) Orchard Park, NY	Tutor Part-Time Seasonal	\$15.00 hr.
Kathleen Zakrzewski (new hire) East Aurora, NY	Tutor Part-Time Seasonal	\$15.00 hr.
Eric Van Pyrz (rehire) Lancaster, NY 14086	Tutor Part-Time Seasonal	\$10.50 hr.

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

June 3, 2013

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

WHEREAS, a vacancy exists in the Office of Emergency Management of the Town of Lancaster for the part-time permanent position of Natural Disaster Services Coordinator, part-time, due to the retirement of Robert MacPeek, and

WHEREAS, the Town Board of the Town of Lancaster has recommended the appointment of Thomas Trzepacz of Bowmansville, New York to the position of Natural Disaster Services Coordinator, part-time, under the direct supervision of the Supervisor of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Thomas Trzepacz of Bowmansville, New York, be and is hereby appointed to the position of Natural Disaster Services Coordinator, part-time, under the direct supervision of the Supervisor, working not more than nineteen and three-quarter hours per week, and

BE IT FURTHER

RESOLVED, that Thomas Trzepacz be compensated bi-weekly in the amount of \$704.38 in accordance with the 2013 budgeted appropriation of \$18,314.00 annually, and

BE IT FURTHER

RESOLVED, that this appointment shall be effective retroactively to May 21, 2013 for the term ending December 31, 2013, and

BE IT FURTHER

RESOLVED, 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

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

June 3, 2013

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

WHEREAS, the General Crew Chief Terrence McCracken, by letter dated May 30, 2013, has requested the appointment of two (2) part-time temporary seasonal employees to work in the Parks, Recreation and Forestry Department of the Town of Lancaster for the 2013 summer season.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the following part-time temporary seasonal positions in the Parks, Recreation and Forestry Department of the Town of Lancaster, for a period not to exceed five (5) months, and that these being part-time positions, provide no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>
Amber Montante (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Thomas Fortman (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25

BE IT FURTHER,

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 STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

June 3, 2013

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

WHEREAS, a vacancy exists on the Town of Lancaster Planning Board,
and

WHEREAS, Council Member Stempniak has recommended to the Town
Board the appointment of Joseph W. Keefe as a member of the Town of Lancaster Planning
Board.

NOW, THEREFORE, BE IT

RESOLVED, that Joseph W. Keefe, of Depew, New York be and is hereby
appointed as a member of the Town of Lancaster Planning Board for the term of June 4, 2013
to December 31, 2013.

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 STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

June 3, 2013