

**Town Board Minutes**

**Meeting  
No. 13**

***Special Meeting***

**May 15, 1995**

MEETINGS TO DATE 13  
NO. OF REGULARS 9  
NO. OF SPECIALS 4

LANCASTER, NEW YORK  
MAY 15, 1995

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 15th day of May, 1995, at 7:00 P.M. and there were

PRESENT: LUCIAN J. GRECO, SUPERVISOR  
ROBERT H. GIZA, COUNCIL MEMBER  
DONALD E. KWAK, COUNCIL MEMBER  
GEORGE E. O'NEIL, PLANNING BOARD CHAIRMAN  
JOHN P. GOBER, PLANNING BOARD MEMBER  
DONNA G. STEMPNIAK, PLANNING BOARD MEMBER

ABSENT: PATRICK C. POKORSKI, COUNCIL MEMBER  
THOMAS H. VAN NORTWICK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
FRANK M. DE CARLO, PLANNING BOARD MEMBER  
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER  
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
JOSEPH F. REINA, ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
ROBERT H. LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

The purpose of this review is to clear up a discrepancy in the number of lots in this subdivision which occurred as a result of the developer acquiring an additional 6+ acres and a detention pond from Valu on Transit Road.

The Town originally approved a 65 lot subdivision - (holding a SEQOR on the rezone of the property as well as the development thereon).

The developer subsequently purchased an additional 6+ acres with a detention pond which required a SEQOR for the rezone and the additional three lots to be included in the subdivision.

A SEQOR was held on the rezone portion of 6 acres but did not include development of three additional lots in the subdivision.

In order for this project to go forth, the town must complete a SEQOR review on the three additional lots thereby increasing the number of lots in the full subdivision to 68.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
QUEEN'S PARK SUBDIVISION**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Queen's Park Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SIEMPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
QUEEN'S PARK SUBDIVISION  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 6.4 acres. The location of the premises being reviewed is on the east side of Transit Road, south of William Street.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
 a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
- No adverse effects noted
- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
 No adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
 No adverse effects noted
- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
 No adverse effects noted
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
 No adverse effects noted
- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
 No adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).  
 No adverse effects noted
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s

Lucian J. Greco, Supervisor  
 Town of Lancaster

May 15, 1995

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
 and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

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

|                                 |            |
|---------------------------------|------------|
| SUPERVISOR GRECO                | VOTED YES  |
| COUNCIL MEMBER GIZA             | VOTED YES  |
| COUNCIL MEMBER KWAK             | VOTED YES  |
| COUNCIL MEMBER POKORSKI         | WAS ABSENT |
| COUNCIL MEMBER VAN NORWICK      | WAS ABSENT |
| PLANNING BOARD MEMBER O'NEIL    | VOTED YES  |
| PLANNING BOARD MEMBER ANDERSON  | WAS ABSENT |
| PLANNING BOARD MEMBER DE CARLO  | WAS ABSENT |
| PLANNING BOARD MEMBER GOBER     | VOTED YES  |
| PLANNING BOARD MEMBER STEMPIAK  | VOTED YES  |
| PLANNING BOARD MEMBER SZYMANSKI | WAS ABSENT |
| PLANNING BOARD MEMBER WHITTAKER | WAS ABSENT |

The Notice of Determination was thereupon unanimously adopted.

MAY 15, 1995

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:15 P.M.

*Robert P. Thill*

Robert P. Thill, Town Clerk

**Town Board Minutes**

**Meeting  
No. 14**

***Regular Meeting***

**May 15, 1995**

MEETINGS TO DATE 14  
 NO. OF REGULARS 10  
 NO. OF SPECIALS 4

LANCASTER, NEW YORK  
 MAY 15, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 15th day of May 1995 at 8:00 P.M. and there were

**PRESENT:** ROBERT H. GIZA, COUNCIL MEMBER  
 DONALD E. KWAK, COUNCIL MEMBER  
 PATRICK C. POKORSKI, COUNCIL MEMBER  
 THOMAS H. VAN NORTWICK, COUNCIL MEMBER  
 LUCIAN J. GRECO, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT P. THILL, TOWN CLERK  
 ROBERT H. LABENSKI, TOWN ENGINEER  
 JOSEPH F. REINA, TOWN ATTORNEY  
 ROBERT L. LANEY, BUILDING INSPECTOR  
 THOMAS E. FOWLER, CHIEF OF POLICE  
 JOHANNA M. COLEMAN, RECEIVER OF TAXES

**PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:**

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Pamela Hintermeier-Abati for a Special Use Permit for a home occupation - Tax Preparation Practice - within a single-family dwelling on premises locally known as 10 Overton Court.

The Town Clerk presented a copy of a letter which was mailed to the Petitioner, notifying her of the time and place of this Public Hearing.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending denial without prejudice of the Special Use Permit Application.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROFONENTS**

**ADDRESS**

Pamela Hintermeier-Abate, the petitioner

**OPPONENTS**

**COMMENTS & QUESTIONS**

NONE

NONE

ON MOTION BY COUNCIL MEMBER GIZA, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:20 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 1995, which Local Law repeals in its entirety, Chapter 4 - "Auto Wrecking and Junkyards" of the Code of the Town of Lancaster and enacts in place thereof a Local Law of the Year 1995, entitled "Junkyards", and further designated as Chapter 4 of the Code of the said Town.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

**ADDRESS**

David Baehre, 5755 Genesee Street, Lancaster  
Kandy Palmieri, 5815 Genesee Street, Lancaster

**OPPOSERS**

**ADDRESS**

James Guenther, 562 Pavement Road, Lancaster  
Edward Haniszewski, 911 Ransom Road, Lancaster  
Chester Haniszewski, 867 Ransom Road, Lancaster

**COMMENTS & QUESTIONS**

**ADDRESS**

NONE

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:00 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 9:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 1995 entitled "Code of Ethics", and further designated as Chapter 9 of the Code of the said Town.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

## PROPOSERS

## OPPOSERS

NONE

NONE

## COMMENTS &amp; QUESTIONS

## ADDRESS

James Guenther, 562 Pavement Road, Lancaster

ON MOTION BY COUNCIL MEMBER VAN NORWICK, AND SECONDED BY COUNCIL MEMBER POKORSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:10 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:

At 9:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed amendment to Sections 50-7, Junkyard; 50-25, General Industrial District (GI); and Chapter 50-43, Site Plan Review, of Chapter 50, Zoning, of the Code of the Town of Lancaster.

The Town Clerk presented a copy of a Zoning Coordination Referral which was mailed to the Erie County Division of Planning notifying them of the time and place of this Public Hearing.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

## PROPOSERS

## ADDRESS

NONE

## OPPOSERS

## ADDRESS

Chester Haniszewski, 867 Ransom Road, Lancaster

## COMMENTS &amp; QUESTIONS

## ADDRESS

NONE

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:15 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 9:15 P.M.:

At 9:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 1995, which Local Law repeals in its entirety, Section 30-41 of Article II of Chapter 30, of the Code of the Town of Lancaster, entitled "Site Plan Review Fee" and enacts in place thereof a new Section 30-41 of Chapter II of Chapter 30, entitled "Site Plan Review Fee" of the Code of the said Town.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

## PROPOSERS

## OPPOSERS

NONE

NONE

## COMMENTS &amp; QUESTIONS

## ADDRESS

James Guenther, 562 Pavement Road, Lancaster

ON MOTION BY COUNCIL MEMBER GIZA, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:25 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

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

RESOLVED, that the minutes from the Regular Meeting of the Town  
Board held on May 1, 1995 be and hereby are 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 GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

WHEREAS, Ciminelli Development Co., 350 Essjay Road, Williamsville, New York 14221, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Quail Run Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Quail Run Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 389 - Street Lights - Quail Run Subdivision, Phase II

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

WHEREAS, Lancaster Speedway, 57 Gunnville Road, Lancaster, New York 14086, has applied for a Dumping Permit for property situated at 57 Gunnville Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

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

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Lancaster Speedway, be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 57 Gunnville Road, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

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

1. All fill must consist of clean hard fill. Demolition material is not acceptable.
2. Close monitoring of the site to prevent unauthorized dumping of non-permitted material.
3. A swale along the north property line must be installed. This swale must slope toward the street ditch.
4. Roads must be cleaned on a daily basis.
5. The height of the fill must be limited to one foot above the center line of the road and no higher than the existing properties to the north.

and,

BE IT FURTHER

RESOLVED, THAT PURSUANT TO CHAPTER 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

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

|                            |           |
|----------------------------|-----------|
| COUNCIL MEMBER GIZA        | VOTED YES |
| COUNCIL MEMBER KWAK        | VOTED YES |
| COUNCIL MEMBER POKORSKI    | VOTED YES |
| COUNCIL MEMBER VAN NORWICK | VOTED YES |
| SUPERVISOR GRECO           | VOTED YES |

May 15, 1995

File: R.PERMIT.DUMP (P3-4)

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

WHEREAS, the Supervisor of the Town of Lancaster has requested an amendment to the 1995 Fire Fund Budget to properly classify a revenue line item in the adopted 1995 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendment to the 1995 Adopted Budget of the Town of Lancaster be and is hereby approved:

AMENDMENTS:

|  | <u>Increase</u> | <u>Decrease</u> |
|--|-----------------|-----------------|
| SF0599 Appropriated Fund Balance                 |                 | 100,000.00      |
| SF2189 Transfer from T&A Fund -<br>Public Safety | 100,000.00      |                 |

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

PREFILED RESOLUTION NO. 5 - MEETING OF 5/15/95

Kwak/\_\_\_\_\_

Amend Zoning Ordinance Re: Text Change 50-7 Junkyard  
And Section 50-25 General Industrial District (GI)  
And Section 50-43 Site Plan Review

At the request of Council Member Kwak, this resolution was withdrawn  
for further study.

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

WHEREAS, Chemical Bank, (CHEMICAL), is a designated depository of part of the funds of the Town of Lancaster, and

WHEREAS, as a designated depository, CHEMICAL has to agree to provide and pledge securities and collateral to secure the Town's funds deposited with it, and

WHEREAS, CHEMICAL has submitted a proposed contract entitled "Local Government Security and Custody Agreement", together with related documents, which sets forth CHEMICAL'S obligations to secure the funds of the Town deposited with it, and

WHEREAS, the Town Board determines that said Agreement and related documents should be made binding upon CHEMICAL;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Supervisor and the Town Clerk, as the case may be, are hereby authorized to execute on behalf of the Town, the Local Government Security and Custody Agreement and related documents submitted by Chemical Bank.

2. Upon execution by all parties thereto, one original thereof shall be filed in the Town Clerk's Office.

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

|                            |           |
|----------------------------|-----------|
| COUNCIL MEMBER GIZA        | VOTED YES |
| COUNCIL MEMBER KWAK        | VOTED YES |
| COUNCIL MEMBER POKORSKI    | VOTED YES |
| COUNCIL MEMBER VAN NORWICK | VOTED YES |
| SUPERVISOR GRECO           | VOTED YES |

May 15, 1995

File: R.Cust.Agr.Chem.

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

WHEREAS, the Superintendent of Highways of the Town of Lancaster has requested the Town Board to advertise for bids to furnish Two (2) New and Unused 1996 4 x 4 Dump Trucks, complete with dump body and snow plow equipment, and all hydraulics and tailgate sanders, and

WHEREAS, the Highway Committee of the Town Board has approved such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 11:30 o'clock A.M., Local Time, on May 31, 1995, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of Two (2) New and Unused 1996 4 x 4 Dump Trucks, complete with dump body and snow plow equipment, and all hydraulics and tailgate sanders for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.Not.Bdrs.Dmp.Trks.

LEGAL NOTICE  
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 11:30 A.M. Local Time, on the 31st day of May, 1995, for furnishing to the Highway Department of the Town of Lancaster, New York, Two (2) New and Unused 1996 4 x 4 Dump Trucks, complete with dump body and snow plow equipment, and all hydraulics and tailgate sanders for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five percent (5%) of the "Gross Bid", payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

May 15, 1995

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

WHEREAS, the Superintendent of Highways of the Town of Lancaster has requested the Town Board to advertise for bids to furnish One (1) New and Unused 1995 Double Drum Vibratory Asphalt Compactor - 8-12 Ton, and

WHEREAS, the Highway Committee of the Town Board has approved such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 11:00 o'clock A.M., Local Time, on May 31, 1995, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of One (1) New and Unused 1995 Double Drum Vibratory Asphalt Compactor - 8-12 Ton for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.Not.Bdrs.Cmpctr.

LEGAL NOTICE  
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 11:00 A.M. Local Time, on the 31st day of May, 1995, for furnishing to the Highway Department of the Town of Lancaster, New York, One (1) New and Unused 1995 Double Drum Vibratory Asphalt Compactor - 8-12 Ton for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five percent (5%) of the "Gross Bid", payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

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

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

May 15, 1995

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

WHEREAS, the Supervisor of the Town of Lancaster has requested a transfer of funds within the 1995 General Fund Budget to cover upcoming necessary expenditures in the Parks and Recreation Department.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget adjustment to the 1995 Adopted Budget of the Town of Lancaster be and is hereby approved:

FUND APPROPRIATION:

|   | <u>Increase</u> | <u>Decrease</u> |
|---|-----------------|-----------------|
| 01.7110.424 Repair of Trucks &<br>Related Equipment | 2,000.00        |                 |
| 01.7110.426 Stationary Plant &<br>Bldg. Equipment   |                 | 2,000.00        |
| 01.7110.432 Auto Parts & Supplies                   | 500.00          |                 |
| 01.7110.435 Chemicals                               |                 | 500.00          |
| 01.7610.411 Misc. Contractual Exp.                  | 2,000.00        |                 |
| 01.7610.432 Auto Parts & Supplies                   |                 | 2,000.00        |

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

WHEREAS, it is essential to public safety that the Town of Lancaster  
continue its participation in the coordinated effort to reduce alcohol related  
traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town  
of Lancaster for participation in said coordinated effort for the year 1995;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and  
directed to execute on behalf of the Town of Lancaster, the 1995 Application  
with the County of Erie for participation in funding of alcohol related  
traffic safety law enforcement activities under the 1995 STOP-DWI Grant  
Program.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

**RESOLVED**, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 2102 to Claim No. 2320 Inclusive

Total amount hereby authorized to be paid: \$553,446.67

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER PORORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.CLAIMS

PREFILED RESOLUTION NO. 12 - MEETING OF 5/15/95

Greco/\_\_\_\_\_

Petition New York State Legislature Re: Home Rule  
Law Request Legislation To Provide For An Elected  
Town Assessor For The Town Of Lancaster

At the request of Supervisor Greco, this resolution was withdrawn  
for further study.

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

WHEREAS, by Town Board Resolution dated February 2, 1987, the zoning classification for a parcel of property locally known as 193-195 Cemetery Road, Town of Lancaster, a legal description of which is hereinafter set forth, was changed from SA Suburban-Agricultural to C2-General Commercial, and

WHEREAS, by Town Board Resolution dated May 15, 1989, as part of a town-wide reclassification of zones, zoning classification SA-Suburban Agricultural was changed to AR-Agricultural Residential and zoning classification C2-General Commercial, was changed to GB-General Business, and

WHEREAS, the zoning classification for the premises is now GB-General Business, and

WHEREAS, the original resolution of the Town Board dated February 2, 1987, was challenged in a lawsuit commenced by the Nichter Road/Cemetery Road Homeowners Association, which sought to have said resolution null and void, and

WHEREAS, the Supreme Court, County of Erie, (Roberts, J.), by judgment entered in the Erie County Clerk's Office on September 18, 1989, declared the original resolution of the Town Board, dated February 2, 1987, to be null and void, and

WHEREAS, said Judgment was unanimously affirmed by the Appellate Division, Fourth Judicial Department, by order dated and entered on December 21, 1990;

NOW, THEREFORE, BE IT  
RESOLVED, as follows:

1. That pursuant to Sections 130 and 265 of the Town Law of the State of New York, a Public Hearing will be held on the 5th day of June, 1995, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the initiative of the Town Board to rescind its resolution of February 2, 1987, and to amend the Zoning Map of the Town of Lancaster, by changing the zoning classification for the following described premises. known at 193-195 Cemetery Road, Town of Lancaster, New York, from a GB-General Business District to an AR-Agricultural Residential District:

The property to be rezoned is located on the east side of Cemetery Road approximately 520.94 feet north from the centerline of Nichter Road and is further described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Cemetery Road, sixty-six (66) feet wide, two hundred (200) feet south of the southwest corner of lands conveyed to Kintex Inc. by deed recorded in the Erie County Clerk's Office in Liber 8066 of Deeds at page 27, said point being six hundred seventy and seventy-six hundredths (670.76) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6;

RUNNING THENCE southerly along the center line of Cemetery Road, two hundred (200) feet to a point;

THENCE easterly parallel with the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet;

THENCE northerly two hundred (200) feet to a point, two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed;

THENCE westerly parallel with and two hundred (200) feet south of the south line of lands conveyed to Kintex Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet to the centerline of Cemetery Road at the point of beginning.

and

2. That Notice of the Time and Place of such hearing be published in the Lancater Bee, the official newspaper, on May 18, 1995, 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 GIZA         | VOTED. YES |
| COUNCIL MEMBER KWAK         | VOTED YES  |
| COUNCIL MEMBER POKORSKI     | VOTED YES  |
| COUNCIL MEMBER VAN NORIWICK | VOTED YES  |
| SUPERVISOR GRECO            | VOTED YES  |

May 15, 1995

File: R.Rezone.Church.95

LEGAL NOTICE  
PUBLIC HEARING  
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 May 15, 1995, a Public Hearing will be held on the 5th day of June, 1995, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the initiative of the Town Board to rescind its resolution of February 2, 1987, and to amend the Zoning Map of the Town of Lancaster, by changing the zoning classification for the following described premises. known at 193-195 Cemetery Road, Town of Lancaster, New York, from a GB-General Business District to an AR-Agricultural Residential District:

The property to be rezoned is located on the east side of Cemetery Road approximately 520.94 feet north from the centerline of Nichter Road and is further described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Cemetery Road, sixty-six (66) feet wide, two hundred (200) feet south of the southwest corner of lands conveyed to Kintex Inc. by deed recorded in the Erie County Clerk's Office in Liber 8066 of Deeds at page 27, said point being six hundred seventy and seventy-six hundredths (670.76) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6;

RUNNING THENCE southerly along the center line of Cemetery Road, two hundred (200) feet to a point;

THENCE easterly parallel with the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet;

THENCE northerly two hundred (200) feet to a point, two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed;

THENCE westerly parallel with and two hundred (200) feet south of the south line of lands conveyed to Kintex Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet to the centerline of Cemetery Road at the point of beginning.

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: ROBERT P. THILL  
Town Clerk

May 15, 1995

File: R.Rezone.Church.95.LGL.

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety, Section 30-41 of Chapter 30, Article II of the Code of the Town of Lancaster, entitled: "Site Plan Review Fee" , and to enact in place thereof Local Law of No. 1 of the Year 1995, entitled, "Site Plan Review Fee", designated as Chapter 30, Article II, Section 30-41 of said Code, and

WHEREAS, proposed Local Law No. 1 of the Year 1995, entitled "Site Plan Review Fee" and designated as Chapter 30, Article II, Section 30-41 of the Code of the Town of Lancaster, was introduced to the Town Board of the said Town, on May 1, 1995, by Council Member Kwak, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on May 15, 1995;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 1 of the Year 1995, entitled, "Site Plan Review Fee", designated as Chapter 30, Article II, Section 30-41 of the Code of the Town of Lancaster, County of Erie and State of New York, as follows:

## PERMIT AND APPLICATION FEES

## CHAPTER 30

ARTICLE II  
PLANNING AND DEVELOPMENT FEES

## SITE PLAN REVIEW FEE

LOCAL LAW NO 1  
1995

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 30-41, OF CHAPTER 30, ARTICLE II OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED: "SITE PLAN REVIEW FEE", AND REPLACING IT WITH A LOCAL LAW OF 1995 ENTITLED: "SITE PLAN REVIEW FEE" AND DESIGNATED AS CHAPTER 30, ARTICLE II, SECTION 30-41 SITE PLAN REVIEW FEE, OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

## Section 1.

This Local Law is enacted pursuant to the authority granted in Section 10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to the property, affairs and government of the town.

## Section 2.

The Code of the Town of Lancaster, is hereby amended by deleting and repealing Section 30-41 of Chapter 30, Article II of the Code, entitled "Site Plan Review Fee".

## Section 3.

The Code of the Town of Lancaster is hereby amended by adding thereto Local Law No. 1 of the Year 1995, to replace Section 30-41 "Site Plan Review Fee" as hereinabove repealed, which shall be entitled: "Site Plan Review Fee" and further designated as Article II, Chapter 30 of said Code, and shall read as follows:

## 30-41. A. Definitions.

For the purpose of this local law, certain terms are defined as follows:

**SITE PLAN** - Any site development plan for residential developments that contain three (3) or more single-family dwellings in a planned cluster development other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster; any site development for residential developments that contain three (3) or more multifamily dwelling units; any site development plan for apartment houses, townhouse units, condominium units, commercial, industrial, recreational, religious, or institutional developments.

DEVELOPMENT AREA - An area of land permitted by this local law to be developed by a single owner or group of owners, acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

B. Site plan review fee required.

Where application is made to the Town of Lancaster to review a site plan as required by Chapter 50, Zoning, Section 43 of the Code of the Town of Lancaster, the following site plan review fees shall be imposed as part of the review process:

1. Single-family dwellings located in a planned cluster development of three (3) or more dwellings, other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster: Two hundred fifty dollars (\$250.00) for the first dwelling, plus Two hundred dollars (\$200.00) for each additional dwelling.
2. Residential developments that contain three (3) or more multifamily dwelling units, apartment houses, townhouse units, condominium units: Two hundred fifty dollars (\$250.00) for the first dwelling unit, plus Two hundred dollars (\$200.00) for each additional dwelling unit.
3. Commercial, industrial, recreational, religious or institutional developments: Five hundred dollars (\$500.00) for the first acre or part thereof of the development area, plus One hundred fifty dollars (\$150.00) for each additional acre or part thereof of the said development area; provided, however, that if within said development area, there is acreage upon which no roads, vehicle parking areas, structures, public water lines or public sewer lines, are to be constructed, altered or modified, then the fee for any such acreage or part thereof, not being so improved; shall be ten dollars (\$10.00) per acre or any part thereof.

Section 4.

This Local Law shall take effect after mailing and filing as required by Law.

May 15, 1995

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster, shall

1. Immediately post a copy of Local Law No. 1 of the Year 1995 on the Town Bulletin Board;

2. Within ten (10), publish a certified copy of the Local Law abstract thereof describing same in general terms, in the Lancaster Bee, declared the official newspaper for this publication, and

3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1995, within twenty (20) days of adoption with:

- a) Town Clerk's office;
- b) Three (3) copies with the Office of the Secretary of State.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.Loc.Law.1995.Permit.Fee.Adpt.

LEGAL NOTICE  
NOTICE OF ADOPTION  
TOWN OF LANCASTER

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on May 15, 1995, Local Law No. 1 of the Year 1995, which Local Law repeals in its entirety, Section 30-41 of Article II of Chapter 30, of the Code of the Town of Lancaster, entitled "Site Plan Review Fee" and enacts in place thereof a new Section 30-41 of Article II of Chapter 30, entitled: "Site Plan Review Fee", of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Chapter 30-41 of Article II, Chapter 30 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter 30-41, "Site Plan Review Fee".

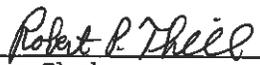
This Local Law sets forth site plan review fees involved in the review of specific projects and developments to be constructed in the Town of Lancaster.

May 15, 1995

STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 1 of the Year 1995, with the original thereof filed in my office at Lancaster, New York, on the 15th day of May, 1995, and that the same is a true and correct copy of said Original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 15th day of May, 1995.

  
Town Clerk

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

WHEREAS, RAMADA LIMITED HOTEL, has submitted a Site Plan dated May 1, 1995, for the construction of a Lobby Addition to its existing structure located on Freeman Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by memo dated May 10, 1995, has recommended approval, and

WHEREAS, the Town Engineer has reviewed this project with respect to SEQR and by memo dated May 11, 1995, has advised the Board that this project is a Type II Action and no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan, as prepared by Coley & Co., Architects, and dated May 1, 1995, for the construction of a lobby addition to the Ramada Limited Hotel, located on Freeman Road in the Town of Lancaster.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R. Apr.Site.Plan.Ramada

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

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for development and construction of Westwood Park located in the Town of Lancaster, and

WHEREAS, bids were received and opened on May 8, 1995, and

WHEREAS, Donald Gallo, Consulting Engineer has reviewed the bids and, by letter dated May 12, 1995 , has recommended that the lowest responsible bidder, for Contract No.9SP (site preparation) in conformance with the specifications, is VISIONE CONSTRUCTION, INC., 79 Sheldon Avenue, Depew, New York 14043, in the amount of \$547,533.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards Contract No. 9SP (site preparation) for development and construction of Westwood Park, to VISIONE CONSTRUCTION, INC., 79 Sheldon Avenue, Depew, New York 14043, being the lowest responsible bidder in conformance with the specifications on file in the Town Clerk's Office, in the amount of \$547,533.00.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORIWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.Wstwd.Pk.1

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

WHEREAS, the Director of Parks and Recreation, by letter dated May 15, 1995, has requested the following appointments for the Parks and Recreation Department as maintenance and support staff for the summer season of 1995,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to various positions in the Parks and Recreation Department of the Town of Lancaster at the following hourly rates as specified in the 1995 Budget of the Town of Lancaster:

| <u>NAME</u>  | <u>POSITION</u> | <u>RATE</u> |
|--|-----------------|-------------|
| Tom Anticola<br>42 Pheasant Run Lane<br>Lancaster, New York 14086    | Lifeguard       | \$5.25 hr.  |
| Lance Baker<br>76 Pleasantview Dr.<br>Lancaster, New York 14086      | Laborer         | \$5.25 hr.  |
| Kristin Batt<br>12 Quincy Ave.<br>Lancaster, New York 14086          | Playground      | \$5.25 hr.  |
| Dennis Bauer<br>237 Seabert Ave.<br>Depew, New York 14043            | Playground      | \$5.25 hr.  |
| Edward Berst<br>43 Broezel Ave.<br>Lancaster, New York 14043         | Laborer         | \$5.00 hr.  |
| Carmen Ciccarelli<br>809 Erie Street<br>Lancaster, New York 14086    | Laborer         | \$5.25 hr.  |
| Mary Ellen Collins<br>56 Christen Court<br>Lancaster, New York 14086 | Lifeguard       | \$5.25 hr.  |
| Chris Cybulski<br>20 Franklin Street<br>Lancaster, New York 14086    | Playground      | \$5.25 hr.  |
| Renee Faulhaber<br>25 Brunck Road<br>Lancaster, New York 14086       | Lifeguard       | \$5.00 hr.  |
| Eric Fraas<br>12 Idlebrook Court<br>Lancaster, New York 14086        | Lifeguard       | \$5.25 hr.  |
| Keith Fraas<br>12 Idlebrook Court<br>Lancaster, New York 14086       | Lifeguard       | \$6.25 hr.  |

|  |                 |            |
|--|-----------------|------------|
| Tom Galuski, Jr.<br>123 Maple Drive<br>Bowmansville, New York 14026    | Laborer         | \$5.25 hr. |
| Steve Gangloff<br>28 Kennedy Court<br>Lancaster, New York 14086        | Lifeguard       | \$7.25 hr. |
| Kevin Goveia<br>68 Vandenberg Avenue<br>Lancaster, New York 14086      | Laborer         | \$6.50 hr. |
| Danielle Guarino<br>45 Doris Avenue<br>Lancaster, New York 14086       | Playground      | \$5.25 hr. |
| Brandy Helminiak<br>699 Schwartz Road<br>Lancaster, New York 14086     | Lifeguard       | \$7.25 hr. |
| Stacy Helminiak<br>699 Schwartz Road<br>Lancaster, New York 14086      | Lifeguard       | \$5.25 hr. |
| Donald Hibbs<br>75 South Irwinwood Road<br>Lancaster, New York 14086   | Playground      | \$6.00 hr. |
| Kevin Kelleher<br>50 Burwell Avenue<br>Lancaster, New York 14086       | Rec. Supervisor | \$7.00 hr. |
| Dominic Latello<br>33 Brunck Road<br>Lancaster, New York 14086         | Lifeguard       | \$5.00 hr. |
| Gretchen Meiler<br>68 Wilkshire Place<br>Lancaster, New York 14086     | Lifeguard       | \$6.25 hr. |
| Nicole Miller<br>15 Franklin Street<br>Lancaster, New York 14086       | Playground      | \$5.25 hr. |
| Alan Nowicki<br>138 Forestview Drive<br>Depew, New York 14043          | Lifeguard       | \$7.25 hr. |
| Scott Orr<br>7 Ravenwood Drive<br>Lancaster, New York 14086            | Lifeguard       | \$6.25 hr. |
| Heather Ostermeier<br>2 West Home Road<br>Bowmansville, New York 14026 | Playground      | \$5.75 hr. |
| Eric Przykuta<br>60 Court Street<br>Lancaster, New York 14086          | Laborer         | \$5.25 hr. |
| Bobby Sansone<br>41 Hidden Trail<br>Lancaster, New York 14086          | Playground      | \$5.00 hr. |
| Julie Schaefer<br>84 Field Avenue<br>Lancaster, New York 14086         | Playground      | \$6.25 hr. |
| Colleen Szablewski<br>360 Columbia Avenue<br>Depew, New York 14086     | Playground      | \$5.50 hr. |
| Lisa Tabone<br>53 Banner Avenue<br>Lancaster, New York 14086           | Playground      | \$5.25 hr. |

|  |                 |            |
|--|-----------------|------------|
| Jason Tamrowski<br>31 Livingston Street<br>Lancaster, New York 14086 | Lifeguard       | \$5.25 hr. |
| Jim Volpe<br>89 Wilma Drive<br>Lancaster, New York 14086             | Laborer         | \$5.25 hr. |
| Brian Wild<br>5685 Broadway<br>Lancaster, New York 14086             | Rec. Supervisor | \$7.00 hr. |
| Jamie Wilson<br>22 Grace Way<br>Lancaster, New York 14086            | Playground      | \$5.00 hr. |
| Samantha Wolinski<br>3903 Bowen Road<br>Lancaster, New York 14086    | Playground      | \$5.25 hr. |
| John Wozniak<br>2043 Como Park Blvd.<br>Lancaster, New York 14086    | Playground      | \$6.00 hr. |

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

## CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.

| No   | Code | Applicant                | Street Address     | Structure      |
|------|------|--------------------------|--------------------|----------------|
| 2519 |      | Joseph Len               | 81 Williamsburg Ln | Er. Deck, Pool |
| 2520 |      | Burke Bros. Construction | 5133 William St    | Er. Sin. Dwlg  |
| 2521 |      | Ronald Jozwiak           | 679 Ransom Rd      | Er. Pool       |
| 2522 |      | Wine & Liquor Inc        | 4779 Transit Rd    | Er. Sign       |
| 2523 |      | Ms Tammy Reger           | 6190 Genesee St    | Er. Sign       |
| 2524 |      | Gerald S Zielinski       | 10 Fieldstone Ln   | Er. Deck       |
| 2525 |      | Centennial Homes, Inc    | 9 Sagebrush Ln     | Er. Sin. Dwlg  |
| 2526 |      | James McGraw             | 5 Shadyside Ln     | Er. Pool       |
| 2527 | SW   | R Kozlowski & D Radon    | 422 Westwood Rd    | Er. Sin. Dwlg  |
| 2528 |      | R. Stonebreaker          | 54 Maple Dr        | Ext. Sin. Dwlg |
| 2529 |      | Roberta Russ             | 15 Old Post Rd     | Rep. Deck/Pool |
| 2530 |      | Rick Slagor              | 197 Stony Rd       | Er. Fence      |
| 2531 |      | Void                     | 0                  | Void           |
| 2532 |      | James Bielawa            | 19 Sagebrush Ln    | Er. Deck       |
| 2533 |      | Professional Bldrs       | 51 Bentley Cir     | Er. Sin. Dwlg  |
| 2534 | SW   | Allynn Siebert & Jean    | 203 Siebert Rd     | Er. Sin. Dwlg  |
| 2535 | SW   | Mark Truedell            | 540 Erie St        | Er. Sin. Dwlg  |
| 2536 |      | Ken Marshall             | 61 Williamsburg Ln | Er. Pool       |
| 2537 |      | Ryan Homes, Inc          | 36 Village View    | Er. Sin. Dwlg  |
| 2538 |      | Paul Errico              | 17 Southpoint Dr   | Er. Shed       |
| 2539 |      | Jeff Jaskier             | 10 Hidden Trail    | Er. Patio      |
| 2540 |      | Jeff & Kathy Dudzynski   | 15 Squirrel Run    | Er. Sun Room   |
| 2541 | SW   | William F Bosse          | 73 Simme Rd        | Er. Sin. Dwlg  |
| 2542 |      | Joseph Moley             | 55 Via Donato E    | Er. Pool       |
| 2543 |      | Barbara Schmid           | 1276 Penora St     | Er. Fence      |
| 2544 |      | Peter & Cheryl Stephan   | 67 Running Brk Dr  | Er. Fence      |
| 2545 |      | Dan Latello              | 33 Brunck Rd       | Er. Garage     |
| 2546 |      | Suzanne Donogher         | 50 Old Post Rd     | Er. Pool       |
| 2547 |      | Stickl Construction      | 40 Bentley Cir     | Er. Sin. Dwlg  |

|      |                              |                     |                   |
|------|------------------------------|---------------------|-------------------|
| 2548 | Marrano Development Corp     | 39 Northwood Dr     | Er. Town House    |
| 2549 | Andrew & Rosetta Brocato     | 10 Via Donato W     | Er. Deck          |
| 2550 | Santoro Signs Inc            | 4422 Walden Ave     | Er. Sign          |
| 2551 | Joe Reitz                    | 21 Grafton Ct       | Er. Deck          |
| 2552 | Majestic Pools Inc           | 182 Enchanted Fst N | Inst. Fence, Pool |
| 2553 | Jeff & Doreen Payne          | 64 Westwood Rd      | Er. Pool          |
| 2554 | Majestic Pools               | 3 Montauk Ln        | Er. Fence/Pool    |
| 2555 | Barbara Komendat             | 514 Hall Rd         | Er. Pool          |
| 2556 | William Lewis                | 493 Aurora St       | Ex. Deck          |
| 2557 | Irene Stanek                 | 80 Transit Blvd     | Er. Pool          |
| 2558 | Dr Ronald Grazen             | 450 Central Ave     | Er. Sign          |
| 2559 | Joseph Magiera               | 21 Rue Madeleine Wa | Er. Shed          |
| 2560 | Marcia Goodemote             | 17 Grafton Ct       | Er. Shed          |
| 2561 | Michael & Chery Bulas        | 19 Steinfeldt Rd    | Er. Pool          |
| 2562 | Edward Strickland            | 32 Botimer          | Er. Fence         |
| 2563 | Janet Johnson                | 12 Westbury Ln      | Er. Deck          |
| 2564 | Ann Marcello                 | 9 Daniel Dr         | Er. Pool          |
| 2565 | Joe Jankowski                | 4913 William St     | Er. Fence         |
| 2566 | Andre Filippi                | 137 Broezel Ave     | Er. Fence         |
| 2567 | Ryan Homes                   | 18 Signal Dr        | Er. Sin. Dwlg     |
| 2568 | Capretto Enterprises,<br>Inc | 36 Bentley Cir      | Er. Sin. Dwlg     |
| 2569 | Kevin Nowak                  | 9 Stream View Ln    | Er. Sin. Dwlg     |
| 2570 | Jim Gracz                    | 24 Hampton Ct       | Er. Shed, Fence   |
| 2571 | Bill Eberhard                | 5111 Transit Rd     | Er. Sign          |
| 2572 | Edward & Karen Seger         | 189 Pavement Rd     | Er. Garage        |
| 2573 | Majestic Pools Inc           | 202 Peppermint Rd   | Er. Fence, Pool   |
| 2574 | Marrano/Marc Equity          | 25 Riemers Ave      | Er. Sin. Dwlg     |
| 2575 | Marrano/Marc Equity          | 44 Old Post Rd      | Er. Sin. Dwlg     |
| 2576 | Regency Homes                | 2 Trentwood Tr      | Er. Sin. Dwlg     |

and,

**BE IT FURTHER**

**RESOLVED**, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,  
ADOPTED MAY 15, 1995, AUTHORIZING THE PURCHASE OF  
TOWN EQUIPMENT FOR USE BY THE RECREATION  
DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST  
THEREOF IS \$50,000, APPROPRIATING SAID AMOUNT  
THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$50,000  
SERIAL BONDS OF SAID TOWN TO FINANCE SAID  
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY  
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not  
less than two-thirds of all the members of said Town Board) AS  
FOLLOWS:

Section 1. The Town of Lancaster, in the County of  
Erie, New York (herein called "Town"), is hereby authorized to  
purchase equipment for use by the Town Recreation Department, in  
said Town. The estimated maximum cost of said specific object or  
purpose, including preliminary costs and costs incidental thereto  
and to the financing thereof is \$50,000 and said amount is hereby  
appropriated therefor. The plan of financing includes the  
issuance of \$50,000 serial bonds of the Town to finance said  
appropriation, and the levy and collection of taxes on all the  
taxable real property in the Town to pay the principal of said  
bonds and the interest thereon as the same shall become due and  
payable.

Section 2. Serial bonds of the Town in the principal amount of \$50,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said \$50,000 serial bonds are to be issued, within the limitations of Section 11.00 a. 28. of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general

obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in full, in the "LANCASTER BEE," a newspaper having a general circulation in the Town, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

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

WHEREAS, the Director of Parks and Recreation of the Town of Lancaster, by memorandum dated May 15, 1995, has recommended the appointment of certain individuals to the position of Laborer, full time, temporary, in the Parks and Recreation Department,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of Laborer, full time, temporary, in the Parks and Recreation Department of the Town of Lancaster, retroactive to May 1, 1995, with no benefits:

|   |  |
|---|--|
| Thomas Bulera - \$7.00 hr.<br>594 Lake Avenue<br>Lancaster, New York 14086    | Mark Fowler - \$7.00 hr.<br>7 Nashua Court<br>Lancaster, New York 14086        |
| James Len, Jr. - \$6.25 hr.<br>275 Seneca Place<br>Lancaster, New York 14086  | Jeremy McDonnell - \$5.25 hr.<br>35 Sawyer Avenue<br>Lancaster, New York 14086 |
| Brandon Wehrung - \$6.25 hr.<br>20 Fourth Avenue<br>Lancaster, New York 14086 | John Zimmerman - \$7.00 hr.<br>23 Candice Court<br>Lancaster, New York 14086   |

and

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 GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.PERS.TEMP (P1)

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

WHEREAS, the Director of Parks and Recreation of the Town of Lancaster, by letter dated January 25, 1995, has recommended the upgrading of salaries for certain individuals presently employed in the Parks and Recreation Department,

NOW, THEREFORE, BE IT

RESOLVED, that the salaries of the following individuals be and are hereby upgraded:

|   |                                       |            |
|---|---------------------------------------|------------|
| Henry Rzeski<br>405 Aurora Street<br>Lancaster, New York 14086    | Recreation Attendant<br>Senior Center | \$7.00 hr  |
| Beverly Tanski<br>230 Lake Avenue<br>Lancaster, New York 14086    | Recreation Attendant<br>Senior Center | \$8.00 hr. |
| Megan Dwan<br>63 Lombardy Street<br>Lancaster, New York 14086     | Lifeguard                             | \$7.25 hr. |
| Jill Spisiak<br>58 Pheasant Run Lane<br>Lancaster, New York 14086 | Lifeguard                             | \$7.25 hr. |

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORTWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.PERS.UPGRADE (P1)

Supervisor Greco requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

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

WHEREAS, CLOUGH, HARBOUR & ASSOCIATES, Engineers, Surveyors, Planners and Landscape Architects, has submitted a written proposal dated April 26, 1995, for professional services for review of the Draft Environmental Impact Statement (DEIS) to be submitted by Tops Markets for their proposed distribution center within the Town of Lancaster, with the total for said services estimated at approximately \$15,900.00, and

WHEREAS, the Town Board deems it in the public interest to enter into a contract with CLOUGH, HARBOUR & ASSOCIATES on the terms outlined in the proposal dated April 26, 1995, on file in the office of the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby retains CLOUGH, HARBOUR & ASSOCIATES, Engineers, Surveyors, Planners & Landscape Architects, 40 LaRiviere Drive, Suite 136, Buffalo, New York 14202, for professional services for review of the Draft Environmental Impact Statement (DEIS) to be submitted by Tops Markets for their proposed distribution center within the Town of Lancaster, said services estimated in the sum of approximately \$15,900.00; and

2. That said funds shall be appropriated from funds provided pursuant to 6NY CRR, Part 617.17.

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

|                            |           |
|----------------------------|-----------|
| COUNCIL MEMBER GIZA        | VOTED YES |
| COUNCIL MEMBER KWAK        | VOTED YES |
| COUNCIL MEMBER POKORSKI    | VOTED YES |
| COUNCIL MEMBER VAN NORWICK | VOTED YES |
| SUPERVISOR GRECO           | VOTED YES |

May 15, 1995

File: R.Ret.Engr.Tops.DEIS

Supervisor Greco requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

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

WHEREAS, the Town of Lancaster and the Village of Depew have determined that it is in the public interest for the Town of Lancaster Dog Control Officer to perform certain services for the Village of Depew involving dog control, and

WHEREAS, the Town of Lancaster and the Village of Depew have negotiated an agreement setting forth the terms and conditions thereof;

NOW, THEREFORE,

BE IT, resolved that the Supervisor of the Town of Lancaster be and is hereby authorized to execute an Agreement with the Village of Depew setting forth the terms and conditions for the performance of certain services for the Village of Depew involving dog control.

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

|                             |           |
|-----------------------------|-----------|
| COUNCIL MEMBER GIZA         | VOTED YES |
| COUNCIL MEMBER KWAK         | VOTED YES |
| COUNCIL MEMBER POKORSKI     | VOTED YES |
| COUNCIL MEMBER VAN NORIWICK | VOTED YES |
| SUPERVISOR GRECO            | VOTED YES |

May 15, 1995

File: R.Agr.DCO.Depew.

COMMUNICATIONSDISPOSITION

|   |   |
|---|---|
| 196. Depew-Lancaster Boys & Girls Club to Town Board -<br>Request permission to hold 18th Annual 10K Race on 7/4/95.  | R & F   |
| 197. County Health Dept. to Town Board -<br>Transmittal of Approval of Plans for public water supply improvement for Westwood Park.   | RECREATION COMMITTEE<br>PLANNING COMMITTEE        |
| 198. Town Engineer to Town Board -<br>Recommend acceptance of street lighting public improvement within Quail Run Subdivision, Phase II.                                      | R & F   |
| 199. Kristen M. Burgess to Leg. Dale Larson -<br>Request input re: Tops Distribution Center.  | PLANNING COMMITTEE                                |
| 200. Town Clerk to Supervisor -<br>Monthly report for April 1995.   | R & F   |
| 201. Town Clerk to Media -<br>Notice of SEQR meeting to be held 5/15/95 re: Queens Park Subdivision.  | R & F   |
| 202. Town Engineer to Town Board -<br>Request additional inspector for subdivision inspection.  | PLANNING COMMITTEE<br>HIGHWAY COMMITTEE           |
| 203. Accounting Dept. to Supervisor -<br>Breakdown of actual monies collected versus 1995 budgeted figures re: 1995 payments In Lieu of Taxes.                                | R & F   |
| 204. Police Chief to Planning Board Chair. -<br>Comments relative to street names in Autumn Park Subdivision.   | PLANNING COMMITTEE<br>TOWN CLERK<br>TOWN ATTORNEY |
| 205. County Dept. of Health to Donald Gallo, P.C. -<br>Transmittal of approval of private sewage disposal system plans for Westwood Park.                                     | RECREATION COMMITTEE<br>PLANNING COMMITTEE        |
| 206. ECDEP to Town Attorney -<br>Results of SEQR re: Queens Park Subdivision.   | R & F   |
| 207. Receiver of Taxes to Town Board -<br>Transmittal of copy of third settlement payment to County re: 1995 County/Tax Warrant.  | R & F   |
| 208. Robert J. Staebell to Town Board -<br>Opposition to Tops Distribution Center.  | PLANNING COMMITTEE                                |
| 209. Veterans of Foreign Wars to Town Board -<br>Invitation to attend Memorial services and parade on 5/29/95.  | R & F   |
| 210. Oswald/Maryann Bellus to Town Board -<br>Opposition to Tops Distribution Center.   | PLANNING COMMITTEE                                |
| 211. Eric Joseph to Town Board -<br>Information re: Tops Distribution Center.   | PLANNING COMMITTEE                                |
| 212. John Maccarone to Town Board -<br>Resignation from position of Assistant Bingo Inspector.  | PLANNING COMMITTEE                                |
| 213. Rochester Museum & Science Center to Leona Federowicz, 5739 Genesee St. -<br>Reply to letter re: archaeological significance at Nursery Site (Tops Distribution Center). | PLANNING COMMITTEE                                |
| 214. Building Inspector/Town Engineer to Town Board -<br>Recommend issuance of dumping permit, with conditions, to Lancaster Speedway.  | R & F   |

COMMUNICATIONSDISPOSITION

|   |                                     |
|---|-------------------------------------|
| 215. Lancaster Fire Council to Supervisor -<br>Invitation to informational meeting re: 800<br>mega hertz radio system on 5/18/95 at Lancaster<br>Fire Hall.                         | R & F                               |
| 216. NYS Office of Real Property Services to Town<br>Assessors - Notification of name change for<br>all New York Telephone assessments.   | R & F                               |
| 217. Depew Village Mayor to Supervisor -<br>Proposal for Town of Lancaster to accept<br>animal control services for Village of Depew.   | R & F                               |
| 218. Leona Federowicz to Town Board and Planning Board -<br>Expressed concerns about lack of access for<br>archaeological report concerning Tops Markets<br>Distribution Warehouse. | PLANNING COMMITTEE                  |
| 219. Village of Lancaster Historic District Committee<br>to Town Board -<br>Requests removal of parking pad citing various<br>reasons.  | LIBRARY COMMITTEE                   |
| 220. Jack Manley to Town Board and Planning Board -<br>Letter opposing rezoning of Genesee parcel<br>for Tops Distribution Center.  | PLANNING COMMITTEE                  |
| 221. County DEP to Town Attorney -<br>SEQR Referral Review, Lead Agency Designation<br>Queens Park Subdivision, Review # M617-95-17.  | R & F                               |
| 222. Senator Volker to Supervisor -<br>Reintroduced legislation, Senate Bill 4559 and<br>Assembly Bill 7628 to grant Town option to<br>change sole elected assessor.                | TOWN ATTORNEY                       |
| 223. Good Earth Organics Corp. to Town Attorney -<br>Proposal for accepting compost for town and<br>villages.   | REFUSE COMMITTEE                    |
| 224. Town Engineer and Building Inspector to Tom<br>Greenauer Development Inc. -<br>Topsoil Removal - Bowen Road Square.  | PLANNING COMMITTEE<br>TOWN ENGINEER |
| 225. Town Engineer and Building Inspector to Forbes<br>Homes of Amherst -<br>Topsoil Removal - Streamfield Subdivision.   | PLANNING COMMITTEE<br>TOWN ENGINEER |
| 226. Planning Board to Town Board -<br>Recommends approval of site plan for Ramada<br>Limited Hotel.  | R & F                               |
| 227. Planning Board to Town Board -<br>Minutes for meeting of May 3, 1995.  | R & F                               |
| 228. Planning Board to Town Board -<br>Recommends approval of site for Buffalo<br>Tournament Club, 6432 Genesee St.   | PLANNING COMMITTEE                  |
| 229. Planning Board Chairman to Supervisor -<br>Reply to letter re. consolidation of services<br>and tax relief (Depew).  | R & F                               |
| 230. County DPW to Police Chief -<br>Advisement of traffic study on Central Ave at<br>Impala Parkway.   | PUBLIC SAFETY<br>COMMITTEE          |
| 231. Elrae Industries to Supervisor -<br>Letter of appreciation for traffic signal at<br>Walden Ave. and Townline Rd.   | R & F                               |
| 232. Town Clerk to Planning Board Chair. -<br>Transmittal of rezone petition of Paul M.<br>Pautler.   | PLANNING COMMITTEE                  |

PERSONS ADDRESSING TOWN BOARD:

**Manley, Jack**, 135 Stony Road, spoke to the Town Board on the following matter:

Expressed opposition to Tops Market rezone project.

**Anderson, John**, 18 Lombardy Street, spoke to the Town Board on the following matter:

Expressed opposition to Tops Market rezone project.

**Juszczak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

Wanted to know who was going to pay for the repair of the poor roads accepted by the Town in the Grafton Park and Windsor Ridge Subdivisions.

**Perot, Larry**, 9 Stonybrook Drive, spoke to the Town Board on the following matter:

Expressed opposition to the Tops Market rezone project.

**Frank, Mary Ann**, 5176 Genesee Street, spoke to the Town Board on the following matter:

Asked various questions relative to Tops Market rezone project.

**Moessinger, David**, 1312 Ransom Road, spoke to the Town Board on the following matter:

Asked if the supporters of the Tops rezone project who spoke this evening really did their homework and researched this matter thoroughly.

**Palmieri, Kandy**, 5815 Genesee Street, spoke to the Town Board on the following matter:

Expressed anger at a recent article that appeared in the Metro Community News referring to the opponents of the Tops project as "fanatical".

**Jaszka, Dan**, 29 Hidden Trail, spoke to the Town Board on the following matter:

Expressed support to the Tops Market rezone project.

**Dobenski, John**, 48 Kibler Drive, spoke to the Town Board on the following matter:

Expressed support to the Tops Market rezone project.

**Lorentz, Edward**, 32 Cloverleaf Drive, spoke to the Town Board on the following matter:

Expressed support to the Tops Market rezone project.

**McIvor, Joseph**, 91 Eastwood Parkway, spoke to the Town Board on the following matter:

Representing the Niagara Frontier Builders Association read a prepared statement commenting on the proposed Tops warehouse project as it affects residential growth in the town.

ADJOURNMENT:

ON MOTION OF COUNCILMAN POKORSKI, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:50 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk