Town Board Minutes

Meeting
No. 12

Regular Meeting

May 7, 2001

File:Bdmin.titleP1

Town Board Minutes

May 7, 2001

Meeting No. 12

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 7th day of May 2001 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
GEORGETTE PELLETTERIE, COUNCIL MEMBER*
DONNA STEMPNIAK, COUNCIL MEMBER
RICHARD ZARBO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCRACKEN, GENERAL CREW CHIEF

* Council Member Pelletterie was present for the roll call and was excused from the meeting at 8:10 P.M. prior to the conduct of business. She did not return prior to adjournment.

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER STEMPNIAK AND SECONDED BY COUNCIL MEMBER MONTOUR AND UNANIMOUSLY CARRIED, the Town Board voted at 8:55 P.M. to deliberate in Executive Session for the announced purpose of discussing a particular personnel matter in the Building & Zoning Inspector Department.

At 9:05 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Questions about the procedure which rescinds the NEC Transit/William site plan approval.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Comments about the rescinding of the site plan approval for NEC Transit/William.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Comments about the quantity of top soil residents can receive for yard and garden use as related to proposed Dumping Ordinance.
- Feels that the Town Board should have priority over other uses for Town Hall.
- Has concerns about the proposed Electrical Inspection Ordinance.

Maryniewski, William, 93 Tyler Street, spoke to the Town Board on the following matter:

- Heard his name mentioned by Council Member Zarbo in his closing comments and stated that he objected to those comments.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

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

RESOLVED, that the minutes from the Joint Meeting of the Planning Board and the Town Board held April 23, 2001 and the minutes of the Regular Meeting of the Town Board held on April 23, 2001 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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: RMIN (P2)

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

WHEREAS, G&S Development, LLC, P.O. Box 250, Springbrook, New York , has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Fox Trace Subdivision,

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

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 526, 527, 528, 530 and 531 of G&S Development, LLC, P.O. Box 250, Springbrook, New York, for the installation of:

P.I.P. No. 526 (Water Line)	Fox Trace Subdivision - Aurora Street - Waterline installation for the subdivision includes approximately 1330 ft. of 8-inch PVC (AWWA C-900) watermain, two (2) hydrant assemblies, and three (3) 8-inch gate valves. Installation includes an 8-inch tapping sleeve and valve to connect to the existing 8-inch water main on the west side of Aurora St. and 33 ft. of 18-inch steel casing pipe.
P.I.P. No 527 (Detention Basin)	Fox Trace Subdivision - Aurora Street - The subdivision will include a storm water detention basin along the south property line of the development. The basin will be 1.5 acre-ft. in size with a 10-inch HDPE outlet control pipe. The control pipe is approximately 292-ft. long, including one (1) storm manhole and one (1) catch basin.
P.I.P. No. 528 (Storm Sewer)	Fox Trace Subdivision - Aurora Street - The storm sewer system for the subdivision, including the rear yard drainage, consists of four (4) catch basins, nine (9) rear yard inlets, two (2) rear yard receivers, 910-ft of 6" pvc pipe, 764 ft of 8" HDPE pipe, 216 ft of 12-inch HDPE pipe, 24 ft of 15-inch pipe and 202 ft of 18-inch HDPE pipe.
P.I.P. No. 530 (Pavement & Curbs)	Fox Trace Subdivision - Aurora Street - The subdivision includes a single road, 28 ft. wide, ending in a cul-de-sac. The roadway length is approximately 1300 ft. with 6 inch concrete curbs and a 6-inch under drain pipe running along both sides of the roadway. The typical pavement section includes: 1-inch Top-Type 7, 2-inch dense binder-Type 3, 4 in. Base-Type 1 and 8 in. Subbase- No. 2 R.O.C.

P.I.P. No. 531 (Sidewalk)	Fox Trace Subdivision - Aurora Street - Sidewalk construction will involve approximately 500 ft. of 4 ft. wide concrete sidewalk, beginning at the east R.O.W. line of Aurora St. and extending 250 ft. easterly, to the west property lines of lots 1 and 25. The concrete sidewalk will consist of 4 inches of concrete on top of 6 inches of #1 stone.

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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: RPIP (P2)

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

WHEREAS, the Executive Director of the Youth Bureau, by letter dated April 27, 2001, has recommended the appointment of one individual to the position of Tutor with the Youth Bureau of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of Tutor in the Town of Lancaster Youth Bureau, effective April 24, 2001, at a salary of $15 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

Michael Hoeflich
2 Birchwood Common
Lancaster, New York 14086

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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: Rpers.tutor (P1)

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

WHEREAS, Section 4-104(5) of the Election Law of the State of New York provides for consolidation of election districts located within the same polling place in Primary Elections if the candidates of each district are the same on each voting machine and the consolidation results in less than 1200 voters in a consolidated polling place, and

WHEREAS, the Town Clerk has informed the Town Board that he wishes to take advantage of Section 4-104(5) of the Election Law to save taxpayers more than $8,000 in inspector payroll costs and over $1,000 in voting machine delivery costs. and

WHEREAS, the Town Clerk has assured the Town Board that no voter will be inconvenienced by the consolidation since only districts located within the same polling place will be consolidated.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to petition the Erie County Board of Elections for permission to consolidate election districts within the Town of Lancaster for the 2001 Fall Primary pursuant to the provision of Section 4-104(5) of the Election Law of the State of New York, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to take any further action necessary to effect the purpose and interest of this consolidation 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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: RCONSOL.DIS

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

WHEREAS, RJF Development, J.V., 5653 Broadway, Lancaster, New York 14086, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Parkedge Subdivision Phase I Part 2.

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 529 of RJF Development, J.V., 5653 Broadway, Lancaster New York, for the installation of:

P.I.P. No. 529 (Street Lights)	All wire, conduits, poles, lamps, lampholders, photocells, and other appurtenances required in the installation of four (4) street lights at Parkedge Subdivision, Phase I Part 2 as per NYSEG layout and Town of Lancaster specifications.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

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

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: RPIP (P3)

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

WHEREAS, a Public Hearing was held on the 23rd day of April, 2001, for the purpose of amendment of Chapter 16 - Electrical Inspection of the Code of the Town of Lancaster, County of Erie, State of New York, by deleting §16-1, Electrical Inspector, and enacting a new §16-1 Electrical Inspector, and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, Notice of said Public Hearing was duly published and posted,

NOW THEREFORE, BE IT

RESOLVED, as follows:

7. Section 16-1 of Chapter 16 - Electrical Inspection, of the Code of the Town of Lancaster, is hereby deleted and a new Section 16-1 is hereby enacted and reads as follows:

"§16-1. **Electrical Inspector; application for designation.**

A. Electrical inspection shall be required on all, building permits issued by the Town of Lancaster Building Inspection Office and shall be performed only by inspectors who are certified for residential, commercial, and industrial inspection by the International Association of Electrical Inspectors, and have applied to the office of the Town Building Inspector to obtain designation and complied with the requirements for such designation set forth herein.

All designated inspectors are authorized and deputized as agents of the Town of Lancaster to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Lancaster."

B. A party seeking designation by the Town Board as an approved electrical inspection service shall submit the following information to the Building Inspector:

1. The name, street address, and telephone number of the applicant.

2. Whether the applicant is an individual, partnership or corporation.

3. Whether the applicant is doing business in another name, and if so, said name(s).

4. The name, address, qualification and training of all individuals who will be performing electrical inspection services on behalf of the applicant.

5. A schedule of fees.

6. A statement whether the applicant intends to utilize independent contractors, if so, all independent contractor(s) shall be identified by name, street address and telephone number.

C. The applicant shall affirm the following either individually or if a corporation by a duly authorized officer:

1. All electrical inspecting services shall be performed by person(s) who have documented and current credentials of passing the International Association of Electrical Inspectors test or the Board of Construction Association test for the type of inspections being performed.

2. If any information submitted at the time of application shall become incomplete or outdated the applicant will notify the Building Inspector of all changes in writing within forty-eight (48) hours.

3. No person performing electrical inspections within the Town of Lancaster shall engage in electrical work for compensation or have any financial interest in any person, partnership or corporation engaged in performing electrical work within the Town of Lancaster.

4. Electrical inspections shall be performed during normal Town business hours, unless prior written consent is obtained from the Building Inspector.

5. Inspections will be made within two (2) business days after an application for inspection has been filed with the Building Inspector.

6. The report of an inspection shall be filed with the Building Inspector within five (5) business days of application for inspection. Said report shall certify whether the electrical work inspected is in compliance with the National Electric Code.

7. The electrical inspection service shall provide to the Building Inspector a telephone number for which the use thereof will not impose long distance charges upon the Town of Lancaster. Calls made by the Building Inspector to such number shall be returned within twenty-four (24) hours.

8. The electrical inspection service will provide complementary inspections in response to the reasonable request(s) of the Building Inspector.

9. The electrical inspection service will provide complementary inspections in response to the reasonable request(s) of the Town of Lancaster department heads as to electrical work performed by the Town of Lancaster.

10. Fees charged for inspections will not be fully or partially contingent upon approval by the electrical inspection service of the electrical work inspected.

11. The electrical inspection service has received approval to perform inspections by New York State Electric & Gas.

12. The electrical inspection service shall not inspect electrical work which another approved electrical inspection service determined to be non-compliant with the National Electric Code.

13. The electrical inspection service agrees to defend, indemnify and hold harmless the Town of Lancaster with respect to all claims of whatever nature arising against the Town of Lancaster or any official or employee thereof with respect to the work performed by the electrical inspection service.

14. If said electrical inspection service intends to utilize independent contractor(s) the electrical inspection service agrees to defend, indemnify and hold harmless the Town of Lancaster with respect to all claims of whatever nature arising against the Town of Lancaster or any official or employee thereof with respect to the work performed by said independent contractor.

D. The party seeking to be designated by the Lancaster Town Board as an approved electrical inspection service shall submit the following:

1. Proof of liability insurance in the amount of at least one million ($1,000,000.00) dollars single limit for personal injury and property damage.

2. If said electrical inspection service intends to utilize one or more independent contractor(s) proof of liability insurance in the amount of at least one million ($1,000,000. 00) dollars single limit for personal injury and property damage identifying as an additional insured each and every independent contractor to be utilized.

3. Policies of liability insurance referenced above shall name as an additional insured the Town of Lancaster. Said policies shall contain the following clause: "In the event of any material alteration, non-renewal, or cancellation of this policy, at least thirty (30) days notice thereof shall be given to the Town of Lancaster, Town Clerk, 21 Central Avenue, Lancaster, New York 14086."

4. A remittance of one thousand ($1,000.00) dollars payable to the Town of Lancaster to include a non-refundable application fee in the amount of two hundred and fifty ($250.00) dollars as the reasonable expense to the Town in the administration of the application process and the amount of seven hundred and fifty ($750.00) dollars as the reasonable expense to the Town over the balance of five (5) years in supervising and administrating the electrical inspection service. The seven hundred and fifty ($750.00) dollars remittance shall not be refunded once an applicant is designated as an authorized electrical inspection service."

2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 7th day of May, 2001,

3. That a certified copy thereof be published in the Lancaster Bee on May 10, 2001;

4. That a certified copy of these amendments be posted on the Town Bulletin Board;

5. That Affidavits of Publication and Posting be filed with 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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: relmsa.501.wpd

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
TO
CHAPTER 16 - ELECTRICAL INSPECTION
OF THE CODE OF THE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

Chapter 16 - Electrical Inspection, of the Code of the Town of Lancaster, Erie County, New York is hereby amended by the Town Board of the Town of Lancaster and briefly summarized as follows:

CHAPTER 16 - ELECTRICAL INSPECTION

.....

§16-1. **Electrical Inspector, shall be deleted in its entirety and a new §16-1. entitled "Electrical Inspector; application for designation", and briefly summarized as follows:**

This amendment sets forth the criteria/requirements for the designation/ approval of an electrical inspection service in the entire Town of Lancaster, excluding the Villages of Depew and Lancaster.

May 7, 2001

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

This is to certify that **I, JOHANNA M. COLEMAN,** Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of amendment to ordinance with the original thereof filed in my office at Lancaster, New York, on the 7th day of May, 2001 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 7th day of May, 2001.

_____
Johanna M. Coleman, Town Clerk

File: relinsa.501

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
TO
CHAPTER 16 - ELECTRICAL INSPECTION
OF THE CODE OF THE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

Chapter 16 - Electrical Inspection, of the Code of the Town of Lancaster, Erie County, New York is hereby amended by the Town Board of the Town of Lancaster, County of Erie, State of New York by deleting §16-1 Electrical Inspector, and enacting a new §16-1 Electrical Inspector, which reads as follows:

"§16-1. **Electrical Inspector: application for designation.**

A. Electrical inspection shall be required on all, building permits issued by the Town of Lancaster Building Inspection Office and shall be performed only by inspectors who are certified for residential, commercial, and industrial inspection by the International Association of Electrical Inspectors, and have applied to the office of the Town Building Inspector to obtain designation and complied with the requirements for such designation set forth herein.

All designated inspectors are authorized and deputized as agents of the Town of Lancaster to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Lancaster."

B. A party seeking designation by the Town Board as an approved electrical inspection service shall submit the following information to the Building Inspector:

1. The name, street address, and telephone number of the applicant.

2. Whether the applicant is an individual, partnership or corporation.

3. Whether the applicant is doing business in another name, and if so, said name(s).

4. The name, address, qualification and training of all individuals who will be performing electrical inspection services on behalf of the applicant.

5. A schedule of fees.

6. A statement whether the applicant intends to utilize independent contractors, if so, all independent contractor(s) shall be identified by name, street address and telephone number.

C. The applicant shall affirm the following either individually or if a corporation by a duly authorized officer:

1. All electrical inspecting services shall be performed by person(s) who have documented and current credentials of passing the International Association of Electrical Inspectors test or the Board of Construction Association test for the type of inspections being performed.

2. If any information submitted at the time of application shall become incomplete or outdated the applicant will notify the Building Inspector of all changes in writing within forty-eight (48) hours.

3. No person performing electrical inspections within the Town of Lancaster shall engage in electrical work for compensation or have any financial interest in any person, partnership or corporation engaged in performing electrical work within the Town of Lancaster.

4. Electrical inspections shall be performed during normal Town business hours, unless prior written consent is obtained from the Building Inspector.

5. Inspections will be made within two (2) business days after an application for inspection has been filed with the Building Inspector.

6. The report of an inspection shall be filed with the Building Inspector within five (5) business days of application for inspection. Said report shall certify whether the electrical work inspected is in compliance with the National Electric Code.

7. The electrical inspection service shall provide to the Building Inspector a telephone number for which the use thereof will not impose long distance charges upon the Town of Lancaster. Calls made by the Building Inspector to such number shall be returned within twenty-four (24) hours.

8. The electrical inspection service will provide complementary inspections in response to the reasonable request(s) of the Building Inspector.

9. The electrical inspection service will provide complementary inspections in response to the reasonable request(s) of the Town of Lancaster department heads as to electrical work performed by the Town of Lancaster.

10. Fees charged for inspections will not be fully or partially contingent upon approval by the electrical inspection service of the electrical work inspected.

11. The electrical inspection service has received approval to perform inspections by New York State Electric & Gas.

12. The electrical inspection service shall not inspect electrical work which another approved electrical inspection service determined to be non-compliant with the National Electric Code.

13. The electrical inspection service agrees to defend, indemnify and hold harmless the Town of Lancaster with respect to all claims of whatever nature arising against the Town of Lancaster or any official or employee thereof with respect to the work performed by the electrical inspection service.

14. If said electrical inspection service intends to utilize independent contractor(s) the electrical inspection service agrees to defend, indemnify and hold harmless the Town of Lancaster with respect to all claims of whatever nature arising against the Town of Lancaster or any official or employee thereof with respect to the work performed by said independent contractor.

D. The party seeking to be designated by the Lancaster Town Board as an approved electrical inspection service shall submit the following:

1. Proof of liability insurance in the amount of at least one million ($1,000,000.00) dollars single limit for personal injury and property damage.

2. If said electrical inspection service intends to utilize one or more independent contractor(s), proof of liability insurance in the amount of at least one million ($1,000,000. 00) dollars single limit for personal injury and property damage identifying as an additional insured each and every independent contractor to be utilized.

3. Policies of liability insurance referenced above shall name as an additional insured the Town of Lancaster. Said policies shall contain the following clause: "In the event of any material alteration, non-renewal, or cancellation of this policy, at least thirty (30) days notice thereof shall be given to the Town of Lancaster, Town Clerk, 21 Central Avenue, Lancaster, NY 14086."

4. A remittance of one thousand ($1,000.00) dollars payable to the Town of Lancaster to include a non-refundable application fee in the amount of two hundred and fifty ($250.00) dollars as the reasonable expense to the Town in the administration of the application process and the amount of seven hundred and fifty ($750.00) dollars as the reasonable expense to the Town over the balance of five (5) years in supervising and administrating the electrical inspection service. The seven hundred and fifty ($750.00) dollars remittance shall not be refunded once an applicant is designated as an authorized electrical inspection service."

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

This is to certify that **I, JOHANNA M. COLEMAN,** Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of amendment to ordinance with the original thereof filed in my office at Lancaster, New York, on the 7th day of May, 2001 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 7th day of May, 2001.

Johanna M. Coleman, Town Clerk

May 7, 2001

File: relinsa.501

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

WHEREAS, the General Crew Chief, by letter dated May 1, 2001, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the spring and summer seasons of 2001,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employees for the spring and summer seasons of 2001 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rates:

NAME	POSITION	RATE
Kristin Beck (new hire) 259 Miller St., Depew	Recreation Attendant (Playground Attendant)	$5.15 hr.
Jennifer Chadwick (rehire) 54 Pheasant Run Lane, Lancaster	Recreation Attendant (Playground Attendant)	$5.90 hr.
Dan Gill (new hire) 40 Lakeside Crescent, Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Regina Grzankowski (new hire) 79 Banner Ave., Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Jody Hillman (rehire) 26 Donna Lea Drive, Lancaster	Recreation Attendant (Playground Attendant)	$5.40 hr.
Christopher Janis (rehire) 885 Erie St., Lancaster	Recreation Attendant (Playground Attendant)	$5.65 hr.
Raymond Karney (rehire) 4805 Transit Rd., #2105, Depew	Recreation Supervisor	$8.25 hr.
Jessica Kasprzyk (new hire) 63 West Drullard, Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Jessica Kohl (new hire) 17 Hillside Pkwy., Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Tina LaGreca (rehire) 12 Arrow Trail, Lancaster	Recreation Attendant (Playground Attendant)	$5.40 hr.
Lori Maciejewski (new hire) 2071 Como Park Blvd., Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Matthew McCoy (new hire) 16 James Place, Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Nicole Mierzwa (new hire) 65 Heritage Dr., Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Timothy Musielak (rehire) 182 Olmstead Ave., Depew	Recreation Supervisor	$7.25 hr.

NAME	POSITION	RATE
Adam Myszka (new hire) 495 Lake Ave., Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Stacy O'Neill (rehire) 13 Highland Place, Lancaster	Recreation Attendant (Playground Attendant)	$5.65 hr.
Sarah Robinson (rehire) 35 Hidden Trail, Lancaster	Recreation Attendant (Playground Attendant)	$5.90 hr.
Amanda Schwach (new hire) 67 Gale Drive, Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Amy Skubis (new hire) 233 Seneca Place, Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Michelle Sypniewski (rehire) 12 Maple Dr., Bowmansville	Recreation Attendant (Playground Attendant)	$6.00 hr.
Colleen Szablewski (rehire) 360 Columbia Ave., Depew	Recreation Supervisor	$9.00 hr.
Cassandra Vanecek (new hire) 2117 Como Park Blvd., Lancaster	Recreation Attendant (Playground Attendant)	$5.15 hr.
Beverly Wedmore (new hire) 2 Via Tripodi, Depew	Recreation Attendant (Playground Attendant)	$5.15 hr.
Richard Wojciechowski (rehire) 95 S. Irwinwood Rd., Lancaster	Recreation Supervisor	$11.25 hr.
Melissa Young (rehire) 8 Wilma Dr., Lancaster	Recreation Supervisor	$7.25 hr.
Daniel Bartel (rehire) 13 Wendtworth Ct., Lancaster	Laborer	$5.40 hr.
John Cohan (rehire) 2001 Como Park Blvd., Lancaster	Laborer	$5.40 hr.
Ryan Fitzsimmons (new hire) 301 Lake Ave., Lancaster	Laborer	$5.15 hr.
Donald Hibbs (rehire) 75 S. Irwinwood Rd., Lancaster	Laborer	$7.25 hr.
Scott Kaczmarek (rehire) 238 Wayside Dr., Depew	Laborer	$5.65 hr.
Michael Kocher (new hire) 14 Grace Way, Lancaster	Laborer	$5.15 hr.
Joseph Necci (rehire) 78 Brunck Rd., Lancaster	Laborer (Supervisor)	$7.50 hr.
Eric Przykuta (rehire) 60 Court St., Lancaster	Laborer (Supervisor)	$9.00 hr.
Matthew Steimer (rehire) 79 Court St., Lancaster	Laborer	$5.65 hr.
Francis Stock (rehire) 25 Sherborne Ave., Lancaster	Laborer	$5.40 hr.

NAME	POSITION	RATE
Thomas Trzepacz (rehire) 310 Iroquois Ave., Lancaster	Laborer	$5.65 hr.
Brian Wisniewski (new hire) 3590 Bowen Rd., Lancaster	Laborer	$5.15 hr.
Shawn Zaffram (rehire) 28 Tanglewood Dr., Lancaster	Laborer	$6.25 hr.

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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: Rpers.seasonal (P4-7))

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

WHEREAS, the Town of Lancaster and the Lancaster Opera House Inc., have previously entered into a lease of premises located at 21 Central Avenue, Lancaster, New York for the purpose of the Lancaster Opera House Inc. utilizing the second and third floors of the Lancaster Town Hall for various artistic and cultural programs, and

WHEREAS, the present lease expires June 30, 2002, and

WHEREAS, the Lancaster Opera House Inc. has requested that the Town Board consider extending the lease now for an additional nine (9) years to expire June 30, 2011 which will provide then for a ten (10) year lease period commencing on July 1, 2001 which will permit the Lancaster Opera House Inc. to apply for grants for improvements to be made in the facility, and

WHEREAS, the Town Board has given due review and consideration to the beforementioned request of the Lancaster Opera House Inc. and deems in the public interest to extend the lease as beforementioned through June 30, 2011 on the same terms and conditions as set forth in the present lease;

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby extends the lease between the Town of Lancaster and the Lancaster Opera House Inc. to June 30, 2011.

2. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute a modification of the lease so extending its present terms and conditions through that date.

3. That the Town Clerk is hereby directed to deliver a copy of this resolution to the Executive Director of the Lancaster Opera House.

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

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001
File: roperahouseagree.501.wpd

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

WHEREAS, a Public Hearing was held on the 23rd day of April, 2001, for the purpose of amendment of Chapter 22, Sanitary Landfills and Dumping Ordinance of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, Notice of said Public Hearing was duly published and posted,

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 22, Sanitary Landfills and Dumping Ordinance of the Town of Lancaster, be amended in the form attached hereto and made a part hereof;

2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 7th day of May, 2001,

3. That a certified copy thereof be published in the Lancaster Bee on May 10, 2001;

4. That a certified copy of these amendments be posted on the Town Bulletin Board;

5. That Affidavits of Publication and Posting be filed with 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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: rdmporda.401

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
TO
SANITARY LANDFILLS AND DUMPING ORDINANCE
OF THE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED CHAPTER 22 OF THE CODE OF THE TOWN OF LANCASTER

The Sanitary Landfills and Dumping Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 22 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 22

SANITARY LANDFILLS AND DUMPING

1. §22-8 - Dumping and deposition of materials outside permitted sanitary landfills, (D). Permit required; permit fee; issuance. (1) is amended by adding thereto the following:

§22-8. .....

D. .....

"1. ..... activity, and a statement of the point of origin and the content of the material to be dumped duly acknowledged by the owner of the property from which the material originated."

2. §22-9 - Revocation of dumping permit; hearing, is amended by adding thereto the following:

§22-9. .....

"C. In the event that the Town Board after public hearing determines that the dumping permit should be revoked because the fill poses a danger to the health, welfare or safety of the general public the Board may order the permittee to remove the fill placed at no cost to the Town or otherwise be subject to the penalties under §22-10."

And

3. §22-10 - Penalties for offenses, (A) shall be deleted and a new §22-10 (A) enacted in place thereof, as follow:

§22-10. .....

"A. A violation of this ordinance is hereby declared to be a misdemeanor, punishable by a fine not exceeding One Thousand Dollars ($1,000.) and/or imprisonment for not more than six (6) months for each separate offense. Each day a violation occurs shall be deemed a separate offense."

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

This is to certify that **I, JOHANNA M. COLEMAN,** Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of amendment to ordinance with the original thereof filed in my office at Lancaster, New York, on the 7th day of May, 2001 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 7th day of May, 2001.

_____
Johanna M. Coleman, Town Clerk

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

WHEREAS, the Town Board of the Town of Lancaster has on December 18, 2000, approved a site plan submitted by NEC Transit/William, LLC., the plan having been prepared by the BelleVista Group for the construction of a proposed retail center totaling 141, 998 sq. feet on a parcel located on the northeast corner of Transit Road and William Street in the Town of Lancaster, and

WHEREAS, the Town Board by resolution on December 20 , 1999 approved zoning changes on the property which was the subject of the site plan and which zoning change was annulled by court decision thereby causing the approved site plan to be inconsistent with the present zoning on the property;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rescinds the Town Board resolution made on December 18, 2000 approving the site plan submitted by NEC Transit/William, LLC as prepared by Bella Vista group for the northeast corner of William Street and Transit Road as such action by the Board is now inconsistent with the Town Zoning Ordinance given the annulment of the zoning changes which caused the property to revert to its prior zoning classifications under which the approved site plan cannot be undertaken.

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

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File:meetransitwilliam.501

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, 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. 7960 to Claim No. 8163 Inclusive

Total amount hereby authorized to be paid: $484,390.72

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

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, 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 Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure	
7706		Buscaglia Remodeling	86 Newberry Ln	Er. Deck	
7783		Duro-Shed Inc	32 Old Post Rd	Er. Shed	
7814		Ryan Homes	24 Parkedge Dr	Er. Sin. Dwlg	
7819		Leisurewod Design	58 Trentwood Trl	Er. Deck	
7820		Colley's Pool Sales	4 Lucia Ct	Er. Pool	
7821		Bison Fence Inc	5575 Genesee St	Er. Fence	
7822		Guardian Fence Co	9 Park Walk	Er. Fence	
7823		Duro-Shed Inc	17 Squirrel Run	Er. Shed	
7824		Eberth, Sandra	11 Cedar Brook Dr	Er. Deck	
7825		Piccolo & Sons Const	57 Gunnville Rd	Er. Comm. Add	
7826		Bencini, Michael	77 Michael's Walk	Er. Deck	
7827		Argentieri, Joseph	40 Park Blvd	Er. Deck	(V/L)
7828		Grand-Jude Corp	5191 Broadway	Com. Plumbing	(V/L)
7829		All Craft Inc	1 Trentwood Trl	Er. Sin. Dwlg	
7830		Classic Fence Inc	112 Erie St	Er. Fence	(V/L)
7831		Majestic Pools Inc	32 Spruceland Ter	Er. Pool	
7832		Fourth Construction	44 Michael's Walk	Er. Deck	
7833		Biller, Mrla	4807 William St	Er. Fence	
7834		Majestic Pools Inc	496 Lake Ave	Er. Pool	
7835		Pollack, John	735 Aurora St	Er. Deck	
7836	SW	Ferry Builders	95 Nichter Rd	Er. Sin. Dwlg	
7837		Donato Developers	136 Nathan's Trl	Er. Sin. Dwlg	
7838		Avalon Pools	23 Woodgate Dr	Er. Pool	
7839		JAQ Construction	158 St Marys St	Er. Porch	(V/L)
7840		Colvin, Brian	360 Lake Ave	Er. Shed	
7841		Ward, Kim	4 Katelyn Ln	Er. Gazebo	
7842		J Gun Enterprises Inc	57 Williamsburg Ln	Er. Pool	
7843		American Eagle	6711 Transit Rd	Er. Sign	
7844		Lancaster Coffee Co	34 Central Ave	Er. Sign	(V/L)

7845	Emb Supply	11 Butler Dr	Er. Fence	
7846	DiCristofaro, Albert	35 Southpoint Dr	Er. Pool	
7847	White, David	45 Garfield St	Er. Fence	(V/L)
7848	Morlock, David	1994 Como Park Blvd	Er. Deck	(V/L)
7849	Capretto Enterprises Inc	146 Nathan's Trl	Er. Sin. Dwlg	
7850	Capretto Enterprises Inc	13 Katelyn Ln	Er. Sin. Dwlg	
7851	Capretto Enterprises Inc	183 Nathan's Trl	Er. Sin. Dwlg	
7852	Duro-Shed Inc	4155 Walden Ave	Er. Storage Bldg	
7853	Andrzejewski, Jospeh	5027 William St	Er. Shed	
7854	Majestic Pools Inc	5 Harewood Run	Er. Pool	
7855	Stowbunenko, Ivan	28 Stutzman Rd	Er. Garage	
7856	Majestic Pools Inc	5 Harewood Run	Er. Fence	
7857	Nigel Enterprises Inc	63 Village View	Er. Sin. Dwlg	
7858	Sun Enterprises	278 Enchanted Forest N	Er. Shed	
7859	The Virchau Co	30 Whitestone Ln	Er. Res. Addition	
7860	Luther, Donald	44 Summit St	Er. Deck	
7861	DeLang, Mark	57 Woodgate Dr	Er. Deck	
7862	Bui, Michael	33 Michael's Walk	Er. Fence	
7863	Duro-Shed Inc	29 Katelyn Ln	Er. Shed	
7864	Mr Pool Enterprises Ltd	34 Partridge Walk	Er. Pool	
7865	Avalon Pools	15 Lucia Ct	Er. Pool	
7866	Ian Martin	7 Schiffler Ct	Er. Fence	
7867	Snyder, John	34 Woodlawn Ave	Er. Deck	(V/L)
7868	Marrano/Marc Equity Inc	8 Stone Hedge Dr	Er. Sin. Dwlg	
7870	All Around Fencing	11 Cambridge Ct	Er. Fence	
7871	Duro-Shed Inc	113 Robert Dr	Er. Shed	(V/L)
7872	J Gun Enterprises Inc	6 Bridgewater Ct	Er. Pool	
7873	Duro-Shed Inc	30 Ronald Dr	Er. Shed	
7874	Decks Unlimited	22 Grace Way	Er. Deck	
7875	Majestic Pools Inc	17 Windcroft Ln	Er. Pool	
7876	Majestic Pools Inc	17 Windcroft Ln	Er. Fence	
7877	Aronis, Nikolaos	5220 Broadway	Er.Temp. Sign	(V/L)
7878	Sarmat Construction	5215 William St	Er. Res. Addition	
7879	Ryan Homes	7 Creekwood Dr	Er. Sin. Dwlg	
7880	Alden Pools Inc	563 Erie St	Er. Pool	
7881	House Crafters	4901 William St	Er. Garage	
7882	Buffalo Pools	289 Stony Rd	Er. Pool	
7883	Duro-Shed Inc	7 Deepwood Pl	Er. Shed	
7884	Colley's Pool Sales	5 Overton Ct	Er. Pool	
7885	Colley's Pool Sales	5 Overton Ct	Er. Fence	
7886	Inman, Lance	31 Court St	Er. Fence	(V/L)
7887	J Gun Enterprises Inc	30 Village View	Er. Pool	
7888	Drilling, Jeffrey	12 Pinetree Dr	Er. Shed	
7889	Avalon Services	5 Jenny Ln	Er. Pool	

7890	City Fence Inc	5739 Genesee St	Er. Fence	
7891	O'Neill, Michael	84 Albert Dr	Er. Shed	(V/L)

BE IT FURTHER

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

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

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

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File:Rbldg2

Council Member Montour moved for a suspension of the necessary rule for immediate consideration of the following resolution; seconded by Council Member Stempniak to wit:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED.

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

WHEREAS, the Highway Superintendent, by letter dated May 7, 2001, has requested the appointment of a seasonal employee in the Highway Department of the Town of Lancaster for the summer season of 2001, and

WHEREAS, this appointment is necessary due to excessive workload within the Highway Department.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of seasonal employee for the summer season of 2001 in the Highway Department of the Town of Lancaster, with no benefits, effective May 7, 2001, at the following hourly rate:

NAME	POSITION	RATE
Michael Becker 4805 Transit Road Depew, New York 14043	Laborer, seasonal	$8.00

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 MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: Rpers.seasonal (P7)

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

THERE BEING NO OBJECTIONS THE **SUSPENSION WAS GRANTED.**

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

WHEREAS, Apple Rubber Corporation has submitted a Site Plan, dated April 1, 2001 and prepared by Kilburn Engineers for the construction of a 1800 s.f. cold storage building on its property located at 12 Enterprise Drive, in the Town of Lancaster, and

WHEREAS, at its meeting May 2, 2001 the Planning Board has reviewed the plan, and has recommended approval of this project, and

WHEREAS, this project has been reviewed for SEQR purposes and it has been determined to be a Type II Action and as such 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., submitted by **Apple Rubber Corporation.,** and prepared by Kilburn Engineers and dated April 1, 2001 for the construction of a 1800 s.f. cold storage building located on 12 Enterprise Drive, in the Town of Lancaster, contingent on the petitioners planting of additional trees along the southwest corner of the property.

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

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 7, 2001

File: rasiteapplerubber.501

COMMUNICATIONS & REPORTS:

335. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney & Building & Zoning Inspector -
Transmittal of draft copy of minutes from Planning Board Public Hearing regarding the Town of Lancaster Comprehensive Plan held April 9, 2001. DISPOSITION = Received and Filed

336. Judith Phiblis to Town Board -
Request "no" to Windsor Ridge Partners. DISPOSITION = Received and Filed

337. Cheryl Mancuso to Supervisor -
Transmittal of concerns regarding the operations of Lancaster Speedway. DISPOSITION = Supervisor

338. Erie County Department of Environment and Planning to Super8visor -
Request identification of individual to represent the town on the Erie County Environmental Management Council. DISPOSITION = Engineer

339. Dan Beutler to Town Board -
Transmittal various LVAC documents to the Town Board. DISPOSITION = Received and Filed

340. Lancaster Volunteer Ambulance to Town Board -
Transmittal of LVAC Volunteer Plan presented to the Town Board at the meeting held April 23, 2001. DISPOSITION = Received and Filed

341. Executive Director, Youth Bureau to Town Board -
Transmittal of 2000 Annual report. DISPOSITION = Received and Filed

342. Franks Grille to Town Clerk -
Notification of intention to renew liquor license. DISPOSITION = Town Attorney

343. Fox & Company to Director of Administration and Finance -
Enclosure of *New York State Annual Financial Report Update Document for the Year Ended December 31, 2000.* DISPOSITION = Received and Filed

344. Town Clerk to Zoning Board, Building Inspector, Deputy Town Attorney -
Transmittal of Legal Notice of Public Hearing to be held May 10, 2001 relative to various variance petitions. DISPOSITION = Received and Filed

345. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Transmittal of draft copy of minutes from Planning Board meeting held April 25, 2001. DISPOSITION = Received and Filed

346. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Enclosure of corrected draft copy of minutes from Planning Board meeting held April 4, 2001. DISPOSITION = Received and Filed

347. Town Clerk to Town Board -
Transmittal of a copy of third settlement payment regarding 2001 County/Town Tax Warrant. DISPOSITION = Received and Filed

348. NYS Dept. of Transportation to Town Attorney -
After additional information was provided by Benderson Development Company, the decision was made that the driveway onto Broadway can be located as shown on the August 8, 2000 concept site plan. DISPOSITION = Planning Committee

349. Executive Director Youth Bureau to Supervisor -
Request appointment of tutor for the Youth Bureau. DISPOSITION = Resolution 5/7/2001

350. Page's Grille & Bar, Inc. to Town Clerk -
Notification of application for liquor license. DISPOSITION = Town Attorney

351. Town Clerk to Town Board -
Enclosure of application for a Special Use Permit for review and determination. DISPOSITION = Set Public Hearing

352. Town Clerk to Supervisor -
Transmittal of monthly report for the month of April, 2001. DISPOSITION = Received and Filed

353. General Crew Chief to Supervisor -
Transmittal of information to bring him up-to-date on some of the Spring operations of the department. DISPOSITION = Received and Filed

354. General Crew Chief to Supervisor -
Request appointment of seasonal employees for the Spring & Summer seasons in the Parks, Recreation & Forestry Department. DISPOSITION = Resolution 5/7/2001

355. Alan Klembczyk to Planning Board Chairman -
Expressed feelings regarding Planning Board meeting held April 25, 2001. DISPOSITION = Planning Committee

356. Council Member Zarbo to Planning Board and Town Board -
Transmittal of concerns regarding recent Planning Board meeting held April 25, 2001 and regarding Windsor Ridge South. DISPOSITION = Received and Filed

357. Highway Superintendent to Town Attorney -
Transmittal of copy of a letter from Erie County Department of Public Works giving consent for abandonment of Shisler Road. DISPOSITION = Town Attorney

358. Council Member Pelletterie to Building Inspector -
On direction of Supervisor Giza, various questions regarding communication tower at 6495 Transit Road. DISPOSITION = Received and Filed

359. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Enclosure of draft copy of minutes from Planning Board meeting held May 2, 2001. DISPOSITION = Received and Filed

360. Planning Board to Town Board -
Transmittal of Planning Board approval of site plan for Apple Rubber Products. DISPOSITION = Resolution 5/7/2001

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:05 P.M.

Signed Johanna M. Coleman

Johanna M. Coleman, Town Clerk