

Town Board Minutes

September 21, 2009

Meeting No. 28

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 21st day of September 2009 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter(s):

- proposed Police Court facility

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matter(s):

- refund of site plan over charge of fees to developer
- fence around cemetery
- Wehrle Corporate Center
- sidewalk snow removal
- Town equipment inventory

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
September 14, 2009 be and are hereby approved.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

File: RMIN (P1)

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

RESOLVED, that the Town Board of the Town of Lancaster hereby approves, as presented, the agreement between the Town and Marrano/Marc Equity Corporation relating to the recalculation of the site plan review filing fee for the Pleasant Meadows Subdivision; and that the Town Board hereby authorizes the Supervisor to execute the same.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

SETTLEMENT AND RELEASE

WHEREAS, Marrano/Marc Equity Corporation (hereinafter referred to as "Marrano") filed a certain site plan for a townhouse development located at its Pleasant Meadows Subdivision in the Town of Lancaster, New York (hereinafter referred to as "Town").

WHEREAS, the Town required Marrano to pay a filing fee of Forty Thousand and Fifty Dollars (\$40,050.00) in connection with the site plan review;

WHEREAS, Marrano objected to the amount of said filing fees as disproportionate and excessive;

WHEREAS, Marrano and the Town have met numerous times in an effort to determine the reasonableness of said fee, without litigation;

WHEREFORE, as a result of the discussions, and for good and valuable consideration, the parties have reached an agreement with respect to the reimbursement of a portion of said filing fees as follows:

1. The Town shall reimburse Marrano the sum of Twenty Seven Thousand Six Hundred Dollars (\$27,600.00) in full and complete settlement of this matter. Such payment shall be made as soon as practicable following approval of this agreement by the Town Board of the Town of Lancaster.

2. Marrano hereby agrees to release the Town from any further liability or obligation with regard to the payment of said filing fees.

3. This Agreement shall not represent an admission by either party with regard to any aspect of this matter, and shall not constitute practice or precedent with regard to any other matter between the parties.

IN WITNESS WHEREOF, the parties have executed this Instrument on the 21st day of September 2009.

August, 2009.

MARRANO/MARC EQUITY CORPORATION

By: *David A. Debois*

Title: *EXEC. V.P.*

TOWN OF LANCASTER

By: *Robert H. Giza*

Robert H. Giza
Title: Supervisor

#669-v1-

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

WHEREAS, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant Funds for the year 2010-2011 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposals to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds:

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing, to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 5th day of October, 2009 at 8:30 o'clock P.M., Local Time, and the Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

**NOTICE OF PUBLIC HEARING
NOTICE TO CITIZENS OF
THE TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a public hearing will be held on the 5th day of October 2009 at 8:30 o'clock P.M., local time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by October 1, 2009.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

September 21, 2009

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

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council a grant for the period January 1, 2009 through December 31, 2009 in the amount of \$3,294.00 to fund the operation of a substance abuse prevention program, and

WHEREAS, the Town Board has previously authorized the Supervisor to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds in the amount of \$3,294.00, and

WHEREAS, the Town Board desires to enter into a contract with the New York State Office of Alcoholism Services for the amount of \$3,294.00;

NOW THEREFORE, BE IT

RESOLVED, that Robert H. Giza, Supervisor of the Town of Lancaster, is hereby authorized to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds in the amount of \$3,294.00 to continue operation of a substance abuse prevention program through the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Initiative-Social Work Counselor Program** within the geographic area of the Town of Lancaster for the period of January 1, 2009 through December 31, 2009, and

WHEREAS, the Town Board has authorized such joint program for the periods from July 1, 2008 through June 30, 2009, and from July 1, 2009 through June 30, 2010, and

WHEREAS, it is in the public interest that the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a budget for the Youth Recreation Program has been submitted for under Town of Lancaster School Social Worker/Counselor for the period January 1, 2009 through December 31, 2009 in the sum of \$49,409.00 and was approved by the Town Board, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Initiative Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby authorizes the submission of aforesaid renewal application to the New York State Office of Children and Family Services, Albany, New York, for its funding approval.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Bureau Program** within the geographic area of the Town of Lancaster for the period of January 1, 2009 through December 31, 2009, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Bureau Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a budget for the Youth Bureau Program has been submitted under the Town of Lancaster Youth Bureau for the period January 1, 2009 through December 31, 2009 in the sum of \$125,975 and was approved by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town Lancaster, hereby authorizes the submission of the aforesaid renewal application to the New York State Office of Children and Family Services, Albany, New York, for its funding approval.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Recreation Program** within the geographic area of the Town of Lancaster for the period of January 1, 2009 through December 31, 2009, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a proposed budget for the Youth Recreation Program has been submitted for the period January 1, 2009 through December 31, 2009 in the sum of \$966,368.00 subject to approval by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town Lancaster, hereby authorizes the submission of aforesaid renewal application to the New York State Office of Children and Family Services, Albany, New York, for its funding approval.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Service Program** within the geographic area of the Town of Lancaster for the period of January 1, 2009 through December 31, 2009, and

WHEREAS, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Service Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

WHEREAS, a budget for the Youth Service Program has been submitted under the Town of Lancaster Youth Services for the period January 1, 2009 through December 31, 2009 in the sum of \$243,774.00 and was approved by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town Lancaster, hereby authorizes the submission of aforesaid renewal application to the New York State Office of Children and Family Services, Albany, New York, for its funding approval.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated September 9, 2009, has requested authorization to send two (2) narcotics officers to the Annual Narcotic Investigators Information Sharing Conference to be held in Ocean City, Maryland from October 5 to October 12, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that two (2) narcotics officers be and are hereby authorized to attend the Annual Narcotic Investigators Information Sharing Conference in Ocean City, Maryland from October 5, 2009 through October 12, 2009.

BE IT FURTHER,

RESOLVED, that the total expense for the above conference is hereby authorized in an amount of approximately \$1,400.00. These funds will be taken from the Town's current Asset Forfeiture Account upon submission of proper documentation of expenses, including receipts, to the Accounting Department of 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 ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, John Trojanowsky, Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated September 9, 2009, has requested permission to attend the Association of New York State Youth Bureaus 2009 Annual Conference and Youth Bureau Director's Training in Liverpool, New York on October 5, 2009 through October 7, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that John Trojanowsky, Executive Director of the Youth Bureau of the Town of Lancaster is hereby authorized to attend the Association of New York State Youth Bureaus 2009 Annual Conference and Youth Bureau Director's Training in Liverpool, New York on October 5, 2009 through October 7, 2009.

BE IT FURTHER,

RESOLVED, that the cost for the attendance at the above-mentioned conference and training is hereby authorized in an amount not to exceed \$440.00. Actual and necessary expenses with this conference and training will be reimbursed upon submission of proper documentation of expenses, including receipts, to the Accounting Department of 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 ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, Jeffrey H. Simme, Supervising Code Enforcement Officer of the Town of Lancaster received correspondence on August 14, 2009, from New York Atlantic-Inland, Inc. indicating their intent to conduct electrical inspections in the Town of Lancaster, and

WHEREAS, currently only Commonwealth is accepting new applications for electrical inspection in the Town of Lancaster, thus causing a strain on local businesses, and

WHEREAS, New York Atlantic-Inland, Inc. has submitted the necessary information to the Town of Lancaster Building Inspector, including the one-time registration fee and the certificates of insurance for both comprehensive liability and workers' compensation as stated in Chapter 16 of the Code of the Town of Lancaster (Electrical Inspections), and

WHEREAS, Jeffrey H. Simme, Supervising Code Enforcement Officer has requested that New York Atlantic-Inland, Inc. be permitted to conduct electrical inspections in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that New York Atlantic-Inland, Inc. is hereby authorized to conduct electrical inspections in the Town of Lancaster as described in Chapter 16 of the Code of the Town of Lancaster (Electrical Inspections).

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of **Myron W. Prystajko**, owner of **Online Limousine-WNY Motorsports**, for a Special Use Permit for an automobile sales, rentals, repairs and service business on premises located at 3568 Walden Avenue in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED as follows:

1) That pursuant to Chapter 50-Zoning, Section 20 (B), entitled “Commercial Motor Service District” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Myron W. Prystajko**, owner of **Online Limousine-WNY Motorsports**, for an automobile sale, rental, repair and service business on the premises located at 3568 Walden Avenue, Lancaster, New York upon the terms and conditions set forth in the Zoning Ordinance, and

2) That the applicant will continue in compliance with the conditions listed as follows:

- a) Limit of eight (8) unregistered vehicles for sale at a given time.
- b) No outdoor storage of damaged vehicles allowed on site.
- c) Any vehicle repairs to be done inside facility.
- d) No parking of limousines on streets.
- e) No fueling facility allowed on site.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

File: rspecialuseMyronPrystajkoCMS3568Walden8109a

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of **Ronald Dalasandro**, Owner of **The Transmission Shop**, for a Special Use Permit for an automotive repair business on premises located at 5071 Transit Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled “Commercial Motor Service District” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Ronald Dalasandro**, owner of **The Transmission Shop**, on the premises located at 5071 Transit , 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 ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated September 12, 2009 has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

ADDITIONS

Scott Beals
Lancaster, NY

Ted Lewandowski
Williamsville, NY

John Antansio
Lancaster, NY

Wayne Fisher
Depew, NY

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, the Town Board has previously duly advertised for bids for the construction of the Heritage Trail Bike Path within the Town of Lancaster, and

WHEREAS, bids were received, opened and reviewed on August 13, 2009, and

WHEREAS, by letter dated September 16, 2009, the General Crew Chief of the Parks, Senior Facility and Buildings & Grounds Department of the Town of Lancaster, upon the recommendation of Bergmann Associates, Consulting Engineer, 28 East Main Street, 200 First Federal Plaza, Rochester, New York, has recommended award of the bid to Occhino Corporation, 2650 Seneca Street, West Seneca, New York 14224, and

WHEREAS, the Town of Lancaster needed to contribute \$298,200.00 towards the construction of said Bike Path and the Town has received a grant from the State of New York in amount of \$270,000.00, leaving a balance of \$28,200.00 owed by the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby awards the contract for the construction of the Heritage Trail Bike Path to Occhino Corporation, 2650 Seneca Street, West Seneca, New York 14224, being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk, in the total amount of \$1,125,827.26.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, upon the recommendation of Erie County Personnel, for proper job classification, five (5) positions of Recreation Instructor - Part Time be created in the Parks and Recreation Department of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create five (5) positions of Recreation Instructor - Part Time in the Town of Lancaster Parks and Recreation Department.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

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

WHEREAS, the Town Clerk of the Town of Lancaster, by letter dated September 18, 2009, has requested the appointment of Joyce Quinn of Lancaster, New York to the position of Clerk, temporary, full time in the Town Clerk's Office to assist during the short School Tax collection period.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

SECTION 1: That Joyce Quinn, Lancaster, New York, be and is hereby appointed to the position of Clerk, temporary, full time, in the Office of the Town Clerk.

SECTION 2: That Joyce Quinn be compensated at a rate of \$14.41 per hour without benefits.

SECTION 3: That this appointment be effective immediately.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, 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. 10245 to Claim No. 10403 Inclusive

Total amount hereby authorized to be paid: \$380,525.75

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

File: Rclaims

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

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

17371	Rich's Sport Fields INC	110 Pavement Rd	Er. Pole Barn
17372	Black Hat Chimney	190 Iroquois Ave	Er. Fireplace
17373	James Jurewicz	5091 William St	Er. Shed
17374	John's Home Improvement	14 Hinchey Ave	Re-Roof House (V/L)
17375	PDQ Forestream Center	4705 Transit Rd	Er. Sign-Temp
17376	Sun Enterprises	41 Stony Brook Dr	Er. Shed
17377	Ryan Homes	14 Rose St	Er. Dwlg.-Sin.
17378	Ryan Homes	49 Rose St	Er. Dwlg.-Sin.
17379	Ryan Homes	79 Avian Way	Er. Dwlg.-Sin.
17380	Riverside Door	89 Michael's Walk	Re-Roof House
17381	Sun Enterprises	16 Ashwood Ct	Er. Shed
17382	Quality Quick Signs	3825 Walden Ave	Er. Sign (V/L)
17383	Francis, Christopher	7 Heather Ln	Er. Res. Add. (V/L)
17384	Polanowski, Henry	4793 William St	Er. Garage
17385	Aqua Systems Of WNY	24 Logan Ln	Inst. Sprinkler
17386	Sahlems Roofing	17 Veterans Dr	Re-Roof House (V/L)
17387	Kral, David	89 Brandel Ave	Er. Comm. Bldg. (V/L)
17388	Vacinek Heating	4 Hidden Trl	Re-Roof House
17389	Stasiuk, Peter	24 Regency Ct	Er. Garage
17390	Sahlems Roofing	99 Stutzman Rd	Re-Roof House
17391	City Fence Inc	12 Parkedge Dr	Er. Fence
17392	Kulback Construction	4733 William St	Dem. Bldg
17393	Seibold Const	476 Harris Hill Rd	Re-Roof House
17394	Marrano/Marc Equity	20 St Davids Rd	Er. Dwlg.-Sin.
17395	Marrano/Marc Equity	18 Carlisle St	Er. Dwlg.-Sin.
17396	Marrano/Marc Equity	9 Carlisle St	Er. Dwlg.-Sin.
17397	Jaszka, Daniel	29 Hidden Trl	Er. Shed
17398	Swimco Mfg	30 Chicory Ln	Er. Pool-In Grnd
17399	Swimco Mfg	30 Chicory Ln	Er. Fence
17400	McNichol, Ryan	60 Christen Ct	Er. Shed (V/L)
17401	Besroi Const	25 Thorn Apple Ln	Re-Roof House (V/L)
17402	Besroi Const	5799 Genesee St	Re-Roof Bldg

17403	Leveled Contracting	5197 Genesee St	Re-Roof House	
17404	Meegan, Brian	2129 Como Park Blvd	Er. Deck	(V/L)
17405	Sahlems Roofing	21 Riemers Ave	Re-Roof House	
17406	Borowski, Michelle	17406 Dorchester Ct	Er. Shed	
17407	Colley's Pool Sales	50 Stony Brook Dr	Er. Pool-In Grnd	
17408	Colley's Pool Sales	50 Stony Brook Dr	Er. Fence	
17409	Spina, Matthew	72 Christen Ct	Er. Shed	(V/L)
17410	Kwiatek, Ron	5341 Broadway	Re-Roof Bldg	(V/L)

BE IT FURTHER

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

BE IT FURTHER

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

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

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 21, 2009

COMMUNICATIONS & REPORTS

407. Concerned Residents to Town Board -
Petition opposing rezone petition of Redtek Development, LLC & Transit French Associates, 4779 & 4783 Transit Road. DISPOSITION = Received & Filed
408. Erie County Department of Environment & Planning to Town Board -
Notice of public hearing regarding Erie County/Town of Hamburg Consolidated Plan for Housing & Community Development 2010-2014. DISPOSITION = Received & Filed
409. Town of Cheektowaga to Town Board -
Transmittal of resolution opposing increases in credit card rates. DISPOSITION = Received & Filed
410. Lancaster Central School District, Lancaster Town Band to Town Board -
Request for use of the Lancaster Band Shell on Sunday, September 27, 2009 at 2:00 PM. DISPOSITION = Received & Filed
411. Chief of Police to Supervisor -
Request attendance of two narcotics officers to Annual Narcotic Investigators Information Sharing Conference at Ocean City, MD, October 5 - 12, 2009. DISPOSITION = Resolution 9/21/09
412. Executive Director, Youth Bureau to Supervisor -
Request permission to attend 2009 Association of New York State Youth Bureaus Conference at Syracuse, NY, October 5 - 7, 2009. DISPOSITION = Resolution 9/21/09
413. Bowmansville Volunteer Fire Association to Town Clerk -
Request change in roster. DISPOSITION = Resolution 9/21/09
414. United States Environmental Protection Agency to Town Clerk -
Acknowledgment of resolution regarding the decommissioning of the West Valley Nuclear Service Center. DISPOSITION = Received & Filed
415. General Crew Chief to Supervisor -
Request resolution awarding contract for Heritage Trail to Occhino Corporation, the apparent low bidder. DISPOSITION = Resolution 9/21/09
416. Village of Lancaster to Town Board -
Minutes of meeting held September 14, 2009. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFNO AND CARRIED, the meeting was adjourned at 8:41 P.M. in memory of Marie Diana.

Signed _____
Johanna M. Coleman, Town Clerk