

Town Board Minutes

December 21, 2009

Meeting No. 37

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 December 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
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matters:

- Resolutions to amend 2009 Budget.
- Town owned property on Mohawk Place.

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Town owned property on Mohawk Place.
- Questioned ownership of wet ponds and discharge of storm water.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Questioned sponsorship of resolution regarding Town owned property on Mohawk Place.
- Memorandum of agreement between Town of Lancaster and CSEA.
- Extension of contract with William Schutt & Associates.
- Town Attorney, Deputy Town Attorney and Town Prosecutor positions.
- Wet pond in front of Kohl's.
- Weight limit on William Street.
- Snow removal in Cul de sacs.

Lemaster, Kevin, spoke to the Town Board on the following matters:

- Questions regarding Lancaster Industrial Development Agency.
- Sale of Advanced Thermal Systems Building.

Kohrer, Michael, spoke to the Town Board on the following matter:

- Town owned property on Mohawk Place.

George, Michael, spoke to the Town Board on the following matter:

- Town owned property on Mohawk Place.

Tshulos, Nicholas, spoke to the Town Board on the following matter:

- Town owned property on Mohawk Place.

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 Joint Meeting of the Town Board and the Planning Board held December 7, 2009 and the Regular Meeting of the Town Board held December 7, 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	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 21, 2009

File: RMIN (P1)

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

WHEREAS, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

WHEREAS, Bowmansville Volunteer Fire Association, 36 Main Street, Bowmansville, New York, by letter dated December 5, 2009 and received in the Office of the Town Clerk of the Town of Lancaster on December 9, 2009, has indicated their intent to apply for a liquor license with the New York State Liquor Authority, and

WHEREAS, Bowmansville Volunteer Fire Association, 36 Main Street, Bowmansville, New York, has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

WHEREAS, this waiver can only be granted by the Town Board in which the premises is located.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is authorized to notify the State Liquor Authority that required notification was received by the Town Clerk on December 9, 2009, and

BE IT FURTHER

RESOLVED, that the Town Board hereby waives the thirty (30) day notification requirement.

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

December 21, 2009

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

WHEREAS, it is necessary to make various adjustments to the 2009 budget accounts of the Town of Lancaster at the close of Town business on December 31, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized and directed to make such adjustments to all over-expended accounts from available unexpended funds within the 2009 budget, including unappropriated fund balances and also including the adjustment of estimated revenues and corresponding appropriation accounts for grant funds received and/or to be received in or for 2009 upon the close of business on December 31, 2009.

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

December 21, 2009

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

WHEREAS, the Town of Lancaster has been awarded various grants which have resulted in or will result in the Town receiving revenue not anticipated in the 2009 Adopted Budget of the Town of Lancaster, and

WHEREAS, these same grants have resulted in or will result in the Town of Lancaster expending funds which are not currently provided for in the 2009 Adopted Budget of the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster desires to amend 2009 Adopted Budget of the Town of Lancaster to reflect the increase in the estimated revenues and appropriations resulting from the various grants mentioned above and detailed below,

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby approved to the 2009 Adopted Budget of the Town of Lancaster:

NYS Records Management Improvement Grant

General Fund - Townwide

	<u>Increase</u>
A510 Estimated Revenues	2,356
A3060 State Aid for Records Management	2,356
A960 Budget Appropriations	2,356
A1410.260 Town Clerk - Other Capital Outlay	2,356

NYS DCJS Byrne Jag Narcotics Investigation Grant - Detective Bureau

Police Fund

	<u>Increase</u>
P510 Estimated Revenues	20,000
P3389 State Aid, Other Public Safety	20,000
P960 Budget Appropriations	20,000
P3120.128 Police - Narcotics Grant Overtime	20,000

NYS DCJS Taser Grant

Police Fund

	<u>Increase</u>
P510 Estimated Revenues	10,000
P3389 State Public Safety Aid	10,000
P960 Budget Appropriations	10,000
P3120.245 Police - Public Safety Equipment	10,000

NYS Governor's Selective Traffic Safety Enforcement (STEP) Grant

Police Fund

	<u>Increase</u>
P510 Estimated Revenues	8,167
P3389 State Public Safety Aid	8,167
P960 Budget Appropriations	8,167
P3120.102 Police - Overtime	8,167

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

December 21, 2009

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

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated December 2, 2009, has advised the Town Board of the appointment of Police Officer Jason Batt to the position of Detective, temporary, to replace Detective William Loewer who has been placed back in his civil service rank of Police Officer, at his request, and

WHEREAS, selection of Officer Batt was done in accordance with Section 3.04 of the current Work Agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. Police Officer Jason Batt be and is hereby appointed to the position of Detective, temporary, in the Town of Lancaster Police Department, on step as follows:
11/30/09 to 12/31/09 - \$65,312.00.
2. Detective William Loewer be and is hereby placed back in his civil service rank of Police Officer with an annual salary of \$63,455.00.
3. These appointments are retroactive to November 30, 2009.

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

December 21, 2009

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

WHEREAS, J. Renkas and Sons Inc., d/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 955 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 10, 2009, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that J. Renkas and Sons Inc., d/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 955 Ransom Road, Lancaster, New York for the period January 1, 2010 to December 31, 2010 in strict conformance with the application of the petitioner as filed 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 ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 21, 2009

File: rsalvage yard license (P2)

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

WHEREAS, Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 10, 2009 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York for the period January 1, 2010 to December 31, 2010 in strict conformance with the application of the petitioner as filed 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 ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 21, 2009

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

WHEREAS, Edward Haniszewski, d/b/a Ed Henning Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 10, 2009, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that Edward Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 911 Ransom Road, Lancaster, New York for the period January 1, 2010 to December 31, 2010 in strict conformance with the application of the petitioner as filed 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 ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 21, 2009

File: rsalvage yard license (P4)

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

WHEREAS, the Town Board of the Town of Lancaster, after due review and consideration has determined that certain real property, S.B.L. No. 104.08-4-25 (Mohawk Place), owned by the Town of Lancaster should be deemed surplus property as the Town has not made use of the property and has no future use under consideration, and

WHEREAS, the Town Board of the Town of Lancaster has further determined that the sale of such surplus property is in the best interest of the residents of the Town of Lancaster as it will provide revenue to the Town, and

WHEREAS, the Town will obtain an appraisal for the property upon said property being deemed to be surplus and will subsequently move the sale of the property to auction through the appointment of an auctioneer, and

WHEREAS, an action of the Town Board to convey Town owned real property is subject to permissive referendum pursuant to §64 (2) of the Town Law;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby makes a determination that the following parcel is surplus property to the Town to wit:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, being part of Lot 11, Township 11, Range 6, further described as follows:

BEGINNING at a point in southeast corner of Sublot 168, Map Cover 900, in the northline of Walden Avenue; thence northerly 945 feet +/- to the northeast corner of Sublot 295, Map Cover 900, thence easterly 50 feet to the northwest corner of Sublot 389, Map Cover 900 thence southerly 935 +/- to the southwest corner of Sublot 366, Map Cover 900 in the northline of Walden Avenue, thence westerly along said northline of Walden Avenue to beginning.

This description being intended to convey property listed in In Rem 141-A as Serial 423.

Parcel has a tax I.D. No. 104.08-4-25 and is represented by the Deed in Liber 9828 on page 208.

BE IT FURTHER

RESOLVED, that the Town Board directs the Town Attorney to obtain an appraisal to determine the fair market value of said property, said appraisal is to be conducted by Arrow Appraisal, John Zukowski, President.

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 NO
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED NO

December 21, 2009

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

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC.,
 (“**Southeast**”) offers a program for Developmentally Disabled adults in the communities of
Lancaster, Alden, Marilla, Elma, East Aurora, Aurora and Wales, and

WHEREAS, this program consists of development, pre-vocational and work
activities training programs for those individuals who are clients of Southeast, and

WHEREAS, Southeast is presently located at 181 Lincoln Street, Depew, New
York 14043 and its services in the area of evaluation, tutoring, development of self-help skills,
personal adjustment training, recreation and counseling are of substantial benefit to residents of
the Town of Lancaster, and

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., has
offered to contract with the Town of Lancaster for the aforementioned services during the year
2010 for the total sum of Two Thousand Dollars (\$2,000.00);

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the
Supervisor to execute an Agreement with **Southeast Community Work Center, Inc.,** for a
program for Developmentally Disabled adults residing in the Town of Lancaster for
developmental, pre-vocational and work activities training programs together with evaluation,
tutoring and development of self-help skills, personal adjustment training, recreation and
counseling; such services to be provided to those individuals who are clients of Southeast.

2. That the sum of Two Thousand Dollars (\$2,000.00) be paid by the Town
to Southeast in four equal quarterly payments: January 1st, April 1st, July 1st, and October 1st,
2010.

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

December 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 desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2009, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2010 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

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

December 21, 2009

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

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Lancaster Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2009, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2010 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

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

December 21, 2009

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

WHEREAS, upon reviewing the budgetary accounts of the Town of Lancaster, the Supervisor has determined the need for various adjustments to the 2009 Adopted Budget of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby approved in the 2009 adopted budget of the Town of Lancaster:

General Fund - Townwide	<u>Increase</u>
01-599 Appropriated Fund Balance	215,325
01-960 Budget Appropriations	215,325
01-1110-115 Courts, Retirement Sell Backs	29,325
01-1355-410 Assessor, Professional Services	6,000
01-1420-410 Town Attorney, Professional Services	20,000
01-1430-410 Personnel, Professional Services	35,000
01-1440-411 Engineer, Professional Services - Other	100,000
01-1440-413 Engineer, PIP Inspection Services	20,000
01-8810-449 Cemeteries, Lancaster Rural Cemetery Support	5,000
General Fund - Town Outside Villages	
02-599 Appropriated Fund Balance	79,600
02-960 Budget Appropriations	79,600
02-1930-411 Judgements & Claims	27,600
02-9040-804 Workers' Compensation Insurance	52,000
Miscellaneous Special Revenue - Police Asset Forfeiture	
31-510 Estimated Revenues	20,000
31-4389 Federal Aid, Other Public Safety Aid	20,000
31-960 Budget Appropriations	20,000
31-3120-220 Vehicles	5,400
31-3120-245 Public Safety Equipment	1,000
31-3120-401 Office Supplies	500
31-3120-404 Travel & Meal Expense	500
31-3120-412 Education Expense	500
31-3120-426 Repairs & Maintenance	3,000
31-3120-432 Auto Parts & Supplies	1,000
31-3120-449 Other Unclassified	8,100
Special District - Fire Protection District	
50-599 Appropriated Fund Balance	50,000
50-960 Budget Appropriations	50,000
50-3410-482 Volunteer Firefighters' Workers' Comp. Exp.	50,000

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

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

December 21, 2009

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

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town’s Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects,

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town’s books be closed except that those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the projects and/or subsequent retirement of said debt shall be closed after said debt is retired, and

BE IT FURTHER

RESOLVED, that where applicable, the project cash balances listed below be transferred to the “Reserve for Debt Service” account of the operating fund specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Funds</u>
Siebert Rd. Box Culvert	167	08/20/07	49,586.16	Highway Fund - TOV
Steinfeldt Rd. Box Culvert	168	08/20/07	0.00	Highway Fund - TOV
Keysa Park Pool Imp. Grant	145	n/a	0.00	General Fund -Townwide

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

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

December 21, 2009

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

WHEREAS, the Town Board desires to designate additional funding for the Town Band Shell project to be made available from the Recreation Filing Fees Fund in an amount not to exceed \$35,000, said amount to be offset by any further gifts and/or grant monies received for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the following amendment to the 2009 Adopted Budget of the Town of Lancaster be and hereby is approved:

RECREATION FILING FEE FUND		INCREASE
37-599	Appropriated Fund Balance	35,000
37-960	Budget Appropriations	35,000
037-9901.902	Transfer to Capital Projects Fund for Band Shell project	35,000

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

December 21, 2009

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

WHEREAS, by letter dated December 15, 2009 the General Crew Chief of the Parks, Recreation & Forestry Department has notified the Supervisor that the Police Benevolent Association of the Town of Lancaster has presented a check to the Town in the amount of \$2,500 to be used to purchase jerseys and equipment for the Town's Youth Basketball Program which is held on Saturdays during the winter months.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves and accepts the gift of \$2,500 from the Police Benevolent Association of the Town of Lancaster to be used to purchase jerseys and equipment for the Town's Youth Basketball Program.

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

December 21, 2009

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

WHEREAS, Wm. Schutt and Associates Engineering and Land Surveying, P.C., has submitted a proposal for the extension of the Agreement for Professional Services for Municipal Engineering with the Town of Lancaster, and

WHEREAS, the Town Board has reviewed the proposed extension and deems it to be in the public interest to enter into an extension of the present agreement with Wm. Schutt and Associates Engineering and Land Surveying, P.C. to commence on January 1, 2010 and ending December 31, 2011 with the terms and conditions as are set out in the extension agreement proposal and at a fee to be agreed to by the parties;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an extension of the Agreement for Professional Services Municipal Engineering with Wm. Schutt and Associates Engineering and Land Surveying, P.C., 37 Central Avenue, Lancaster, New York 14086-2143 upon the terms and conditions which are set forth in the proposed extension agreement as submitted to the Town of Lancaster, said extension to be for a two (2) year period commencing January 1, 2010 and ending December 31, 2011 at a fee to be agreed to by the parties.

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

December 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. 11441 to Claim No. 11665 Inclusive

Total amount hereby authorized to be paid: \$878,090.66

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 STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 21, 2009

File: Reclaims

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

17611	J M Avino Bldrs	12 Windcroft Ln	Er. Res. Add.	
17612	Besroi Construction	30 Wainwright Ct	Re-Roof	
17613	Niagara Const	96 Pleasant View Dr	Er. Res. Alt.	
17614	Niagara Const	96 Pleasant View Dr	Er. Deck	
17615	Quaker Steak & Lube	6727 Transit Rd	Er. Sign-Temp	
17616	Marrano/Marc Equity	406 Seneca Pl	Er. Dwlg.-Sin.	
17617	United Craftsman	27 Maple Ave	Er. Res. Alt.	(V/L)
17618	TR Renovations	63 Burwell Ave	Re-Roof	(V/L)
17619	Dennis, Justin	33 Whitestone Ln	Er. Res. Add.	
17620	Bosse, William	237 Pleasant View Dr	Er. Dwlg.-Sin.	
17621	Tucker Homes	7 Parliament Ln	Er. Dwlg.-Sin.	
17622	Essex Homes	15 Americo Ct	Er. Dwlg.-Sin.	
17623	Marrano/Marc Equity	70 Avian Way	Er. Dwlg.-Sin.	
17624	Marrano/Marc Equity	28 Carlisle St	Er. Dwlg.-Sin.	
17625	United Demolition	161 Ransom Rd	Dem. Dwlg.	
17626	Pankow Orthotics	5489 Broadway	Er. Comm. Alt.	(V/L)
17627	Natale Building Corp	8 Nicholas Ln	Er. Dwlg.-Sin.	
17628	Kulbacks Const	5201 Broadway	Er. Comm. Add.	(V/L)
17629	Stockmohr Co	300 Aurora St	Re-Roof	(V/L)
17630	Tudor, Joe	71 St John St	Er. Res. Alt.	(V / L)

BE IT FURTHER

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

BE IT FURTHER

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

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

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

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, a suspension was granted.

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

PURSUANT to the Memorandum of Agreement dated December 21, 2009, between the Town of Lancaster and the Civil Service Employees Association (CSEA), Town of Lancaster White Collar Unit, to include the title of Recreation Leader, full-time.

NOW, THEREFORE, BE IT

RESOLVED, that the following Schedule of Salaries and hourly rates for the calendar year 2009 be and hereby is amended and approved for the CSEA White Collar Union employees retroactive to June 16, 2009:

TO BE PAID BI-WEEKLY

PARKS RECREATION & FORESTRY

Recreation Leader, F.T. incumbent Mary Bartz \$41,192.00

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

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

December 21, 2009

COMMUNICATIONS & REPORTS

487. Town Clerk to Town Board -
Monthly report for November 2009. DISPOSITION = Received & Filed
488. Robert P. Thill to Town Board -
Request for reappointment to Zoning Board of Appeals. DISPOSITION = For Resolution
489. Erie County Department of Public Works to Town Attorney -
Letter regarding revised Sketch Plan for Summerfield Farms, Phase 5; comments noted. DISPOSITION = Received & Filed
490. Erie County Department of Public Works to Town Attorney -
Letter regarding Preliminary Plat Plan for Deer Run Estates Subdivision, south of William Street, west side of Lake Avenue; comments noted. DISPOSITION = Planning Committee
491. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Deputy Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held December 2, 2009. DISPOSITION = Received & Filed
492. Planning Board to Town Board -
Notice of tabling to January 6, 2010 meeting regarding Preliminary Plat Plan for Deer Run Estates, south of William Street, west side of Lake Avenue. DISPOSITION = Received & Filed
493. Planning Board to Town Board -
Recommend approval of Sketch Plan for Summerfield Farms Subdivision, Phase 5; conditions noted. DISPOSITION = Planning Committee
494. Ralph Franchini & Mark Franchini to Supervisor -
Request to purchase paper streets north of Hayes Avenue and south of Wilson Avenue. DISPOSITION = Town Board
495. Jeffrey P. Lehrbach to Town Board -
Request reappointment as Chairman of the Zoning Board of Appeals. DISPOSITION = For Resolution
496. Town Clerk to Town Board -
Transmittal of renewal application for Ed Henning Inc. to conduct a salvage yard. DISPOSITION = Resolution 12/21/09
497. Bowmansville Volunteer Fire Association to Town Clerk -
Letter regarding election of officers for 2010 and notification of application for liquor license renewal. DISPOSITION = Resolution 12/21/09
498. Advanced Thermal Systems, Inc. to Supervisor -
Letter regarding the sale of property owned by Advanced Thermal Systems at 15 Enterprise Drive to the Buffalo-Lancaster Regional Airport. DISPOSITION = Received & Filed
499. Village of Lancaster to Town Board -
Minutes of meeting held November 23, 2009. DISPOSITION = Received & Filed
500. Town Attorney to Town Board -
Request for reappointment as Town Attorney and Town Prosecutor; also request appointment of Nicholas LoCicero as Deputy Town Attorney. DISPOSITION = For Resolution
501. NYS Division of Criminal Justice Services to Captain Tim Murphy -
Notification of \$35,200 grant award from the Operation IMPACT Tools fund. DISPOSITION = Received & Filed
502. NYS Governor's Traffic Safety Committee, Department of Motor Vehicles to Captain Marco Laurienzo -
Notification of \$9,500 grant award to participate in the "Selective Traffic Enforcement Program". DISPOSITION = Received & Filed

503. Wendel-Duchscherer, Engineers to Supervisor -
Update regarding proposed FEMA floodmap revisions for Erie County.
DISPOSITION = Town Engineer
504. Police Chief to Town Board -
Notice of Detective William Loewer being placed back to status of Police Officer at his request effective November 30, 2009; also notice of Officer Jason Batt assignment to the Detective Bureau. DISPOSITION = Resolution 12/21/09
505. General Crew Chief to Supervisor -
Announcement of donation from the Lancaster Police Benevolent Association to assist with youth recreation programs.
DISPOSITION = Resolution 12/21/09
506. Stanley Jay Keysa to Town Board -
Request for reappointment as Planning Board Chairman. DISPOSITION = For Resolution
507. Town Clerk to Town Board -
Final settlement and consolidated report for the 2009-2010 school tax collection.
DISPOSITION = Received & Filed
508. Deputy Highway Superintendent to NYS DOT -
Request for consideration of funding for replacement of the Broezel Avenue and Iroquois Avenue bridges under the Highway Bridge Program. DISPOSITION = Received & Filed
509. Code Enforcement Officer to Town Clerk -
Notice of no objection regarding issuance of license to AJ's Auto Parts & Salvage to conduct a salvage yard for 2010. DISPOSITION = Resolution 12/21/09
510. Code Enforcement Officer to Town Clerk -
Notice of no objection regarding issuance of license to Ransom Auto Parts to conduct a salvage yard for 2010. DISPOSITION = Resolution 12/21/09
511. Code Enforcement Officer to Town Clerk -
Notice of no objection regarding issuance of license to Ed Henning Inc. to conduct a salvage yard for 2010. DISPOSITION = Resolution 12/21/09
512. Buffalo Niagara Riverkeeper to Town Board -
Notice of workshops to be held January 9, 2010, 10:15 AM at Grand Island and January 16, 2010, 9:30 AM at Marilla regarding Niagara River Watershed. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:17 P.M. in memory of Edward Berent, Elaine Wick and Ronald J. Surowick, Jr.

Signed _____

Johanna M. Coleman, Town Clerk