

MEETINGS TO DATE 20
NO. OF REGULARS 18
NO. OF SPECIALS 2

LANCASTER, NEW YORK
SEPTEMBER 22, 1980

A Special 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 22nd day of September, 1980 at 8:00 P.M. and there were

PRESENT: STANLEY JAY KEYSA, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
RONALD A. CZAPLA, COUNCILMAN
LEONARD E. GRZYBOWSKI, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY

PURPOSE OF MEETING:

This meeting was called for the purpose of considering adoption of a supplemental bond issue to finance the Town Hall Renovation Project and to consider adoption of an original bond issue to finance the purchase of a generator for the Lancaster Town Center.

Councilman Berent requested the suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT, TO WIT:

WHEREAS, the Erie County Development Coordination Board and the Western New York Section of the American Planning Association are co-sponsoring the annual dinner meeting of said Board on Tuesday, September 30, 1980, at 5:30 P.M.,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby authorized to attend said dinner meeting, with reimbursement for actual and necessary expenses not to exceed \$10.00 per person, plus mileage:

- | | |
|----------------------|--------------------|
| Stanley Jay Keysa | George O'Neil |
| Joseph R. Barnhardt | Donna Gumulak |
| Robert Laney | Anthony Franjoine |
| Malcolm Francis, Jr. | Leonard Grzybowski |

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

- COUNCILMAN BARNHARDT VOTED YES
- COUNCILMAN BERENT VOTED YES
- COUNCILMAN CZAPLA VOTED YES
- COUNCILMAN GRZYBOWSKI VOTED YES
- SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

September 22, 1980

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

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RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED SEPTEMBER 22, 1980, AMENDING THE BOND
AND CAPITAL NOTE RESOLUTION ADOPTED AUGUST 4, 1980.

Recital

WHEREAS, the Town Board of the Town of Lancaster,
in the County of Erie, New York, has heretofore duly authorized
the reconstruction, in part, of the Town Hall building, at
Central Avenue, in the Village of Lancaster, in said Town,
and has determined that, due to increased costs of labor and
materials, it is necessary to increase the estimated maximum
cost of such reconstruction and to provide for the financing
thereof; now, therefore, be it

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

Section 1. The bond and capital note resolution of
said Town of Lancaster, duly adopted by the Town Board of said
Town on August 4, 1980, entitled:

"Bond and Capital Note Resolution of the Town of Lancaster,
New York, adopted August 4, 1980, authorizing the recon-
struction, in part, of the town hall building, stating the
estimated maximum cost thereof is \$370,000, appropriating
said amount therefor, authorizing the issuance of \$18,500
capital notes to provide the required down payment and
\$351,500 serial bonds of said town to finance the balance of
said appropriation, and any amounts received from the
United States of America and/or the State of New York to be
expended towards the cost thereof or to redemption of the
bonds issued therefor or to be budgeted as an offset to the
taxes for payment of the principal and interest on said bonds."

is hereby amended to read as follows:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK, ADOPTED AUGUST 4, 1980 AND AMENDED SEPTEMBER 22, 1980, AUTHORIZING THE RECONSTRUCTION, IN PART, OF THE TOWN HALL BUILDING, STATING THE ESTIMATED MAXIMUM COST THEREFOR, AUTHORIZING THE ISSUANCE OF \$23,500 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT AND \$446,500 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION, AND ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF OR TO REDEMPTION OF THE BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID BONDS.

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

Section 1. The Town of Lancaster (herein called "Town"), in the County of Erie, New York, is hereby authorized to reconstruct, in part, the Town Hall building, at Central Avenue, in the Village of Lancaster, in the Town, by including a fire safe stairwell and elevator, restoring existing fire escape, a sprinkler system, kitchen facilities, storm windows, and conversion of oil heating system to an oil or gas heating system, and also including acquisition of original furnishings, equipment, machinery and apparatus required for the purpose for which said Town Hall as so reconstructed is to be used. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and

the financing thereof is \$470,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$23,500 capital notes to provide the down payment required by law, the issuance of \$446,500 serial bonds of the Town to finance the balance of said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the principal of and interest on said notes and bonds as the same shall become due and payable. Any amounts received from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost thereof or to redemption of the bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. Capital notes in the principal amount of \$23,500 and serial bonds in the principal amount of \$446,500 of the Town are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The building is and will be Class "B" construction as defined by Section 11.00 a. 11 (b) of the Law and the period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 12. (a) (2) of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be provided from the proceeds of the capital notes herein authorized to be issued. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose described in Section 1 hereof.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the notes and bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of said notes and bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

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

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

Section 7. This resolution, as amended, shall be subject to permissive referendum.

* * * * *

Section 2. The amendment to said bond and capital note resolution in Section 1 of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or taken pursuant to said bond and capital note resolution and all such liabilities incurred, issued or taken shall be deemed to have been incurred, issued or taken pursuant to said bond and capital note resolution, as so amended.

Section 3. The Town Clerk shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 2 hereof, cause to be published at least once in the "LANCASTER ENTERPRISE" a newspaper published in Lancaster, New York, having a general circulation in the Town, and hereby designated the official newspaper of the Town, for such publication, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of said bond and capital note resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 4. After said bond and capital note resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution as herein amended to be published, in full, in the newspaper hereinabove referred to in Section 3 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law of the State of New York.

Section 5. The Notice referred to in Section 3 hereof, shall be in substantially the following form:

TOWN OF LANCASTER, NEW YORK

PLEASE TAKE NOTICE that on September 22, 1980, the Town Board of the Town of Lancaster, in the County of Erie, New York, adopted a resolution amending the bond and capital note resolution adopted August 4, 1980, which bond and capital note resolution, so amended, is entitled:

"Bond and Capital Note Resolution of the Town of Lancaster, New York, adopted August 4, 1980, and amended September 22, 1980, authorizing the reconstruction, in part, of the Town Hall building, stating the estimated maximum cost thereof is \$470,000, appropriating said amount therefor, authorizing the issuance of \$23,500 capital notes to provide the required down payment and \$446,500 serial bonds of said Town to finance the balance of said appropriation, and any amounts received from the United States of America and/or the State of New York to be expended towards the cost thereof or to redemption of the bonds issued therefor or to be budgeted as an offset to the taxes for payment of the principal and interest on said bonds,"

an abstract of such resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town of Lancaster ("Town"), New York, to reconstruct, in part, the Town Hall building, at Central Avenue, in the Village of Lancaster, in the Town; STATING the estimated maximum cost thereof is \$470,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$23,500 capital notes to provide the down payment required by law, the issuance of \$446,500 serial bonds of the Town to finance the balance of said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the principal of and interest on said notes and bonds as the same shall become due and payable; AUTHORIZING any amounts received from the United States of America and/or the State of New York to be expended towards the cost thereof or to redemption of the bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds;

SECOND: AUTHORIZING \$23,500 capital notes and \$446,500 serial bonds of the Town to be issued pursuant to the provisions of the Local Finance Law ("Law"), to finance said appropriation;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of the specific object or purpose is fifteen (15) years; that current funds are required by the Law to be provided prior to the issuance of the bonds authorized or any bond anticipation notes issued in anticipation thereof and such current funds will be provided from the proceeds of the capital notes authorized to be issued; AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply same solely to said specific object or purpose; STATING the proposed maturity of the bonds will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to issuance of said notes and bonds, and any bond anticipation notes, and renewals thereof;

SIXTH: PROVIDING that said resolution, as amended, shall be subject to permissive referendum.

DATED: September 22, 1980

ROBERT P. THILL,
Town Clerk

Section 6. Said bond and capital note resolution, as herein amended, is subject to permissive referendum as therein provided. In the event that a valid petition protesting against said bond and capital note resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of said bond and capital note resolution adopted August 4, 1980, shall not be in any way affected and shall remain in full force and effect.

Section 7. This resolution shall take effect immediately.

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

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED NO
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon duly adopted.

September 22, 1980

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF
LANCASTER, NEW YORK, ADOPTED SEPTEMBER 22, 1980,
AUTHORIZING THE ALTERATION OF THE POLICE HEAD-
QUARTERS AND HIGHWAY GARAGE BUILDING, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$49,000
APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING
THE ISSUANCE OF \$2,450 CAPITAL NOTES TO PROVIDE
THE REQUIRED DOWN PAYMENT AND \$46,550 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID
APPROPRIATION.

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

Section 1. The Town of Lancaster (herein called "Town"),
in the County of Erie, New York, is hereby authorized to
install a generator in the police headquarters and highway
garage in the Town. The estimated maximum cost of said specific
object or purpose, including preliminary costs and costs in-
cidental thereto and the financing thereof is \$49,000 and
the said amount is hereby appropriated therefor. The plan
of financing includes the issuance of \$2,450 capital notes
to provide the down payment required by law, the issuance of
\$46,550 serial bonds of the Town to finance the balance of said
appropriation and the levy of a tax upon all the taxable real
property in the Town to pay the principal of and interest on
said notes and bonds as the same shall become due and payable.

Section 2. Capital notes in the principal amount of
\$2,450 and serial bonds in the principal amount of \$46,550 of
the Town are hereby authorized to be issued pursuant to the
provisions of the Local Finance Law of the State of New York
(herein called "Law"), to finance said appropriation.

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

(a) The building is and will be Class "B" construction as defined by Section 11.00 a. 11 (b) of the Law and the period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 13. of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation and such current funds will be provided from the proceeds of the capital notes herein authorized to be issued. The Supervisor is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose described in Section 1 hereof.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the notes and bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of said notes and bonds and

any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall be subject to permissive referendum.

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The adoption of the foregoing resolution was seconded by Councilman Czaplá and duly put to a vote on roll call, which resulted as follows:

AYES: FIVE

NOES: NONE

The resolution was declared adopted.

Councilman Berent offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER,
IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 2 hereof, cause to be published at least once in the "LANCASTER ENTERPRISE", a newspaper published in Lancaster, New York, having a general circulation in the Town, and hereby designated the official newspaper of the Town, for such publication, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of said bond and capital note resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. The Notice referred to in Section 1 hereof shall be in substantially the following form:

TOWN OF LANCASTER, NEW YORK

PLEASE TAKE NOTICE that on September 22, 1980,
the Town Board of the Town of Lancaster, in the County of Erie,
New York, adopted the bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Lancaster, New York, adopted September 22, 1980, authorizing the alteration of the police headquarters and highway garage building, stating the estimated maximum cost thereof is \$49,000, appropriating said amount therefor, authorizing the issuance of \$2,450 capital notes to provide the required down payment and \$46,550 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of such resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town of Lancaster ("Town"), New York, to install a generator in the police headquarters and highway garage, in the Town; STATING the estimated maximum cost thereof is \$49,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$2,450 capital notes to provide the down payment required by law, the issuance of \$46,550 serial bonds of the Town to finance the balance of said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the principal of and interest on said notes and bonds as the same shall become due and payable;

SECOND: AUTHORIZING \$2,450 capital notes and \$46,550 serial bonds of the Town to be issued pursuant to the provisions of the Local Finance Law ("Law"), to finance said appropriation;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of the specific object or purpose is ten (10) years; that current funds are required by the Law to be provided prior to the issuance of the bonds authorized or any bond anticipation notes issued in anticipation thereof and such current funds will be provided from the proceeds of the capital notes authorized to be issued; AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply same solely to said specific object or purpose; STATING the proposed maturity of the bonds will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to issuance of said notes and bonds, and any bond anticipation notes, and renewals thereof;

SIXTH: PROVIDING that said resolution shall be subject to permissive referendum.

DATED: September 22, 1980

ROBERT P. THILL,
Town Clerk

Section 3. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper of the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 4. This resolution will take effect immediately.

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The adoption of the foregoing resolution was seconded by Councilman Czapl and duly put to a vote on roll call, which resulted as follows:

AYES: FIVE

NOES: NONE

The resolution was declared adopted.

ADJOURNMENT:

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:25 P.M. out of respect to:

CLARA BALL

MARIE DISTEFANO

Signed

Robert P. Thill

Robert P. Thill, Town Clerk