

Town Board Minutes

October 4, 2010

Meeting No. 27

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 4th day of October 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, 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
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, YOUTH BUREAU DIRECTOR

EXECUTIVE SESSION:

AT 9:15 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 9:42 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

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

- Transfer of funds within TLN-3 Water Line Project
- Change Order for Town Hall Expansion
- Special Town Board Meetings
- Cost of Town Hall reconstruction

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

- Collective Bargaining Agreements

McCarthy, Lynn, spoke to the Town Board on the following matter:

- William Street construction and traffic light at Walmart

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

At 8:16 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle & Traffic Ordinance, “No-outlet roadways designated”.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Mike Fronczak	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:18 P.M.

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

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

At 8:18 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Proposed Local Law “Permit & Application Fees”.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Jeff Simme	Comments
Mike Fronczak	Questions
Jeff Palumbo, Esq. Damon Morey Associates	Comments

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:30 P.M.

Decision on this matter was reserved.

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

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons regarding the use of Federal Community Development funds in the Town of Lancaster.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Donald Symer	Recommends parking study for Lancaster Library
Lee Chowaniec	Recommends parking study for Lancaster Library
Mike Fronczak	Questions

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the public hearing was closed at 8:40 P.M.

Decision on this matter was reserved.

October 4, 2010

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held September 20, 2010 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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

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. 15907 to Claim No. 16143 Inclusive

Total amount hereby authorized to be paid: \$335,376.02

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

File: Reclaims

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:

18531	Seneca Fence	1103 Penora St	Er. Fence
18532	Wind, James	1 Rose St	Er. Shed
18533	Aerial Roofing	76 Laverack Ave	Re-Roof (V/L)
18534	Aerial Roofing	22 School St	Re-Roof (V/L)
18535	C & M Chimney	105 Norris Ave	Miscellaneous (V/L)
18536	Duro Shed Inc	50 Stream View Ln	Er. Shed
18537	Duro Shed Inc	71 Avian Way	Er. Shed
18538	Carpentry Creation	17 Logan Ln	Er. Deck
18539	Accurate Builders	46 Holland Ave	Re-Roof (V/L)
18540	Iroquois Fence	27 Red Clover Ln	Er. Fence
18541	Sahlem's Roofing	3601 Bowen Rd	Re-Roof
18542	United Home Imprv	63 Kelly Ct	Re-Roof (V/L)
18543	Jurkowski, Gregory	31 Windcroft Ln	Er. Deck
18544	Kaefner, Keith	92 Brunswick Rd	Re-Roof (V/L)
18545	Hannah Demolotion	201 Peppermint Rd	Dem. Sin. Dwlg
18546	RGGT LLC	96 Laverack Ave	Re-Roof (V/L)
18547	JLB Installations	27 Red Clover Ln	Er. Pool-In Grnd
18548	T R Renovation	46 Park Blvd	Re-Roof (V/L)
18549	Gibbons, Pat	542 Lake Ave	Er. Res. Add.
18550	Homes By Walter	18 Village View	Er. Res. Add.
18551	Carpentry Creation	406 Seneca Pl	Er. Fence
18552	Zaepfel Development	80 W Drullard Ave	Er. Comm. Add./Alt. (V/L)
18553	Heritage Builders	24 Country Pl	Er. Res. Add.
18554	Mecca, Daniel	258 Enchanted Forest N	Er. Shed
18555	Chojnacki, Thomas	96 Erie St	Re-Roof (V/L)
18556	Valiant Builders	172 Siebert Rd	Re-Roof
18557	M Sebastiano & Sons	7 Dover Ct	Er. Deck
18558	Aqua Systems	2 Logan Ln	Inst. Ingrnd. Sprinkler
18559	Aqua Systems	4 Logan Ln	Inst. Ingrnd. Sprinkler
18560	Aqua Systems	6 Logan Ln	Inst. Ingrnd. Sprinkler
18561	Burchaleweski, Karen	2 Via Donato W	Re-Roof
18562	Castle Home Imprv	665 Erie St	Re-Roof
18563	Marino, Vincent	5600 Broadway	Er. Shed (V/L)
18564	Laparoscopic Tech	1 Lancaster Pkwy	Er. Comm. Add./Alt.
18565	Duro-Shed Inc	75 Middlebury Ln	Er. Shed
18566	Stockmohr Roofing	861 Erie St	Re-Roof
18567	Small, Pamela	28 Colonial Ave	Er. Shed (V/L)
18568	Cuttitta, John	510 Townline Rd	Er. Dwlg.-Sin.
18569	Mandon Building Systems	6733 Transit Rd	Er. Comm. Add./Alt.

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO

MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, David DePaolo Pleasant Meadows Associates, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within The Greens at Pleasant Meadows Subdivision IV, Phase Two, (The Greens) and

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

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application Nos. 670, 671 and 672 of David DePaolo Pleasant Meadows Associates, 2730 Transit Road, West Seneca, New York 14224, which are permits for Public Improvements for the installation of:

P.I.P. No. 670 (Storm Sewer)	The Greens at Pleasant Meadows, Phase Two, on Sterling Place / installation of approximately 390± LF of 12" HDPE, 245 ± LF of 15" HDPE, Standard receivers – 6 ea., standard manholes – 5ea. Subdivision IV
P.I.P. No. 671 (Pavement and Curb)	The Greens at Pleasant Meadows, Phase Two, on Sterling Place / installation of 1250± LF of road (28' wide asphaltic conc. pavement), 12" sub-base No. 2 (NYSDOT 304.03), 4" Base Type 1 (NYSDOT 403.11), 2" Dense Binder Type 3 (NYSDOT 403.13), 1" Top Type 7 (NYSDOT 403.18), 2515± LF upright conc. curb w / 6" underdrain. Subdivision IV
P.I.P. No. 672 (Water Line)	The Greens at Pleasant Meadows, Phase Two, on Sterling Place / installation of approximately 1335± LF 8" PVC, 8" Line Valve – 1 ea., hydrant assemblies – 2 ea., and all other appurtenances necessary for a complete installation. Subdivision IV.

be and are hereby authorized.

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

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

October 4, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO

MOVED ITS ADOPTION,
COUNCIL MEMBER AQUINO,

SECONDED BY
TO WIT:

WHEREAS, the Town of Lancaster has heretofore established a Joint Social Work Counselor Program with the Lancaster Central School District and desires to continue this program, and

WHEREAS, the Town Board has received assurance of participation in funding by the Lancaster Central School District.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Lancaster Town Board hereby agrees to continue a joint program for a Social Work Counselor to work in the Town of Lancaster with Lancaster Central School children in response to a demonstrated need for such services in order to reduce juvenile delinquency; enhance educational and social opportunities for youth of the Town of Lancaster and to reduce the impact of drug use, truancy, vandalism, and juvenile pregnancy, and otherwise reduce the impact of social pressures upon single-parent youth, for the period commencing July 1, 2010 and ending June 30, 2011, and

2. That funding for the program, at a total annual cost of approximately \$82,070.00 which includes \$51,421.00 for direct salary, and \$30,649.00 for contractual expenses and fringe benefits for the period of July 1, 2010 to June 30, 2011 shall be provided at \$1,648.00 or approximately three (3%) of direct salary from the New York State Office of Children and Family Services; \$40,211.00 or approximately forty-eight and one-half (48.5%) of direct salary, plus one-half contractual expenses and fringe benefit costs from the Town of Lancaster, to be drawn from the General Fund Account "Social Work Counselor Program", and \$40,211.00 or approximately 48.5% of direct salary plus one-half contractual expenses and fringe benefit costs, from the Lancaster Central School District, and

3. That Robert H. Giza, Supervisor of the Town of Lancaster is authorized to sign an Agreement, subject to the approval of the Town Attorney, to renew said program, said Agreement to be drawn by the Town Attorney, providing for participation in said program by the Town of Lancaster, and the Lancaster Central School District.

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO

MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 4^h day of October, 2010 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster; and persons for and against such amendment have had an opportunity to be heard, and

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

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on October 4, 2010;
3. That a Certified Copy thereof be published in the Lancaster Bee on October 7, 2010;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

ARTICLE XIX - MISCELLANEOUS AND AUXILIARY WARNINGS

Section 46-28 "No-outlet roadways designated" is hereby amended by adding thereto:

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>SIGN LOCATION</u>
.....			
Joseph Street	East	Sagebrush Lane	N/E Corner

October 4, 2010

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

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 4th day of October, 2010, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 4th day of October, 2010.

Johanna M. Coleman, Town Clerk

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

WHEREAS, the Lancaster/Depew Meals on Wheels desires to enter into a contractual arrangement with the Town to continue the provision of meals to housebound seniors, and

WHEREAS, the Town Board has given due review and consideration to this request and deems it in the public interest for the Town to enter into a contract to provide for the continuation of this meal service for seniors;

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 agreement with the Meals on Wheels of Buffalo and Erie County, Inc. to provide the continuation of the meal program for housebound seniors, the Town to provide under this contract the sum of up to \$18,500 for the year 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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

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

WHEREAS, TVGA Consultants, 100 Maple Road, Elma, New York 14059, the Consulting Engineers providing professional services for the Town of Lancaster Water Improvement Project TLN-3, has submitted a request for additional compensation for Resident Inspection Services in the amount of \$1,500.00 to the Town Board for their approval, and

WHEREAS, unspent fees remain for Special Services over and above the \$1,500.00 amount which can be transferred to the Resident Inspection Task;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the transfer of funds within the existing engineers agreement for additional Resident Inspection Time required to review the contractor's work.

DESCRIPTION OF TRANSFER:

The original Contract Sum was	\$128,520.00
The original amount of task 3; Resident Inspection...	\$ 56,320.00
The original amount of task 4; Special Services	\$ 10,000.00
The new amount for task 3; Resident Inspection	\$ 57,820.00
The new amount for task 4: Special Services.....	\$ 8,500.00
The Contracted Sum remains.....	\$128,520.00

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

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

WHEREAS, Terrence McCracken, the General Crew Chief of the Town of Lancaster, has advised the Town Board by letter dated September 28, 2010 that the Department of Parks, Senior Facility and Buildings & Grounds are in possession of the following: a **1995 Chevrolet 4 x 4 Pickup Truck (VIN# 1GCHK34R4TE110922)**, a **1999 Dodge Ram Truck (VIN# 3B7KF2669XM540694)**, a **1985 GMC Dump Truck (VIN# 1GDG6D1A9FV627900)** and a **1997 Ford Crown Victoria (CVC) (VIN# 2FALP71W3VX156097)** which are no longer of use to the Department of Parks, Recreation and Forestry due to natural wear and tear, and therefore has requested that the Town Board deem the property to be surplus property and expose them to auction; and

WHEREAS, on April 19, 2010 the **1995 Chevrolet 4 x 4 Pickup Truck (VIN# 1GCHK34R4TE110922)**, a **1999 Dodge Ram Truck (VIN# 3B7KF2669XM540694)**, a **1985 GMC Dump Truck (VIN# 1GDG6D1A9FV627900)** were previously declared surplus property, and

WHEREAS, the Town Board has given due consideration to the request of the General Crew Chief, Terrence McCracken, and deems it in the public interest to declare the before mentioned property to be surplus property as the property is no longer safe to utilize within the Department of Parks, Senior Facility and Buildings & Grounds due to natural wear and tear and permit an auction of same;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares the before mentioned **1995 Chevrolet 4 x 4 Pickup Truck (VIN# 1GCHK34R4TE110922)**, a **1999 Dodge Ram Truck (VIN# 3B7KF2669XM540694)**, a **1985 GMC Dump Truck (VIN# 1GDG6D1A9FV627900)** and a **1997 Ford Crown Victoria (CVC) (VIN# 2FALP71W3VX156097)** to be surplus property and authorizes the General Crew Chief to cause the auction of the before described property in an "as is" condition at an auction to be held at 9:00 O'clock A.M. on October 9, 2010 with the funds which are received at said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

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

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

October 4, 2010

**PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster has a **1995 Chevrolet 4 x 4 Pickup Truck (VIN# 1GCHK34R4TE110922)**, a **1999 Dodge Ram Truck (VIN# 3B7KF2669XM540694)**, a **1985 GMC Dump Truck (VIN# 1GDG6D1A9FV627900)** and a **1997 Ford Crown Victoria (CVC) (VIN# 2FALP71W3VX156097)** which are deemed surplus equipment and will be auctioned at 9:00 A.M. on October 9, 2010 at the Erie County Municipal & Contractor Equipment Auction, Erie County Fair Grounds, Route 62, Hamburg, New York sponsored by Roy Teitsworth, Inc., Professional Auctioneer.

**TOWN BOARD
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
TOWN CLERK**

October 4, 2010

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

WHEREAS, Daniel Amatura, Lancaster Highway Superintendent has requested

that the Town Board consider updating the Town's existing Functional Geographic Information System (GIS), which would assist the Highway Department and the Town with assessing and analyzing drainage issues, and

WHEREAS, the Town Board of the Town of Lancaster has requested that Wendell Duchscherer Architects & Engineers, provide the Town with a proposal to perform and provide professional services regarding the upgrade of the Town's Functional Geographic Information System (GIS) for the development and implementation of ArcGIS Service Web Mapping Application (WMA), Integration and Update of Culvert Layer, Drainage Analysis and GIS Technical Support and Training within the Town, and

WHEREAS, Wendell Duchscherer Architects & Engineers, have provided a proposal dated September 28, 2010 which has been duly reviewed and considered by Wm. Schutt & Associates, PC, the Town of Lancaster's Engineer and the Town Board, and

WHEREAS, The Town Board deems it in the public interest to move forward with the engagement of Wendell Duchscherer Architects & Engineers to provide professional services as before mentioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town the Proposal and Agreement between the Town and Wendell Duchscherer Architects & Engineers, as presented, in order to provide a functional Geographic Information System (G.I.S) for the development and implementation of ArcGIS Server Web Mapping Application (W.M.A), Integration and Update of Culvert Layer, Drainage Analysis and GIS Technical Support and Training within the Town, in the amount of \$29,800.00. Additionally, an annual hosting and maintenance fee of \$2,000.00 will be charged for Wendell Duchscherer Architects & Engineers to continue hosting the WMA site beyond 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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

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

WHEREAS, the Town Board of the Town of Lancaster has previously advertised

for bids for furnishing two (2) new 2010 Special Service Vehicles, Code UTD Rapid Spec Code 100A and one (1) new 2010 Mid-sized vehicle, Code POH-200A 3.0 V-6 engine (Ford Fusion or similar) to the Police Department of the Town of Lancaster in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated September 27, 2010 has recommended the purchase of the before mentioned vehicles, in accordance with said specifications, from the low bidder thereon, DeLacy Ford, Inc., 3061 Transit Road, Elma, New York 14059;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the bid of DeLacy Ford, Inc. is accepted and that an order for these vehicles is hereby authorized to be placed by the Chief of Police as follows:

2. The purchase of two (2) new 2010 Special Service Vehicles, Code UTD Rapid Spec Code 100A, at a combined price of \$40,844.00. and the purchase of one (1) new 2010 Mid-sized vehicle, Code POH-200A 3.0 V-6 engine (Ford Fusion or similar) at a unit price of \$15,890.00. for a total expenditure of \$56,734.00 which includes the trade-in allowance for each vehicle as set out in the bid.

2. That the following vehicles be traded to DeLacy Ford, Inc., as per the trade-in allowances listed on the Bid Form:

A. One (1) 2001 Ford Crown Victoria Vin #2B3HD46R92H228602	\$1,800.00
B. One (1) 2002 Ford Crown Victoria Vin #2FAFP71W82X156525	\$1,800.00
C. One (1) 1997 Ford Aerostar Van Vin #1FMDA11UXVZA73784	\$ 500.00

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

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

WHEREAS, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York, Engineer for the Town Hall Expansion for the Town of Lancaster, has submitted a Change Order No. E-1 for the Electrical Contract with Hildreth Electric, Inc., for additional work as

outlined in their correspondence to the Town Board, dated September 29, 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. E-1 to Hildreth Electric, Inc:

DESCRIPTION OF CHANGE ORDER NO. E-1:

Additional compensation for installing an additional 18 phone and data outlets, changing 6 duplex receptacles to quad receptacles, installing 2 additional electrical outlets, and relocating a visual fire alarm from the wall to the ceiling. The change directive also includes a price for providing additional cable for the roof gutter heat trace system, providing a dedicated 120V circuit and heat tape on a condensate line in the attic, and providing 3 substitute ornamental exterior flood lights for site security.

CHANGE ORDER NO. E-1:

The original Contract Sum (Including contingency allowance)	\$240,400.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 7,500.00

Details of the Increase of the Contract Sum:

Original contingency allowance.....	\$ 7,500.00
Additional contingency allowance – this C/O	\$ 7,500.00
New contingency allowance	\$ 15,000.00

The new Contract Sum increased including this Change Order will be	\$247,900.00
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and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf 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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore agreed to enter into a joint program with New York State Electric and Gas (“NYSEG”) and Rochester Gas and Electric Corporation (“RG&E”) along with EnerPath and desires to continue this program, and

WHEREAS, the Town Board has received assurance of participating in this program by NYSEG and RG&E that contracting with EnerPath will benefit the Town in that there will be a projected annual energy savings of \$1,133.00.

WHEREAS, EnerPath agrees to replace and/or retrofit the Lancaster Library's lighting equipment to make them more energy efficient by replacing ballasts and tubes within 148 fixtures, the cost to do this privately is \$10,101.95, however, through this program NYSEG will contribute \$6,806.25 lowering the Town's contribution to \$3,295.70.

**NOW THEREFORE, BE IT
RESOLVED AS FOLLOWS:**

1. The Lancaster Town Board hereby agrees to allow EnerPath to replace and/or retrofit lighting equipment within the Lancaster Library as a means of making them more energy efficient and saving the Town \$6,806.25 in updating costs and \$1,133.00 in anticipated annual energy expenses

2. This program allows the Town of Lancaster to be more energy efficient and derive a savings to reduce energy usage allowing the Town to upgrade aged fixtures that would be part of a regular maintenance expense at the Town's cost.

3. That Robert H. Giza, Supervisor of the Town of Lancaster is authorized to sign an agreement, subject to the approval of the Town Attorney, to participate in aforementioned program with NYSEG and RG&E along with EnerPath.

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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 4, 2010

COMMUNICATIONS & REPORTS

388. Jeffrey M. Van Splunder to Town Board –
Notice of intention to retire in 2011. Disposition = Received & Filed

389. Richard & Sally James to Zoning Board of Appeals –
Concerns regarding premises at 171 Schwartz Road. Disposition = Received & Filed

390. Jeanne & Ron Kreavy to Zoning Board of Appeals –
Concerns regarding premises at 171 Schwartz Road. Disposition = Received & Filed
391. Supervisor to Town Board –
Notice of special meetings to be held October 5, 2010 and October 7, 2010 at 6:00 PM in the Board Chambers for the purpose of conducting personnel interviews. Disposition = Received & Filed
392. Governor's Traffic Safety Committee to Captain Marco Laurienzo –
Notification of awarding of funding to participate in the NYS "Selective Traffic Enforcement Program." Disposition = Received & Filed
393. Donald V. Lynch to Town Clerk –
Notice of intent to retire in 2011. Disposition = Received & Filed
394. Town Clerk to Various News Media –
Notice of special meetings to be held October 5, 2010 and October 7, 2010 at 6:00 PM in the Board Chambers for the purpose of conducting personnel interviews. Disposition = Received & Filed
395. General Crew Chief to Supervisor –
Request resolution to authorize change order to Bergmann Associates for additional engineering on the Heritage Trail Bike Path.
Disposition = Resolution 10/4/10
396. Certain Residents in Pleasant Meadows Subdivision –
Petition opposing hunting in Pleasant Meadows Subdivision.
Disposition = Received & Filed
397. Time Warner Cable to Supervisor –
Notification of cable television developments within the Town.
Disposition = Received & Filed
398. Michael R. Werelus to Town Board –
Request for traffic signal at Broadway and Ransom Road.
Disposition = Police Chief & New York State Police
399. Skene Law Firm, P.C. to Town Clerk –
Notice of liquor license renewal application for Applebee's Neighborhood Grill & Bar. Disposition = Town Clerk
400. Town Attorney to Town Board, Planning Board –
Transmittal of responses from NYS DEC and NYS DOT regarding site plan review for the Vine Subdivision. Disposition = Planning Committee
401. Town Attorney to Town Board, Planning Board –
Transmittal of response from NYS DOT regarding site plan review for the Prairie Landing Subdivision, Pavement Road.
Disposition = Planning Committee
402. NYS DEC to Town Board –
Transmittal of information regarding the DEC's freshwater wetlands program. Disposition = Received & Filed
403. Town Attorney to Town Board, Planning Board –
Transmittal of responses from Erie County Department of Environment & Planning and the Division of Sewerage regarding the Vine Subdivision.
Disposition = Planning Committee
404. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk –

Notice of SEQR meeting to be held Monday, October 4, 2010, 6:30 PM
regarding the Vine Subdivision and the Prairie Landing Subdivision.
Disposition = Received & Filed

405. Town Clerk to Various News Media –
Notice of SEQR meeting to be held Monday, October 4, 2010, 6:30 PM
regarding the Vine Subdivision and the Prairie Landing Subdivision.
Disposition = Received & Filed
406. Richard & Barbara Peterson to Zoning Board of Appeals –
Concerns regarding premises at 171 Schwartz Road.
Disposition = Received & Filed
407. The Twin Village Art Society to Town Board –
Note of appreciation for support for September 19th art show.
Disposition = Received & Filed
408. Village of Lancaster to Town Board –
Minutes of meeting held September 13, 2010. Disposition = Received & Filed
409. Erie County Department of Public Works to Town Board –
Notice of closure of William Street between Aurora Street and Transit Road
from Tuesday, October 5, 2010 through approximately Friday, October 8,
2010 from 7:00 AM to 6:00 PM. Disposition = Police Chief
410. Chief of Police to Town Board –
Request authorization to accept lowest bid to purchase three police vehicles.
Disposition = Resolution 10/4/10
411. Donald G. Symer, P.E. to Town Board –
Comments regarding Community Block Grant for 2010. Disposition =
Received & Filed
412. Dennis H. Gabryszak, Member, NYS Assembly to Supervisor –
Notification that funding for NYS Legislative Initiatives for 2010-2011 will not
be available. Disposition = Received & Filed
413. Wm. Schutt & Associates, P.C. to Town Board –
Request for resolution authorizing change order to Hildreth Electric, Inc. to
provide increase in contingency allowance for additional work.
Disposition = Resolution 10/4/10

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY
COUNCIL MEMBER ABRAHAM AND CARRIED,** the meeting was adjourned at 9:42
P.M. in memory of Vincent Ortman.

Signed _____
Johanna M. Coleman, Town Clerk