

Town Board Minutes

December 17, 2012

Meeting No. 35

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 17th day of December, 2012 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT OFFICER
GERALD GILL, CHIEF OF POLICE
TERRENCE MCCRACKEN, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 8:32 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing pending litigation and a contractual matter.

At 8:49 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:

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

- Cost of waste disposal.

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

- Questioned dumping permit for 5531 Genesee Street.
- Appointment of Public Safety dispatcher.
- Questions regarding Public Safety Building construction.
- Close out of bonding for OEM.
- Purchase of new vehicles and disposition of old vehicles.

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held December 3, 2012 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 STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, 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. 28620 to Claim No. 28859 Inclusive

Total amount hereby authorized to be paid: \$1,681,505.61

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 STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER RUFFINO, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER AQUINO, 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

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure	Village
21096		Michael Adamski	1 Prairie Ln	Er. Fence	
21097		Stockmohr Col. Inc.	69 Second Ave	Re-Roof	(V/L)
21098		Joshua James	190 Laverack Ave	Re-Roof	(V/L)
21099		Ronald Sekuterski	17 Robins Nest Ct	Er. Fence	
21100		Mammoth Construction	70 Holland Ave	Re-Roof	(V/L)
21101		Italian Gardens Real Est	6461 Transit Rd	Er. Sign - Temp	
21102		Pro-Serv	15 Garfield St	Re-Roof	(V/L)
21103		Stephen McCarthy	47 Laverack Ave	Re-Roof	(V/L)
21104		Stephanie Metzger	90 Banner Ave	Inst.Fireplace/Stove	(V/L)
21105		Joe/Mary Breidenstein	78 Laverack Ave	Re-Roof	(V/L)
21106		Leo/Maureen Wheeler	185 Pleasant View Dr	Re-Roof	

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated December 2, 2012, has requested the addition of three members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

ADDITIONS:

Karl Saelzer
Buffalo, NY 14212

Nicholas Scaccia
Alden, NY 14004

Kim Offhaus
Lancaster, NY 14086

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Town Board has previously duly advertised for bids for the purchase of one (1) new and unused JRB Coupler and 12' Reversible Snowplow, to be installed on the 2005 John Deere 624J Loader for use by the Highway Department, and

WHEREAS, bids were received, opened and reviewed on December 11, 2012, and

WHEREAS, the Highway Superintendent, has recommended award of the bid to Five Star Equipment, Inc. in the amount of \$24,300;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of the Highway Superintendent, hereby awards the bid for one (1) new and unused JRB Coupler and 12' Reversible Snowplow, to be installed on the 2005 John Deere 624J Loader for use by the Highway Department, to Five Star Equipment, Inc., 284 Ellicott Road, PO Box 985, Orchard Park, New York 14217 in conformance with the specifications on file in the office of the Town Clerk., in the total amount of \$24,300.

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated November 30, 2012, has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company, Inc. the following individual:

ADDITION:

Christina Sturm

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Town of Lancaster has heretofore provided a Congregate Dining Program Site for the Elderly, and

WHEREAS, it is necessary to execute an Agreement between the Town of Lancaster and the County of Erie for the continuance of this program in 2013;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor be and is hereby authorized to execute an Agreement between the Town of Lancaster and the County of Erie for the operation of a Congregate Dining Site located at 100 Oxford Place, Lancaster, New York for the Elderly for the year 2013, and

2. That the Director of Administration and Finance be and is hereby authorized to sign vouchers with funds to be received by the Supervisor.

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the County of Erie Department of Senior Services has heretofore provided a van to the Town of Lancaster for the purpose of providing transportation to senior citizens in the Town of Lancaster, and

WHEREAS, it is necessary to enter into a contractual arrangement with the County of Erie in order to continue providing said services to seniors, and

WHEREAS, the Town Attorney has reviewed the proposed contract with the County of Erie;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement with Erie County's Department of Senior Services to use said van to provide transportation for the Town of Lancaster's senior citizens for the year 2013.

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 2013 General Town Budget for the 2013 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on January 17, 2013 for meeting the requirements of the Town of Lancaster's 2013 Tree Planting Program and for supplying trees in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following 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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on January 17, 2013 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2013 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of One Thousand Five Hundred Dollars (\$1,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

December 17, 2012

File: RBOTREES (P2)

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

WHEREAS, Edward Hutter, 5531 Genesee Street, Lancaster, New York has applied for a Dumping Permit for property situated at 5531 Genesee Street, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and by letter dated December 5, 2012 made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Edward Hutter, 5531 Genesee Street, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 5531 Genesee Street, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be graded and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan.
8. No signage for dumping allowed.
9. No fill to be placed in the Federal Jurisdiction Wetland as delineated by the Army Corps. of Engineers.

10. The source of fill will be from a Genesee Street Parking lot project Across from the Buffalo International Airport and a Village of Depew Sewer Project.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following 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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: RPERMIT.DUM(9-10)

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

WHEREAS, the General Crew Chief Terrence McCracken, by letter dated December 5, 2012, has requested the appointment of one (1) seasonal employee in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Winter of 2012-2013.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of Recreation Attendant part-time for the Winter of 2012-2013 in the Parks, Recreation and Forestry Department, retroactive to December 1, 2012, and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>
Matthew Young (re-hire) Lancaster, NY	Recreation Attendant	\$7.25

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement 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 AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR FUDOLI	VOTED YES

December 17, 2012

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

WHEREAS, it is necessary to make various adjustments to the 2012 budget accounts of the Town of Lancaster at the close of Town business on December 31, 2012.

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 2012 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 2012 upon the close of business on December 31, 2012.

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, 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, 2012, 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, 2013 to December 31, 2013 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 AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: rsalvage yard license (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, 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, 2012 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, 2013 to December 31, 2013 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 AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: rsalvage yard license (P4)

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

WHEREAS, Advantage Trucks.com LLC, 933 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 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, 2012, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that Advantage Trucks.com LLC, 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 2013 to December 31, 2013 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 AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: rsalvage yard license (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, 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, 2012 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, 2013 to December 31, 2013 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 AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

File: rsalvage yard license (P3)

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

WHEREAS, a vacancy exists due to a retirement in the position of Public Safety Dispatcher in the Town of Lancaster Police Department, and

WHEREAS, Stephen Rozler qualifies for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law, and

WHEREAS, the Town of Lancaster Chief of Police by memorandum dated December 13, 2012, has recommended the appointment of Stephen Rozler to fill the position of Public Safety Dispatcher in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Stephen Rozler be and is hereby appointed to the position of Public Safety Dispatcher in the Police Department in the Town of Lancaster, with full benefits, effective January 7, 2013, at the starting salary of \$38,567, on step, at 75% of full salary in accordance with 2013 Schedule of Salaries for this position.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement 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 AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, there are many pet and animal lovers throughout the Town of Lancaster, Erie County, and Western New York, and

WHEREAS, there have been numerous cases of animal abuse throughout Erie County and Western New York, and

WHEREAS, New York State has the authority to toughen penalties for people who abuse and torture animals, and

WHEREAS, Erie County Legislator Terrence McCracken has sponsored legislation in the Erie County Legislature encouraging the New York State Legislature to enact “Phoenix’s Law” aimed at stiffening penalties for those who torture and abuse animals, and

WHEREAS, the Erie County Legislature unanimously approved Legislator McCracken’s resolution asking the New York State Legislature to approve “Phoenix’s Law.”

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby supports Legislator Terrance McCracken and the Erie County Legislature in urging the New York State Legislature to enact “Phoenix’s Law,” and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Lancaster is hereby directed to send copies of this resolution to the Erie County Legislature, New York State Senator Patrick Gallivan, New York State Assemblyman Dennis Gabryszak, and other Town Clerks throughout Erie County.

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	WAS ABSENT
SUPERVISOR FUDOLI	VOTED YES

December 17, 2012

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

WHEREAS, the Town Board of the Town of Lancaster has previously duly advertised for bids for Solid Waste Disposal Services within Lancaster's Garbage and Refuse District, and

WHEREAS, the Town Clerk received and opened said bids on December 12, 2012, and

WHEREAS, the Town Board has duly reviewed and considered the bids received and discussed same with Legal Counsel, and

WHEREAS, the Town Board deems it in the interest of the Town of Lancaster to accept the bid of Waste Management of New York, LLC as the lowest responsible bidder in compliance with the specifications on file, for a period of thirteen (13) months, beginning January 1, 2013 and expiring on January 31, 2014, for the bid amount of \$30.00 (rate per ton as stated in the contract), with an option by the Town to extend the contract up to an additional five (5) years for the bid amount (rate per ton as stated in the contract).

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the contract for the Solid Waste Disposal Services in the Lancaster Garbage and Refuse District of the Town of Lancaster to Waste Management of New York, LLC, 100 Ransier Drive, West Seneca, New York as the lowest responsible bidder in compliance with the specifications on file for a period of thirteen (13) months, beginning January 1, 2013 and expiring on January 31, 2014, for the bid amount of \$30.00 (rate per ton as stated in the contract), with an option by the Town to extend the contract up to an additional five (5) years, said award being contingent upon Waste Management of New York, LLC meeting the conditions of the bid, including the following:

- (1) Executing a contract with the Town of Lancaster.
- (2) Providing a one year performance bond for a surety authorized to do business in New York.
- (3) Providing coverage for all insurance requirements listed in contract.
- (4) Commencing services on January 1, 2013.

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated December 11, 2012, has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company, Inc. the following individual:

ADDITION:

Thomas J. Fanara
Lancaster, New York

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	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR FUDOLI, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER AQUINO, 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>
Glendale/Parkdale Impr.	170	05/18/09	\$7,973.79	Highway Fund - TOV
OEM Bldg. HVAC	176	07/05/11	\$11,815.01	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 ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the Town Board of the Town of Lancaster (“Town”) has previously approved a partnership agreement between the Town and the Lancaster Depew Baseball League, Inc. (“Little League”), for the construction and operation of an indoor baseball training facility at the Town’s Westwood Park; and

WHEREAS, the Town must retain an architectural firm to provide design and other related professional services in order to undertake the construction and operation of the indoor baseball training facility, pursuant to the terms of the partnership agreement between the Town and the Little League; and

WHEREAS, the Town, in consultation with the Little League, has identified Premier Presentations, PLLC, Williamsville, New York, as a firm qualified and capable to provide the professional services necessary for the project;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves and authorizes the Town Supervisor to execute an agreement between the Town and Premier Presentations, PLLC, in substantially the form presented, for the provision of professional services in relation to the construction and operation of an indoor baseball training facility at the Town’s Westwood Park, subject to review and approval 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 AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT	
SUPERVISOR FUDOLI	VOTED	YES

December 17, 2012

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

WHEREAS, the General Crew Chief of the Department of Parks, Recreation and Forestry of the Town of Lancaster, by letter dated December 11, 2012 has requested the purchase of two (2) new and unused 2013 Ford F250, ¾ Ton, Regular Cab, 8' Box, 4 x 4 Pickup trucks for use by the Department of Parks, Senior Facility, Buildings & Grounds, and Forestry, and

WHEREAS, the above-referenced vehicles are available from a New York State Bid Contract which eliminates the need for competitive bidding pursuant to § 103 of General Municipal Law, and

WHEREAS, the General Crew Chief has recommended the purchase of the before mentioned vehicles, in accordance with said specifications, from Van Bortel Ford located at 71 Marsh Road, East Rochester, NY 14445, and

WHEREAS, the Town Board deems it is in the public interest to approve the purchase of said Ford Pickup trucks.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the purchase of two (2) new and unused 2013 Ford F250, ¾ Ton, Regular Cab, 8' Box, 4 x 4 Pickup trucks from the 2012 authorized state bid contractor Van Bortel Ford, located at 71 Marsh Road, East Rochester, NY 14445, under State Bid Contract Award #22539 / PC 65855, as proposed by the General Crew Chief of the Department of Parks, Recreation and Forestry of the Town of Lancaster in the sum not to exceed the state contract price of \$24,156.00 each for a total purchase price of \$48,312.00, and

RESOLVED, that sufficient funds are available and the purchase of these vehicles is included in the 2012 budget 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 STEMPIAK	WAS ABSENT
SUPERVISOR FUDOLI	VOTED YES

December 17, 2012

COMMUNICATIONS & REPORTS

536. Town Clerk to Deborah Misner, Modern Disposal Services, Inc. –
Transmittal of license decals and a copy of Exhibit “B” from application for Solid Waste License. Disposition = Received & Filed
537. Town Clerk to Town Board –
Transmittal of renewal application for a 2013 License to Operate a Salvage Yard for Ransom Auto Parts. Disposition = Resolution 12/17/12
538. Town Clerk to Town Board –
Transmittal of renewal application for a 2013 License to Operate a Salvage Yard for J. Renkas & Sons, AJ’s Auto Parts & Salvage. Disposition = Resolution 12/17/12
539. Gwen Cassidy to Planning Board Chair, Planning Board, & Town Board –
Concerns regarding rezone request for 14-acre parcel on Broadway.
Disposition = Planning Committee
540. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Health for rezone for construction of Townhomes on Broadway. Disposition = Planning Committee
541. Richard Groblewski, Co-Chairman Lancaster Garden Walk 2012 to Supervisor –
Request for funding for 2013 Lancaster Garden Walk. Disposition = Received & Filed
542. Town Line Volunteer Fire Department to Town Clerk –
Request for change in roster. Disposition = Resolution 12/17/12
543. Twin District Volunteer Fire Company to Town Clerk –
Request for change in roster. Disposition = Resolution 12/17/12
544. Town Clerk to Various News Media –
Press Release reminding residents of the Town of Lancaster to report street light outages to Supervisor’s Office. Disposition = Received & Filed
545. Tom Czerniejewski to Building Inspector and Planning Board Chair –
Concerns regarding rezone on Broadway. Disposition = Planning Committee
546. Michael and Loretta Beliveau to Planning Board Chair –
Concerns regarding rezone on Broadway. Disposition = Planning Committee
547. Carolyn (McNaney) Celeste to Planning Board –
Concerns regarding rezone request for 14-acre parcel on Broadway.
Disposition = Planning Committee
548. Michelle (Reynders) Sporysz to Planning Board Chair and Planning Board –
Concerns regarding rezone on Broadway. Disposition = Planning Committee
549. Dan & Nance McGrath to Planning Board Chair –
Concerns regarding rezone on Broadway. Disposition = Planning Committee
550. Robert Dollman, TRM Architect to Town Engineer –
Response to comment letter dated Nov. 13, 2012 regarding proposed TOPS Fueling Station, 6363 Transit Road. Disposition = Town Engineer
551. Town Clerk to Office of Town Clerk –
Appointment of Nicole Kotlak to full-time position of Deputy Receiver of Taxes effective December 14, 2012. Disposition = Received & Filed
552. Town Clerk to Town Board –
Monthly report for November 2012. Disposition = Received & Filed
553. General Crew Chief to Council Member Ronald Ruffino, Tree Program Chairman –
Request for resolution to advertise to bidders the specifications for the Town of Lancaster’s Tree Planting Program for 2013. Disposition = Resolution 12/17/12

554. Jeffrey Lehrbach to Town Board –
Request to continue as Chairman of the Town of Lancaster’s Zoning Board of Appeals.
Disposition = Received & Filed
555. Mark Rountree, Erie County Planner to Town Clerk –
Reply to municipality regarding rezone on Broadway from R-1 & RCO to MFR-3.
Disposition = Planning Committee
556. Building Inspector and Town Engineer to Town Board –
Recommend issuance of dumping permit with conditions for Edward Hutter, 5531
Genesee Street. Disposition = Resolution 12/17/12
557. General Crew Chief to Supervisor –
Request for appointment of recreation attendant part-time for winter 2012-2013 Youth
Basketball Program. Disposition = Resolution 12/17/12
558. John Brusio to Town Board –
Request for reappointment to the Town of Lancaster Zoning Board of Appeals.
Disposition = Received & Filed
559. Town Clerk to Thomas Comfort, Waste Management –
Transmittal of license decals and a copy of Exhibit “B” from application for Solid
Waste License. Disposition = Received & Filed
560. Highway Superintendent to Town Clerk =
Reaffirm the appointment of Louis Cacciotti to the full-time position of Deputy
Highway Superintendent. Disposition = Received & Filed
561. Highway Superintendent to Town Board –
Request for resolution to award bid for JRB Coupler with 12’ Reversible Snowplow to
Five Star Equipment, Inc. Disposition = Resolution 12/17/12
562. Building Inspector to Town Clerk –
Request for resolution authorizing the issuance of 2013 License to Operate a Salvage
Yard to J. Renkas & Sons, AJ’s Auto Parts & Salvage. Disposition = Resolution 12/17/12
563. Building Inspector to Town Clerk –
Request for resolution authorizing the issuance of 2013 License to Operate a Salvage
Yard to Ed Henning, Inc. Disposition = Resolution 12/17/12
564. Building Inspector to Town Clerk –
Request for resolution authorizing the issuance of 2013 License to Operate a Salvage
Yard to Advantage Trucks.com, LLC. Disposition = Resolution 12/17/12
565. Building Inspector to Town Clerk –
Request for resolution authorizing the issuance of 2013 License to Operate a Salvage
Yard to Ransom Auto Parts. Disposition = Resolution 12/17/12
566. Brian Rose, Erie County Dept. Of Public Works to Supervisor –
Notice of upcoming work at the intersection of Harris Hill Road and Wehrle Dr.
Disposition = Highway Committee
567. Planning Board Chair to Town Board, Planning Board, Town Engineer, Town Attorney,
Highway Superintendent and Building Inspector –
Draft copy of minutes of meeting held December 5, 2012. Disposition = Received & Filed
568. Planning Board to Town Board –
Recommend tabling of site plan extension for Lancaster Commons, 4817 Transit Road,
Proj. #2032 to December 19, 2012 Planning Board meeting.
Disposition = Planning Committee
569. Planning Board to Town Board –
Recommend tabling rezone located at 5775 Broadway to December 19, 2012 Planning
Board meeting. Disposition = Planning Committee

- 570. Town Clerk to Town Board –
Summaries of taxes collected, a consolidated report of the 2012-2013 school tax collection and tax warrants for each of the five school districts. Disposition = Received & Filed**
- 571. Twin District Volunteer Fire Company to Town Clerk –
Request for change in roster. Disposition = Resolution 12/17/12**
- 572. Town Engineer to Town Board –
Recommend award of contract for disposal of solid waste to Waste Management of New York. Disposition = Resolution 12/17/12**
- 573. Police Chief to Town Board –
Request appointment of Stephen Rozler to the position of Public Safety Dispatcher to fill vacancy created by retirement of Kathleen Burns. Disposition = Resolution 12/17/12**
- 574. Lancaster Depew Little League to Town Board –
Design proposal for new Little League Baseball Complex.
Disposition = Resolution 12/17/12**
- 575. General Crew Chief to Supervisor and Town Board –
Request for resolution to purchase two 2013 Ford $\frac{3}{4}$ Ton Pick-Up Trucks.
Disposition = Resolution 12/17/12**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY
COUNCIL MEMBER AQUINO AND CARRIED,** the meeting was adjourned in memory
of Harry Marinelli at 8:49 P.M.

Signed _____
Johanna M. Coleman, Town Clerk