

Town Board Minutes

May 18, 2009

Meeting No. 17

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 18th day of May 2009 at 8:00 P.M. and there were

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

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 8:01 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 8:11 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 matters:

- bond resolutions
- Town debt
- water line project
- Erie County Sewer District requirements
- traffic study

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter(s):

- Lancaster Sanitary Sewer District #2

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
May 11, 2009 be and are hereby approved.

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

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

May 18, 2009

File: RMIN (P1)

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 been notified by the Lancaster Rural Cemetery Association that it is experiencing financial difficulty and now seeks a contribution from the Town for its operating expenses for the year 2009 in the sum of \$5,000, and

WHEREAS, the Town Board has reviewed this matter and further has discovered that in the event that this not-for-profit organization ceases to exist that the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, §291 which would place a significant financial burden on town taxpayers, and

WHEREAS, the Town Board deems it in the public interest to assist the Lancaster Rural Cemetery Association so that not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of \$5,000 to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the beforementioned cemetery.

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

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

May 18, 2009

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

WHEREAS, the hours of operation for Town Offices for 2008 and 2009 were set by resolution adopted by the Town Board on January 7, 2008, and

WHEREAS, many individuals are desirous of flexible working hours during the summer months.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes department heads to incorporate, at their discretion, flexible working hours for the period commencing with the first Monday in June, 2009 through the second Friday in September, 2009, with employees rotating working hours between 8:00 A.M. to 4:00 P.M. and 9:00 A.M. to 5:00 P.M., with all employees required to take the usual 1-hour lunch break, and always ensuring that at least one (1) individual covers the office between the required Town office hours of 9:00 A.M. and 5:00 P.M.

BE IT FURTHER

RESOLVED, that the policy applies to the following departments:

Town Clerk	Courts
Assessor	Town Attorney
Building Inspector	Parks & Recreation
Supervisor	Youth Bureau

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

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

May 18, 2009

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the State Legislature by passage of Chapter 462 of the Laws of 2009 has provided by legislation a new sliding scale which will grant further relief to those owners of properties with qualifying disabilities, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend **Article IV of Chapter 40, Taxation**, by adding to **Section 40-17 Exemption Schedule**, and enacting a new Local Law of 2009 and creating **Section 40-17A** entitled, Property Improvements Pursuant to the American Disabilities Act of 1990, which reads as follows:

TAXATION
CHAPTER 40 - ARTICLE IV
TAXATION
SECTION 40-17A - EXEMPTION SCHEDULE
LOCAL LAW
OF THE YEAR 2009

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY AMENDING SECTION 40-17 OF CHAPTER 40 - TAXATION, AND ENACTING A NEW SECTION 40-17A OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. That Section 40-17 of Article IV of Chapter 40-taxation be and is hereby
Amended as follows:

SECTION 2. That a new Section 40-17A of Article IV, of Chapter 40-Taxation of the Code of the Town of Lancaster be and is hereby enacted as follows:

Section 40-17 Exemption Schedule.

- A.** Real property altered, installed, or improved to remove architectural barriers in existing property for persons with disabilities subsequent to the American with Disabilities Act of 1990 (Public Law SS 101-336:42 United States Code S12101 et seq.) is exempt from taxation to the extent of any increase in value attributable to these improvements. These improvements are exempt for up to ten (10) years from special and Valorem levies as well as from general municipal and school taxes, but are liable for special assessments.

Amount is limited to alterations or improvements commenced after the local option becomes effective. If alterations or improvements were commenced prior to the effective date of the local option but constructed subsequent tot he Americans with Disabilities Act of 1990, these improvements also are exempt from taxation.

YEAR OF EXEMPTION	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
1	50 per centum
2	45 per centum
3	40 per centum
4	35 per centum
5	30 per centum
6	25 per centum
7	20 per centum
8	15 per centum
9	10 per centum
10	5 per centum

SECTION 3. This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2009, enacts a new Section 40-17A of Article IV of Chapter 40-Taxation of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 1st day of June, 2009, and that Notice of the Time and Place of such Hearing shall be published on May 21, 2009, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2009, for inspection by and distribution to any person during business hours.

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

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

May 18, 2009

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 18, 2009 the said Town Board will hold a Public Hearing on the 1st day of June, 2009 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2009, which Local Law enacts a new Section 40-17A of Article IV of Chapter 40-Taxation, of the Code of the said Town, briefly described as follows:

A Local Law which amends Section 40-17 of Article IV of Chapter 40-Taxation.

This Local Law sets forth the Exemption Schedule on Property Improvements for disabled persons by adding and enacting Section 40-17A of the Town Code.

A complete copy of this proposed Local Law of the Year 2009, designated as Section 40-17A, of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

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

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 18, 2009

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

RESOLVED, that the following Schedule of Salaries established on January 5, 2009
 be and is hereby amended for the year 2009 and retroactive to January 1, 2009: (amounts represent
 annual salaries unless otherwise specified)

TO BE PAID BI-WEEKLY

ASSESSOR:

Assessor (Marrano)	65,005.00
Clerk P.T. (Powell)	14.41 per hour

BUILDING AND ZONING:

Code Enforcement Officer (Simme)	62,193.00
Clerk, P.T. (Flanagan)	16.93 per hour
Fire Inspector, P.T. (Revelas/Bistoff)	16.42 per hour each

COURT:

Clerk to Town Justice on step (Pawlowski)	
Full is 38,946	
3/2/09 to 12/31/09 85% of full rate	33,104.00
Clerk to Town Justice (Feldmann)	40,946.00

DIRECTOR OF ADMINISTRATION AND FINANCE :

Director of Administration and Finance (Brown)	76,710.00
--	-----------

DISASTER PREPAREDNESS:

Natural Disaster Services Coordinator P.T. (MacPeck)	17,347.00
--	-----------

DOG CONTROL:

Dog Control Officer (Horn)	45,065.00
----------------------------	-----------

PARKS, RECREATION, FORESTRY, AND BUILDINGS:

General Crew Chief (McCracken)	63,675.00
Senior Clerk P.T. - Property Manager (McCracken)	6,014.00

POLICE:

Clerk Typist (Brehm)	38,946.00
----------------------	-----------

SUPERVISOR:

Assistant to the Supervisor (Farmer)	46,613.00
--------------------------------------	-----------

TOWN ATTORNEY:

Town Attorney (Dudziak)	41,100.00
Town Prosecutor P.T. (LoCicero)	14,714.00
Clerk Typist on step (Braun)	
Full is 38,946	
1/1/09 to 5/5/09 85% of full rate	33,104.00
5/6/09 to 11/5/09 90% of full rate	35,051.00
11/6/09 to 12/31/09 95% of full rate	36,999.00
Clerk P.T. (Cook - 1/1/09 to 5/11/09)	14.41 per hour

TOWN CLERK:

Clerk P.T. (Brunstad - 1/1/09 to 3/16/09)	14.41 per hour
Clerk P.T. on step (Keane effective 3/2/09/Bascom)	
Full is \$14.41 per hour	
90% - 0-910 hrs. cumulative service	12.97 per hour
95% - 911-1820 hrs. cumulative service	13.69 per hour
100% - greater than 1820 hours	14.41 per hour
Deputy Town Clerk (Allein)	38,946.00
Deputy Town Clerk (Perrello)	50,483.00
Deputy Receiver of Taxes (Wehner)	38,946.00

YOUTH BUREAU:

Executive Director (Trojanowsky)	64,711.00
----------------------------------	-----------

BE IT FURTHER

RESOLVED, that in accordance with a Town Board resolution adopted April 18, 2005, Article 14 of the Agreement between the Town of Lancaster and the CSEA-Town of Lancaster White Collar Unit, entitled Hospitalization, shall continue to be extended to all employees of the Town whose employment and benefits are governed by the Personnel Rules for Employees in the Service of the Town and other Town Board resolutions as have been adopted from time to time, with the exception of the following changes to be implemented June 1, 2009 or as soon thereafter as practicable.

1. Office visits (PCP and Specialist) from \$15 to \$20
2. Outpatient surgery from \$15 to \$75, except Colonoscopy co-pay is \$0
3. Emergency room visit (if no admission) from \$50 to \$75
4. Prescription drugs from \$7/\$15/\$35 to \$5/\$25/\$40 (and delete the references in Sections 14.1.1 and 14.1.2 relating to Town reimbursement for Tier 3 drugs)
5. Health Insurance Buyout - Family Plan from 50% of the Traditional POS 204 plan premium in effect during the period of the buyout to an annualized amount of \$5,600 pro-rated for the number of months to which the buyout applies
6. Health Insurance Buyout - Single Plan from 50% of the Traditional POS 204 plan premium in effect during the period of the buyout to an annualized amount of \$2,000 pro-rated for the number of months to which the buyout applies

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

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

May 18, 2009

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

A BOND RESOLUTION, DATED MAY 18, 2009, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE TOWN”), AUTHORIZING THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE FOR USE BY THE TOWN, AT A MAXIMUM ESTIMATED COST NOT TO EXCEED \$650,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$650,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the acquisition of machinery and apparatus for construction and maintenance for use by the Town, including necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto (collectively, the Purpose”). The maximum estimated cost of the Purpose will not exceed \$650,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of the Purpose by the issuance of serial bonds in an amount not to exceed \$650,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, offset by any federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 28 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance 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 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the 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 Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town’s “official intent” to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the Purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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

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

The foregoing resolution was thereupon duly adopted.

May 18, 2009

**NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING THE ACQUISITION OF
MACHINERY AND APPARATUS FOR CONSTRUCTION
AND MAINTENANCE FOR USE BY THE TOWN**

Notice is hereby given that at its May 18, 2009 meeting the Town Board of the Town of Lancaster adopted a bond resolution authorizing the acquisition of machinery and apparatus for construction and maintenance for use by the Town, including necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto, in an amount not to exceed \$650,000, said amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

**BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK**

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 18, 2009

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

A BOND RESOLUTION, DATED MAY 18, 2009, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE FOR USE BY THE TOWN, AT A MAXIMUM ESTIMATED COST NOT TO EXCEED \$50,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the acquisition of machinery and apparatus for construction and maintenance for use by the Town, including necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto (collectively, the "Purpose"). The maximum estimated cost of the Purpose will not exceed \$50,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of the Purpose by the issuance of serial bonds in an amount not to exceed \$50,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, offset by any federal, state, county and/or local funds received

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 28 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 10 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance 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 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the 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 Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the Purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- 1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice, or
- 2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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

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

The foregoing resolution was thereupon declared duly adopted.

May 18, 2009

NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING THE ACQUISITION OF
MACHINERY AND APPARATUS FOR CONSTRUCTION
AND MAINTENANCE FOR USE BY THE TOWN

Notice is hereby given that at its May 18, 2009 meeting the Town Board of the Town of Lancaster adopted a bond resolution authorizing the acquisition of machinery and apparatus for construction and maintenance for use by the Town, including necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto, in an amount not to exceed \$50,000, said amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

**BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK**

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 18, 2009

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

A BOND RESOLUTION, DATED MAY 18, 2009, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF VARIOUS ROADS WITHIN THE TOWN INCLUDING, BUT NOT LIMITED TO, GLENDALE DRIVE AND PARKDALE DRIVE, IN A MAXIMUM ESTIMATED COST NOT TO EXCEED \$500,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of various roads within the Town including, but not limited to, Glendale Drive and Parkdale Drive, and other improvements in connection therewith including, but not limited to, drainage improvements and all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto (collectively, the "Purpose"). The maximum estimated cost of the Purpose will not exceed \$500,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of the Purpose by the issuance of serial bonds in an amount not to exceed \$500,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance 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 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the 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 Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10 The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- 1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice, or
- 2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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

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

The foregoing resolution was thereupon declared duly adopted.

May 18, 2009

NOTICE OF ADOPTION OF BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION
OF VARIOUS ROADS WITHIN THE TOWN

Notice is hereby given that at its May 18, 2009 meeting the Town Board of the Town of Lancaster adopted a resolution authorizing the reconstruction of and construction of various roads within the Town including, but not limited to, Glendale Drive and Parkdale Drive, and other improvements in connection therewith including, but not limited to, drainage improvements and all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto, in an amount not to exceed \$500,000, said amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

**BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK**

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 18, 2009

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

WHEREAS, the Deputy Highway Superintendent of the Town of Lancaster, by letter dated May 12, 2009, has requested to upgrade Timothy Gwarek from the position of Laborer Grade #1 to the position of Light Equipment Operator as a replacement for William Wiepert.

NOW, THEREFORE, BE IT

RESOLVED, that Timothy Gwarek be and is hereby upgraded from Laborer Grade #1 to Light Equipment Operator effective May 19, 2009, at the rate of \$23.99 per hour and continuing to accrue all benefits and salary in accordance with the departmental procedures set for in the current C.S.E.A. Blue Collar contract.

BE IT FURTHER,

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

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

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

May 18, 2009

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

A BOND RESOLUTION, DATED MAY 18, 2009, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), FURTHER AMENDING THE BOND RESOLUTION ADOPTED MAY 7, 2007 AND AMENDED SEPTEMBER 15, 2008, AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN HALL, AT A MAXIMUM ESTIMATED COST NOT TO EXCEED \$2,300,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,300,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on May 7, 2007 the Town Board of the Town of Lancaster, Erie County, New York adopted a bond resolution authorizing the reconstruction of and construction of improvements to the Town Hall (the "Project"), in an amount not to exceed \$985,000; and

WHEREAS, On September 15, 2008, the Town Board of the Town of Lancaster, Erie County, New York adopted an amending bond resolution increasing the cost of the project from \$985,000 to \$1,500,000 due to a change in the scope of the Project, additional equipment and an increase in the cost of equipment, materials and labor; and

WHEREAS, the Town Board has determined to amend the September 15, 2008 bond resolution to increase the maximum estimated cost from \$1,500,000 to \$2,300,000 due to the reconfiguration of the project to include (a) an energy generator for the existing Town Hall and new addition, (b) internal structural changes and (c) the installation of a new boiler for the existing Town Hall, as well as an increase in the cost of equipment, materials and labor (as so revised, the "Project"); and

WHEREAS, the Town Board desired to undertake the revised Project with the increased cost.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of improvements to the Town Hall, and other improvements in connection therewith, including all preliminary work and necessary equipment, materials and related site work and all and all preliminary costs and other improvements and costs incidental thereto (collectively, the "Purpose"). The maximum estimated cost of the Purpose will not exceed \$2,300,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of the Purpose by the issuance of serial bonds in an amount not to exceed \$2,300,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, offset by any federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(1) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 25 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (SEQRA), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary. The Town has specifically reviewed the proposed changes referenced in this amended Bond Resolution and determined that the proposed changes do not present an environmental impact different from those originally evaluated, and therefore, no supplemental SEQRA action is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 15. Nothing in this amendment shall affect the validity of the original May 7, 2007 bond resolution or the September 15, 2008 amending bond resolution, or any action taken thereunder and any said actions are hereby ratified.

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

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

The foregoing resolution was thereupon declared duly adopted.

May 18, 2009

**NOTICE OF ADOPTION OF AN AMENDING BOND RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF
IMPROVEMENTS TO THE TOWN HALL**

Notice is hereby given that at its May 18, 2009 meeting the Town Board of the Town of Lancaster adopted an amending bond resolution that further amends a prior bond resolution dated May 7, 2007 and amended September 15, 2008 authorizing the reconstruction of and construction of improvements to the Town Hall, including all preliminary work and necessary equipment, materials and site work and all preliminary costs and costs incidental thereto, at the increased estimated maximum amount of \$2,300,000, said amount will be offset by any federal, state, county and/or local funds received. Such increased cost is due to the reconfiguration of the project to include (a) an energy generator for the existing Town Hall and new addition, (b) internal structural changes and (c) the installation of a new boiler for the existing Town Hall, as well as an increase in the cost of equipment, materials and labor. Such amending bond resolution is subject to permissive referendum pursuant to New York law.

**BY ORDER OF THE TOWN BOARD OF
TOWN OF LANCASTER, ERIE COUNTY,
NEW YORK**

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 18, 2009

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

WHEREAS, the General Crew Chief by letter dated May 13, 2009, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Summer season of 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of seasonal employees for the Summer season of 2009 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE/HOUR</u>
Matthew Bittner (new hire) Lancaster, NY	Laborer	\$7.25
Todd Clark (new hire) Lancaster, NY	Laborer	\$7.25
Austin Smith (new hire) Lancaster, NY	Laborer	\$7.25
Marcellus Jones (new hire) Lancaster, NY	Laborer	\$7.25
Eric Herdzik (new hire) Lancaster, NY	Laborer	\$7.25
Joseph Lucarrelli (new hire) Lancaster, NYU	Laborer	\$7.25
Keith Stoerr (new hire) Lancaster, NY	Laborer	\$7.25
Adam Bertucci (new hire) Lancaster, NY	Laborer	\$7.25
Ronald Witt (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Andrew Adolf (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Alexandra Murphy (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Gina Sanita (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Maria Sanita (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Alexandra Notaro (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Sara Monin (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25

BE IT FURTHER,

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

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

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

May 18, 2009

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

WHEREAS, Wm. Schutt & Associates, P.C., the Town of Lancaster's consulting engineer, has requested that the Town Board authorize an invitation to bid for the Consolidated Water District Water System Improvements Contract No. TLN-3, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bid for Contract No. TLN-3, said bids to be in conformance with the plans and specifications which are available at the office of TVGA Consultants , 1000 Maple Road, Elma, New York 14059 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 11:00 A.M. Local Time on June 10, 2009, and opened thereafter.

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

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

May 18, 2009

TOWN OF LANCASTER
ERIE COUNTY, NEW YORK

CONSOLIDATED WATER DISTRICT
WATER SYSTEM IMPROVEMENTS
CONTRACT NO. TLN-3

NOTICE TO BIDDERS

Please take notice that the Lancaster Town will receive sealed bids until 11:00 A.M. on the 10th day of June, 2009, at the office of the Town Clerk in the Town Hall, 21 Central Avenue Lancaster, New York, at which time they will be publicly opened and read aloud for CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-3. The Project consists of the replacement of approximately 8,058 linear feet of waterline on Broadway and Lake Avenue.

Contract Documents may be examined at the office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086 and at the offices of the ENGINEER, TVGA Consultants, 1000 Maple Road, Elma, New York 14059, between the hours of 9:00 A.M. and 4:00 P.M. beginning May 21, 2009 except Saturdays, Sundays, and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50 for each set in the form of two (2) \$25 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50 deposit plus a non-refundable mailing charge of \$25 per set, made payable to the ENGINEER. The mailing date will be considered the bidders date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN3" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five per cent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

ENGINEER
TVGA Consultants
1000 Maple Road
Elma, New York 14059
(716) 655-8842

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER, NY

Johanna Coleman
Town Clerk
May 21, 2009

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

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has submitted a Site Plan prepared by Greenman-Pedersen, Inc., dated February 17, 2009 and received May 8, 2009 for the proposed construction of two-hundred (200) Townhouses to be located south of Pleasantview Drive, west of approved patio homes in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the original plan and at its meeting on February 6, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held January 18, 2005 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Marrano/Marc Equity Corporation** and prepared by Greenman-Pedersen, Inc., dated February 17, 2009 and received May 8, 2009 for the proposed construction of two-hundred (200) Townhouses to be located south of Pleasantview Drive, west of approved patio homes in the Town of Lancaster and conditioned as follows:

The developer to submit application for and receipt of Private Improvement Permits for water lines, pavement and storm sewers.

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

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

May 18, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, 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 Design of Adaptive Reuse of Existing Ambulance Building, has submitted by memo dated May 13, 2009 Amendment No. 3 to original agreement dated May 7, 2007 in the amount of \$215,000.00 to Town Board for their approval, and

WHEREAS, this amendment represents additional services performed by the Engineer for this project which will include participation in the Schematic Design, Design Development, Construction Documentation, Bidding and/or Negotiation, and Construction phases, as well as represent modifications to services of and payments to the Engineer, and

WHEREAS, the Town Board of the Town of Lancaster has fully reviewed and considered the need for the additional services.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Amendment No. 3 to Wm. Schutt & Associates, P.C. for Design of Adaptive Reuse of Existing Ambulance Building for a sum not to exceed \$215,000.00

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this Amendment No. 3 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 AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 18, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, 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. 8146 to Claim No. 8283 Inclusive

Total amount hereby authorized to be paid: \$153,170.10

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

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

May 18, 2009

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.
-------	---------------	-------------	----------------

NEW PERMITS:

16738	Advanced Demolition	4817 Transit Rd	Dem. Comm Bldg
16739	Szymkowiak, Todd	1 Farmingdale Ct	Er. Shed
16740	Sahlem's Roofing	61 Waltham Ave	Re-Roof House
16741	Sahlem's Roofing	74 Sawyer Ave	Re-Roof House (V/L)
16742	Sahlems Roofing	572 Aurora St	Re-Roof House
16743	Fences By Precision	34 Creekwood Dr	Er. Fence
16744	Pro Line Pools	1120 Ransom Rd	Er. Pool-Abv Grnd
16745	Men At Work	5928 Broadway	Dem. Bldg
16746	Stockmohr Co	5203 Genesee St	Re-Roof House
16747	Sun Enterprises	8 Overlook Ct	Er. Shed
16748	Piwko, Jerome	10 Muirfield Ln	Er. Shed
16749	Guardian Fences	14 Ravenwood Dr	Er. Fence
16750	Colley's Pool Sales	6340 Broadway	Er. Pool-In Grnd
16751	Colley's Pool Sales	6340 Broadway	Er. Fence
16752	Duro-Shed Inc	12 Chicory Ln	Er. Shed
16753	Bigelow, Rigina	1390 Ransom Rd	Er. Deck
16754	Besroi Construction	22 Iroquois Ave	Re-Roof House (V/L)
16755	Besroi Construction	18 Signal Dr	Re-Roof House
16756	The Vinyl Outlet	668 Townline Rd	Er. Deck
16757	TR Renovation Services	36 Sagebrush Ln	Re-Roof House
16758	S& A Debris Removal	281 Lake Ave	Dem. Garage (V/L)
16759	ABC	21 Veterans Dr	Inst. Generator (V/L)
16760	SW Morgan Homes	1107 Ransom Rd	Er. Dwlg.-Sin.
16761	Campenelli, Anthony	2 Northbrook Ct	Er. Shed
16762	Wilder, Thomas	18 Veterans Dr	Re-Roof House (V/L)
16763	M Sebastiano & Sons	7 Dover Ct	Er. Deck
16764	M.F. Speciality Const.	14 W Payne St	Er. Garage (V/L)
16765	Duro-Shed	66 Williamsburg Ln	Er. Shed
16766	Lent Builders	206 N Maple Dr	Er. Deck

BE IT FURTHER

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

BE IT FURTHER

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

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

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

May 18, 2009

SUSPENDED RESOLUTION:

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

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

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 identified the need for a highway improvement project for Glendale Drive and Parkdale Drive in the Town of Lancaster, and

WHEREAS, the scope of the project includes but is not limited to storm sewer replacement, milling and paving, and curb removal and replacement at an estimated total project cost of \$500,000, and

WHEREAS, the Town of Lancaster is proceeding with a bond resolution for \$500,000 for this project, and

WHEREAS, the Town requires professional engineering services for the project including preparation of design drawings and contract documents, assistance during bidding and award of a construction contract, construction administration and resident inspection.

NOW, THEREFORE, BE IT

RESOLVED, that

1. The Town of Lancaster Deputy Highway Superintendent be authorized to solicit proposals for said professional services from a minimum of three professional engineering firms, and
2. Upon receipt of said proposals, that the proposals be reviewed by the Deputy Town Highway Superintendent, Council Member Ruffino and Council Member Abraham on the basis of qualifications consisting of experience, schedule and fee.
3. Upon the conclusion of his review the Deputy Highway Superintendent shall recommend to the Town Board the engagement of one firm to provide the necessary professional services.

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

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

May 18, 2009

COMMUNICATIONS & REPORTS

207. Leon G. And Susan M. Robak to Planning Board -
Letter outlining considerations opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
208. Scott McFarland to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
209. Christine M Barczak to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
210. David and Susan Chaves to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
211. Leon G. And Susan M. Robak to Planning Board -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
212. Brian C. Freier to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
213. Gloria Chaves to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
214. Bruce and Elaine Mosher to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
215. Glenn E. Mucha to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
216. Elaine Cole to Planning Board Chairman -
Letter opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
217. Elaine Cole and Scott McFarland to Planning Board Chairman -
Submission of petition opposing rezone petition of Calamar and the Vine Wesleyan Church, 5335 William Street. DISPOSITION = Received & Filed
218. Erie County Commissioner of Health to Supervisor -
Notice of funding cuts affecting ability of towns and villages to purchase larvacide for mosquito control from county. DISPOSITION = Parks & Recreation
219. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held May 6, 2009. DISPOSITION = Received & Filed
220. Planning Board to Town Board -
Recommend approval of site plan for Buffalo Crushed Stone, 91 Barton Road.
DISPOSITION = For Resolution
221. Planning Board to Town Board -
Recommend approval of site plan for R&C Building & Maintenance Contractors, LLC, 5007 - 5009 Transit Road; conditions noted. DISPOSITION = For Resolution
222. Planning Board to Town Board -
Recommend to deny approval of site plan for Calamar & the Vine Wesleyan Church, 5335 William Street; comments noted. DISPOSITION = Received & Filed

223. Planning Board to Town Board -
Notice of adjournment to future meeting of rezone petition of 81 & 3 of Florida, Inc., Transit Road north of William Street. DISPOSITION = Planning Committee
224. Planning Board to Town Board -
Recommend location of sidewalks within Parkhaven Patio Homes Subdivision; conditions noted. DISPOSITION = Planning Committee
225. Chairman, Lancaster Depew Baseball to Supervisor -
Request to consider allowing Lancaster Depew Baseball to build an indoor practice facility in Westwood Park. DISPOSITION = Parks & Recreation
226. John P. Gober to Planning Board -
Letter of resignation from the Planning Board effective May 31, 2009.
DISPOSITION = Received & Filed
227. Silvestri Architects, P.C. to Town Board -
Letter withdrawing rezone petition for 5335 William Street. DISPOSITION = Received & Filed
228. Deputy Highway Superintendent to Town Board -
Request appointment of Timothy Gwarek as Light Equipment Operator.
DISPOSITION = Resolution 5/18/09
229. General Crew Chief to Supervisor -
Request appointment of seasonal employees. DISPOSITION = Resolution 5/18/09

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:02 P.M.

Signed _____
Johanna M. Coleman, Town Clerk