

Item No. 1 At a re-organization meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 3rd day of January, 1956, at 2:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Benedict T. Holtz
 Councilman Henry J. Nagel
 " Felix T. Wroblewski
 " Joseph A. Neibert
 " Joseph Trojanosky
 " Joseph Kornecki
 " Stanley R. Bystrak

Also present were: Town Clerk Kenneth T. Hanley; Town Attorney George B. Doyle; Justice of the Peace Ralph Radwan; Building Inspector Carl Trafalski; Assessors: Jerzewski, Rudzinski; and Schwenk; Chief of Police Mersmann; Plumbing Inspector W.J. Roehm; Town Health Officer Dr. Vendetti; Recreational Director Edward Janiak; and Town Engineer A.J. Kamm.

Item No. 2 Councilman Wroblewski presented the following resolution and moved its adoption:

RESOLVED, that the regular meetings of the Town Board of the Town of Cheektowaga, Erie County, New York, shall be held on the first Monday of each month in the afternoon at 2:30 o'clock and on the third Monday of each month at 7:30 o'clock in the evening at the Council Chamber in the Town Hall, Cheektowaga, Erie County, New York, and be it further

RESOLVED, that the Supervisor may, and upon written request of two members of the Board, shall call a special meeting of the Town Board at any time by giving at least two days notice in writing to the other members of the Town Board of the time and place where the meeting is to be held. This resolution to take effect immediately.

Seconded by Councilman Neibert.

CARRIED: AYES: -7- 34

Item No. 3 Councilman Wroblewski presented the following resolution and moved its adoption:

RESOLVED, that the official bond of Benedict T. Holtz as Supervisor of the Town of Cheektowaga be fixed at the sum of One Hundred Thousand Dollars (\$100,000.00) and that his official bond for highway funds be fixed in the sum of Twenty Thousand Dollars (\$20,000.00), and be it further

RESOLVED, that the official bond of Kenneth T. Hanley, Town Clerk, be fixed in the sum of Five Thousand Dollars (\$5,000.00), and John J. Zablotny, Town Superintendent of Highways, be fixed at One Thousand Dollars (\$1,000.00) and be it further

RESOLVED, that the official bonds of Joseph Pyszcynski and Ralph Radwan, Justices of the Peace of the Town of Cheektowaga be fixed in the sum of Two Thousand Dollars (\$2,000.00) and Edward H. Pfohl, Receiver of Taxes & Assessments at the sum of Forty Thousand Dollars (\$40,000.00).

Seconded by Councilman Neibert.

CARRIED: AYES: -7- 42

Item No. 4 Councilman Neibert presented the following resolution and moved its adoption:

RESOLVED, that pursuant to law, this Board hereby designates the Manufacturers and Traders Trust Company's Airport Plaza Branch and Thru Way Plaza Branch as Depositories of Town Funds, and that all checks, notes and other instruments for the payment of money made or drawn, by or upon or payable to the Town, shall be signed or accepted or endorsed (other than for deposit) by the following named officer of the Town in this manner

BENEDICT T. HOLTZ - SUPERVISOR

and the said bank is authorized to pay such checks, notes and other instruments for the payment of money, and also to receive the same for deposit to the credit of, or in payment from any holder, including checks drawn payable to "Cash" or "Bearer" or other individual order of the office signing same, when so signed or accepted or endorsed without inquiry of any kind, whether payable to or tendered for deposit, of or in payment of the obligations of any Town Officer or Officers, or otherwise, and be it further

RESOLVED, that existing funds of the Town of Cheektowaga now on deposit in said bank in various bank accounts of the Town of Cheektowaga shall be subject to the aforesaid resolution of authority granted to Benedict T. Holtz, Supervisor.

Seconded by Councilman Wroblewski.

CARRIED: AYES: -7- 42

Item No. 5 Councilman Bystrak presented the following resolution and moved its adoption:
RESOLVED, that Helen Kosin, Sloan, New York, be appointed Police Matron at the annual salary of \$1,100.00 to take effect immediately. Seconded by Councilman Kornecki. CARRIED: AYES: -7-

Item No. 6 Councilman Neibert presented the following resolution and moved its adoption:
RESOLVED, that Elizabeth Biniass be and she is hereby appointed Deputy Town Clerk at the annual salary of \$3,400.00, effective immediately. Seconded by Councilman Nagel. CARRIED: AYES: -7-

Item No. 7 Councilman Bystrak presented the following resolution and moved its adoption:
RESOLVED, that Gertrude Nolan be and she is hereby appointed Deputy Town Clerk at the annual salary of \$3,150.00, to take effect immediately. Seconded by Councilman Nagel. CARRIED: AYES: -7-

Item No. 8 Councilman Kornecki presented the following resolution and moved its adoption:
RESOLVED, that Kenneth T. Hanley be and he hereby is appointed Registrar of Vital Statistics of the Town of Cheektowaga, New York, according to Section 373, Article 22 of the Public Health Law for the term ending December 31, 1957. Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 9 Councilman Kornecki presented the following resolution and moved its adoption:
RESOLVED, that Elizabeth Biniass be and she is hereby appointed Deputy of Registrar of Vital Statistics. Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 10 Councilman Neibert presented the following resolution and moved its adoption:
RESOLVED, that George B. Doyle, Attorney at Law, of Avenue, Cheektowaga, New York, be and he is hereby appointed Town Attorney for the Town of Cheektowaga, New York, at an annual salary of \$8,500.00. Seconded by Councilman Bystrak. CARRIED: AYES: -7-

Item No. 11 Councilman Wroblewski presented the following resolution and moved its adoption:
RESOLVED, that Benjamin Kraska, Sloan, New York, be appointed Dog Warden at the annual salary of \$3,050.00. Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 12 Councilman Wroblewski presented the following resolution and moved its adoption:
RESOLVED, that Louis Leising No. Cheektowaga, New York, be appointed Dog Warden at the annual salary of \$2,850.00. Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 13 Councilman Nagel presented the following resolution and moved its adoption:
RESOLVED, that Edward B. Jerzewski of Cheektowaga, New York, be appointed Chairman of the Board of Assessors and that Eugene Rudzinski of Cheektowaga, New York, and Andrew H. Schwenk Jr., of Cheektowaga, New York, be appointed Assessors of the Town of Cheektowaga, New York, on a full time basis, and be it further RESOLVED, that Edward B. Jerzewski, as Chairman of the Board receive an annual salary of \$5,000.00, and be it further RESOLVED, that the salary of each Eugene Rudzinski and Andrew H. Schwenk Jr., be fixed at the sum of \$4,300.00, annually. Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 14 Councilman Neibert presented the following resolution and moved
its adoption: 2
RESOLVED, that Albert J. Kamm, Kenmore, New York,
be appointed Town Engineer of the Town of Cheektowaga, New York, at the annual
salary of \$9,000.00, effective immediately.
Seconded by Councilman Trojanosky. CARRIED: AYES: -7-

Item No. 15 Councilman Bystrak presented the following resolution and moved
its adoption:
RESOLVED, that Dr. Louis A. Vendetti be appointed Health Officer
of the Town of Cheektowaga, New York, for a further period of four years upon the
expiration of his present term of office, at an annual salary of \$4,000.00 per
year.
Seconded by Councilman Wroblewski. CARRIED: AYES: -7-

Item No. 16 Councilman Neibert presented the following resolution and moved
its adoption:
WHEREAS, the Supervisor of the Town of Cheektowaga, New York,
has appointed Virginia G. Stevens, Cheektowaga, New York,
Secretary to the Supervisor, be it
RESOLVED, that the appointment of the Secretary to the Supervisor
be and the same is hereby approved and confirmed, and be it further
RESOLVED, that the salary of the Secretary to the Supervisor
be fixed at Four Thousand Dollars (\$4,000.00) per annum, effective immediately.
Seconded by Councilman Wroblewski. CARRIED: AYES: -7-

Item No. 17 Councilman Wroblewski presented the following resolution and moved
its adoption:
RESOLVED, that the following named persons be appointed part time
employees to assist Edward H. Pfohl, Receiver of Taxes & Assessments in the
1956 State. County and Town tax collection and that their pay be fixed at the
sum of \$8.50 per day:

Amelia O'Connor
Eleanore Piacente
Julia Dalton
Jean Stachowski
Natalie Wilkolaski
Charlotte Nawrocki
Irene Krawczyk
Florence Popielski

Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 18 Councilman Wroblewski presented the following resolution and moved
its adoption:
RESOLVED, that the salaries of Town Employees and Officials for
the year 1956, and thereafter be established as follows:

Supervisor	\$ 7,500.00
Town Clerk	6,000.00
Town Attorney	8,500.00
Justice of the Peace (2)	4,500.00
Councilmen (6)	3,600.00
Receiver of Taxes	6,000.00
Chairman of Board of Assessors	5,000.00
Assessors (2)	4,300.00
Secretary Board of Assessors	4,400.00
Superintendent of Highways	6,500.00
General Foreman-Sanitation	4,200.00
Principal Clerk-Sanitation	4,100.00
Building & Plumbing Inspector	4,500.00
Assistant Building Inspector	4,200.00
Town Engineer	9,000.00
Assistant Engineer	4,000.00
Draftsmen (2)	4,000.00
Senior Clerk (Special Assessments)	3,450.00
Deputy Town Clerk (1st)	3,400.00
Deputy Town Clerk (2nd)	3,150.00
Telephone Operator	2,900.00
Dog Warden (1st)	3,050.00
Dog Warden (2nd)	2,850.00

Attendance Officers (2)	\$ 1,400.00
Park & Recreation Director	4,000.00
Secretary to the Supervisor	4,000.00
Payroll Clerk	3,400.00
Sr. Acct. Clerk-Tax Office	3,400.00
Grapho-Addressograph Operator	3,200.00
Stenographers (5)	3,000.00
Stenographer (1)	2,800.00
Principal Acct. Clerk-Highway	4,500.00
Foreman-Incinerator	4,400.00
Incinerator Operators (3)	4,000.00
Sewage Plant Operators, District #3 (4)	3,800.00
Sewage Plant Operators District #5 (7)	3,900.00
Supt. of Sewage Plants	4,400.00
Chief of Police	6,000.00
Lieutenants (5)	5,050.00
Desk Sergeants (4)	4,850.00
Patrolmen (36)	4,650.00
Police Dispatcher & Telephone Operator (4)	4,300.00
Auto Mechanic-Police Dept.	3,950.00
Police Matron	1,100.00
Health Officer	4,000.00
Acct. Machine Operator Typ.	3,000.00
General Mechanic	4,350.00
Charwomen (2)	11.00 per day
Working Foremen (2) Highway	2.10 per hour
Auto Mechanic - Highway	2.10 per hour
Motor Equip. Operator-Highway	1.98½ per hour
Laborer - Highway	1.91 per hour
Laborer-Incinerator	1.91 per hour
Laborer-Sewage Disposal Plants	1.91 per hour
Motor Equipment Operator-Sanitation	15.88 per day
Laborer-Sanitation	15.28 per day
Extra Clerks	8.50 per day
School Crossing Guards	1.15 per hour
Traffic Guards	2.00 per hour

Seconded by Councilman Neibert.

CARRIED: AYES: -7-

Item No. 19 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, bond anticipation notes of 1954, designated as Notes Nos. 1 and 2, in the combined sum of \$235,000.00 by their terms became due on the 1st day of January, 1956, at the Manufacturers and Traders Trust Company of Buffalo, New York, and

WHEREAS, these notes are of an authorized issue the aggregate amount of which is \$950,000.00 issued pursuant to a Bond Anticipation Notes Resolution dated December 20, 1954, and

WHEREAS, the bonds referred to in said resolution have not as yet been issued,

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to renew said notes for a period of six months on the same terms and conditions as the original notes except as to the date of payment.

Seconded by Councilman Trojanonsky.

CARRIED: AYES: -7-

Item No. 20 This being the time and the place advertised for the receiving of sealed bids for the purchase of a 4 wheel drive truck fully equipped for use in the Highway Department.

The Town Clerk presented proof of the Notice to Bidders, which proof was duly authorized to be filed.

Councilman Wroblewski moved, seconded by Councilman Nagel that the Town Clerk be authorized and directed to open the sealed bids on hand.

The one and only bidder was H.K. Nuttal Equipment Company, Sherman, New York, the amount of the bid which was \$20,929.00.

The Supervisor ordered and directed that the bids be referred to the Highway Superintendent.

LEGAL NOTICE

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in said Town of Cheektowaga, New York, on the 3rd day of January, 1956, at 2:30 o'clock P. M., Eastern Standard Time, there were:

PRESENT:

- Benedict T. Holtz, Supervisor
- Stanley Bystrak, Councilman
- Henry Nagel, Councilman
- Joseph Neibert, Councilman
- Felix T. Wroblewski, Councilman
- Joseph Kornecki, Councilman
- Joseph Trojanosky, Councilman

ABSENT: —0—

Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, a petition for the extension of the existing Doyle Fire District No. 1 in the Town of Cheektowaga, New York pursuant to the Town Law presented to this Town Board on the 6th day of December, 1955, and

WHEREAS, it appears to this Town Board that the above petition is duly signed and acknowledged in the same manner as a deed to be recorded by resident taxpayers owning taxable real property aggregating more than one-half of the assessed valuation of all the taxable real property situate in the territory proposed to be annexed to said fire district as an extension thereof, owned by resident taxpayers and also signed by non-resident taxpayers owning taxable real property aggregating more than one-half of the assessed valuation of all the taxable real property situate in the territory proposed to be annexed to said fire district as an extension owned by the non-resident taxpayers, and

WHEREAS, said petition is accompanied by a map, showing the boundaries of the proposed extension, and

WHEREAS, the proposed extension is described in said petition as follows:

DESCRIPTION OF PROPOSED EXTENSION TO DOYLE FIRE DISTRICT NO. 1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at the point of intersection of the southerly line of lands of the Lehigh Valley Railroad with the westerly line of Subdivision Map Cover No. 455, said westerly line of Subdivision Map Cover No. 455 being the easterly line of the present Doyle Fire District No. 1.

Thence northeasterly along the southerly line of lands of the Lehigh Valley Railroad to the westerly line of Subdivision Map Cover No. 527; thence, southerly along the easterly line of lands owned by J. Lubkowsky and the northerly line of Lot No. 64, Township 10, Range 14 of the Buffalo Creek Indian Reservation.

Thence westerly along said northerly line of Lot No. 64, Township 10, Range 14 of the Buffalo Creek Indian Reservation and its westerly projection thereof to the westerly line of Subdivision Map Cover No. 455 as aforesaid; thence, northerly along the westerly line of Subdivision Map Cover No. 455 being also the easterly line of the Doyle Fire District No. 1 as aforesaid, to the southerly line of the Lehigh Valley Railroad or the point or place of beginning.

and WHEREAS, the territory hereinbefore described is situated entirely in said Town outside of any incorporated village or city therein,

NOW THEREFORE,

IT IS ORDERED that the Town Board of the Town of Cheektowaga meet at the Town Hall, corner of Broadway and Union Road in the Town of Cheektowaga on the 16th day of January, 1956 at 7:30 o'clock P.M., Eastern Standard Time, to consider said petition and to hear all persons interested in the subject thereof concerning

the same, and

IT IS FURTHER ORDERED that a copy of this order, certified by the Town Clerk be published at least once in the Depew Herald and Cheektowaga News, a newspaper published in said Town and having a general circulation in said Township, not less than ten (10) nor more than twenty (20) days before the date set herein for the hearing aforesaid and that copies of this order be posted conspicuously in five (5) public places within the proposed extension of said fire district not less than ten (10) nor more than twenty (20) days before said day designated for the hearing.

Seconded by Councilman Trojanosky, and duly put to a vote, which resulted as follows:

Supervisor Holtz, voting Aye
Councilman Bystrak, voting Aye
Councilman Nagel, voting Aye
Councilman Neibert, voting Aye
Councilman Wroblewski,

voting Aye
Councilman Kornecki, voting Aye
Councilman Trojanosky,

voting Aye
AYES: 7; NOES: 0; ABSENT: 0.

State of New York)
Erie County) ss:
Office of the Clerk of the)
Town of Cheektowaga)

This is to certify that I, KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 3rd day of January, 1956, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand (seal) and affixed the seal of said Town this 3rd day of January, 1956.

KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

The above notice was posted as follows on the 6th day of January, 1956:

- 1- Post in front of No. 21 Vern Lane
- 2- " " " " " 22 " "
- 3- " " " " " 23 " "
- 4- " " " " " 24 " "
- 5- " " " " " 25 " "

Item No. 21-Cont'd Hereto attached is a copy of the notice of the hearing published in the Depew Herald-Cheektowaga News:

DEPEW OFFICE
94 MAIN STREET, DEPEW, N. Y.

THE TRUST COMPANY OF WESTERN STATES
All the facilities of
are available through the

LIABILITIES

RECEIVABLE

SOURCES

PAID

6,985,357.00
24,500,000.00
\$17,700,000.00

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

public newspaper published at Depew, Town of Cheek-
waga, Erie County, New York, that notice of which the
annexed printed slip taken from said newspaper, is a copy,
was inserted and published therein once a week for
one week, the first insertion being on the
5th day of *Jan.*, 19*56*, and
the last insertion being on the *5th* day of
Jan., 19*56* and that not
more than six days intervened between any two publi-
cations thereof.

Richard G. Bennett

Sworn to before me this _____ day of

JAN 6 1956

19

Kenneth T. Harley

Notary Public in and for Erie County

hn 11096-C8

Item No. 21-Cont'd Hereto attached is a copy of the notice of the hearing published in the Depew Herald-Cheektowaga News:

STATE OF NEW YORK }
 COUNTY OF ERIE } ss.:

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in said Town of Cheektowaga, New York, on the 3rd day of January, 1956 at 2:30 o'clock P. M., Eastern Standard Time, there were:

PRESENT:
 Benedict T. Holtz, Supervisor
 Stanley Bystrak, Councilman
 Henry Nagel, Councilman
 Joseph Neibert, Councilman
 Felix T. Wroblewski, Councilman
 Joseph Kornecki, Councilman
 Joseph Trojanosky, Councilman

ABSENT: —0—

Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, a petition for the extension of the existing Doyle Fire District No. 1 in the Town of Cheektowaga, New York pursuant to the Town Law presented to this Town Board on the 6th day of December, 1955, and

WHEREAS, it appears to this Town Board that the above petition is duly signed and acknowledged in the same manner as a deed to be recorded by resident taxpayers owning taxable real property aggregating more than one-half of the assessed valuation of all the taxable real property situate in the territory proposed to be annexed to said fire district as an extension thereof, owned by resident taxpayers and also signed by non-resident taxpayers owning taxable real property aggregating more than one-half of the assessed valuation of all the taxable real property situate in the territory proposed to be annexed to said fire district as an extension owned by the non-resident taxpayers, and

WHEREAS, said petition is accompanied by a map, showing the boundaries of the proposed extension, and

WHEREAS, the proposed extension is described in said petition as follows:

DESCRIPTION OF PROPOSED EXTENSION TO DOYLE FIRE DISTRICT NO. 1
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at the point of intersection of the southerly line of lands of the Lehigh Valley Railroad with the westerly line of Subdivision Map Cover No. 455, said westerly line of Subdivision Map Cover No. 455 being the easterly line of the present Doyle Fire District No. 1;

Thence northeasterly along the southerly line of lands of the Lehigh Valley Railroad to the westerly line of Subdivision Map Cover No. 527; thence, southerly along

J. L. ... and the southerly line of Lot No. 64, Township 10, Range 14 of the Buffalo Creek Indian Reservation.

Thence westerly along said northerly line of Lot No. 64, Township 10, Range 14 of the Buffalo Creek Indian Reservation and its westerly projection thereof to the westerly line of Subdivision Map Cover No. 455 as aforesaid; thence, northerly along the westerly line of Subdivision Map Cover No. 455 being also the easterly line of the Doyle Fire District No. 1 as aforesaid, to the southerly line of the Lehigh Valley Railroad or the point or place of beginning.

and

WHEREAS, the territory hereinbefore described is situated entirely in said Town outside of any incorporated village or city therein,

NOW THEREFORE,

IT IS ORDERED that the Town Board of the Town of Cheektowaga meet at the Town Hall, corner of Broadway and Union Road in the Town of Cheektowaga on the 16th day of January, 1956 at 7:30 o'clock P.M., Eastern Standard Time, to consider said petition and to hear all persons interested in the subject thereof concerning the same, and

IT IS FURTHER ORDERED that a copy of this order, certified by the Town Clerk be published at least once in the Depew Herald and Cheektowaga News, a newspaper published in said Town and having a general circulation in said Township, not less than ten (10) nor more than twenty (20) days before the date set herein for the hearing aforesaid and that copies of this order be posted conspicuously in five (5) public places within the proposed extension of said fire district not less than ten (10) nor more than twenty (20) days before said day designated for the hearing.

Seconded by Councilman Trojanosky, and duly put to a vote, which resulted as follows:

Supervisor Holtz, voting Aye
 Councilman Bystrak, voting Aye
 Councilman Nagel, voting Aye
 Councilman Neibert, voting Aye
 Councilman Wroblewski, voting Aye
 Councilman Kornecki, voting Aye
 Councilman Trojanosky, voting Aye

AYES: 7; NOES: 0; ABSENT: 0
 State of New York)
 Erie County) ss:
 Office of the Clerk of the)
 Town of Cheektowaga)

This is to certify that I, **KENNETH T. HANLEY**, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town

of Cheektowaga in said County of Erie, on the 3rd day of January, 1956, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 3rd day of January, 1956.

KENNETH T. HANLEY,
 Clerk of the Town Board, Town of Cheektowaga, N. Y.

Item No. 22 This being the time and the place advertised for a public hearing for the improvement of OF THE HIGHWAY KNOWN AS WALLACE AVENUE, by the construction of a lateral sewer in said highway to wit: 4

THAT PORTION OF WALLACE AVENUE EXTENDING FROM GRUNNER ROAD, NORTH, TO BROADWAY.

THAT PORTION OF BROADWAY EXTENDING FROM WALLACE AVENUE, WEST, A DISTANCE OF 200 FEET ±.

The Town Clerk presented proof that the Notice of Hearing has been duly published and posted as prescribed by law.

The Supervisor announced that the Board would hear all persons interested in the subject of the hearing, and no person appearing in opposition thereof, the Supervisor ordered the matter referred to the Town Attorney and the Town Engineer.

Item No. 23 FINAL RESOLUTION ADOPTION OF MCPARLIN STREET LIGHTING EQUIPMENT

(McParlin Avenue from Harlem Road to End of Street)

This being the time and the place advertised for a public hearing on the proposed improvement of both sides of the public highways situated in the Consolidated Lighting District of the Town of Cheektowaga hereinafter particularly set-forth, by the installation of street lighting equipment hereinafter particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the Notice of the Hearing. The Town Clerk presented proof that such notice has been duly published and posted and upon order of the Supervisor, such proof was duly filed.

PUBLIC HIGHWAYS TO BE IMPROVED

NAMES OF HIGHWAYS	FROM	TO
MCPARLIN AVENUE	HARLEM ROAD	END OF STREET

TYPE OF STREET LIGHTING INSTALLATION

Five I 19 Ornamental Standards-Underground Conduit

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing, no persons appearing in opposition to the proposed improvement, the Supervisor declared the hearing closed.

Councilman Bystrak presented the following resolution and moved its adoption:

WHEREAS, this Town Board has this day held a public hearing on the petition requesting the improvement of both sides of the public highways situated in Consolidated Lighting District of the Town of Cheektowaga hereinafter particularly set forth, by the installation of street lighting equipment hereinafter particularly described.

PUBLIC HIGHWAYS TO BE IMPROVED

NAMES OF HIGHWAYS	FROM	TO
MCPARLIN AVENUE	HARLEM ROAD	END OF STREET

TYPE OF STREET LIGHTING INSTALLATION

Five I 19 Ornamental Standards-Underground Conduit

and heard all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does hereby decide at such public hearing and upon the evidence given thereat,

(A) that such petition is signed and acknowledged as required by law and is otherwise sufficient, and

(B) that it is in the public interest to grant in whole the relief sought, by the installation of street lighting equipment hereinabove particularly described along said streets, and

Item No. 23-Cont'd BE IT FURTHER RESOLVED, that such petition is hereby approved and the installation of such street lighting equipment along said highways is hereby authorized, and that the Supervisor and the Town Attorney are hereby authorized and directed to have the installation of said street lighting equipment made by the utility company supplying electrical service to the locality in which the said public highways are located, under such contracts as may be required to effectuate such installation and as approved by the said Town Attorney, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause a certified copy of this resolution to be recorded in the office of the Clerk of Erie County, New York, within ten days after the adoption hereof, in conformity with section 195 of the Town Law.

Seconded by Councilman Wroblewski and duly put to a vote which resulted as follows:

Supervisor Holtz	Voting AYE
Councilman Nagel	" "
Councilman Wroblewski	" "
Councilman Kornecki	" "
Councilman Trojanonsky	" "
Councilman Neibert	" "
Councilman Bystrak	" "

AYES: -7-

NAYES: -0-

ABSENT: -0-

Item No. 24 Councilman Bystrak moved, seconded by Councilman Wroblewski, that the Supervisor be authorized and directed to purchase from the Westinghouse Electric Company five (5) Y 19 Ornamental Street Lighting Standards with six foot arms to be used in McParlin Avenue Special Street Lighting District.

CARRIED: AYES: -7-

Item No. 24a Communication read from the Depew Herald-Cheektowaga News relating to their being designated as the official newspaper of the Town. Ordered received and filed by the Chairman.

Item No. 25 Petition presented for the improvement of Malcourt Drive by the installation of street lighting equipment. Ordered referred to the Assessors for a property check by Supervisor Holtz.

Item No. 26 Councilman Kornecki moved, seconded by Councilman Wroblewski, that all claims presented at this meeting for audit be approved and that the Town Clerk be authorized and directed to draw a warrant on the Supervisor for payment of same. (Warrant No. 1 to Warrant No. 63 inclusive, drawn on the Supervisor.)

Item No. 27 Councilman Nagel moved, seconded by Councilman Bystrak, to adjourn.

SEAL

Kenneth F. Hanley, Town Clerk

Kenneth F. Hanley

Item No. 1 at a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 16th day of January, 1956, at 7:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Benedict T. Holtz	Supervisor
Henry J. Nagel	Councilman
Felix T. Wroblewski	"
Joseph Kornecki	"
Joseph Trojanosky	"
Joseph A. Neibert	"
Stanley R. Bystrak	"

ABSENT: -0-

Also present were: Town Clerk Kenneth T. Hanley; Town Attorney George B. Doyle; Chief of Police John Mersmann; Dog Warden Benjamin Kraska; Town Historian Julia B. Reinstein; Chairman of the Board of Assessors Edward B. Jerzewski and Town Engineer Albert J. Kamm.

Item No. 2 The Clerk advised the Board that a copy of the minutes of the previous meeting has been placed on their desk in the Council Chamber.

Item No. 3 CERTIFICATE OF DESIGNATION

TO: THE OFFICERS AND MEMBERS OF
THE ASSOCIATION OF TOWNS
OF THE STATE OF NEW YORK:

I, KENNETH T. HANLEY, Town Clerk of the Town of Cheektowaga, in the County of Erie, and State of New York,
DO HEREBY CERTIFY, that the Town Board of the aforesaid Town has duly designated the following named person to attend the Annual Meeting of the Association of Towns of the State of New York, to be held at Buffalo, New York, on February 7th, 8th and 9th, 1956, and to cast the vote of the aforesaid Town, pursuant to Section of Article III of the Constitution and By-Laws of said Association.

NAME OF REPRESENTATIVE	OFFICE	ADDRESS
BENEDICT T. HOLTZ	SUPERVISOR	TOWN HALL

In the absence of the person so designated, the following named person has been designated to cast a vote of said Town:

NAME OF ALTERNATIVE	OFFICE	ADDRESS
FELIX T. WROBLEWSKI	SUPERVISOR	TOWN HALL

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town this 16 day of January, 1956.

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Item No. 4 Councilman Bystrak presented the following resolution and moved its adoption:

RESOLVED, that the New York State Electric and Gas Corporation be authorized to install 2500 lumen lights on poles 1; 3; 5; and 7 situate in Orchard Place, Cheektowaga, New York and to remove the light from pole No.6.

Seconded by Councilman Neibert and duly put to a vote which resulted as follows:

AYES: -7- NOMS: -0- ABSENT: -0-

Item No. 5 Councilman Wroblewski moved, seconded by Councilman Trojanosky, that the Town Clerk be authorized and directed to issue building permits on applications processed by the Petitions Committee on 1-7-56 & 1-14-56, after same have been approved by the Building Inspector.

Carried: Ayes -7-

Item No. 6

Councilman Neibert presented the following resolution and moved its adoption:

WHEREAS, a written petition was duly filed with this Board, requesting the improvement of the highway known as Wallas Avenue, by the Construction of a lateral sewer in said highway, to wit; extending from Grunner Road, north, to Broadway That portion of Broadway extending from Wallace Avenue, west a distance of 200 feet, and

WHEREAS, said petition was duly signed by owners of real property constituting the owners of at least one-half of the entire frontage or bounds on both sides of said highway to be improved and also constituting resident owners owning not less than one-half of the frontage owned by resident owners along said highway proposed to be improved, and

WHEREAS, the said petition was duly acknowledged or proved as to each signer in the same manner as required of a deed to be recorded and is otherwise sufficient, and

WHEREAS, at a meeting of the Town Board duly held on the 19 day of December, 1955, an order was duly adopted by it and entered in its minutes, reciting the filing of such petition, the improvement proposed and the maximum amount proposed to be expended for the improvement as stated in the petition, to wit: the sum of Thirteen thousand, Seven Hundred Dollars (\$23,700.00) and specifying that the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same, at the Town hall in the Town of Cheektowaga, New York, on the 19th day of December, 1955 at 7:30 o'clock P.M., Eastern Standard Time, and

WHEREAS, the said order, duly certified by the Town Clerk, was duly published and posted as required by law, and

WHEREAS, a hearing was held by this Board at the place and on the date and time hereinbefore mentioned, and at such place and time the said Town Board did duly consider the said petition and hear all persons interested,

NOW, THEREFORE, after such hearing and upon the evidence given thereat and pursuant to the provisions of the Town Law of the State of New York, it is hereby

RESOLVED, that this Board determine that it is in the public interest to make the improvement petitioned for, to wit: the construction of a lateral sewer along said highway known as Wallace Avenue, extending from Grunner Road, north, to Broadway. That portion of Broadway extending from Wallace Avenue, west, a distance of 200 feet, and it is further

RESOLVED, that Nussbaumer, Clarke & Velzy, Consulting Engineers for the Town of Cheektowaga, shall survey said highway proposed to be improved and established the lines and grades thereof and file in the Town Clerk's Office a survey and profile of said highways, and be it further

RESOLVED, that said Nussbaumer, Clarke and Velzy, Consulting Engineers, shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of the Town Attorney, shall prepare a proposed contract for the execution of the work, and that such plans and specifications, estimate and proposed contract shall be presented to this Board as soon as reasonably possible.

Seconded by Councilman Kornecki and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Joseph A. Neibert,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES: -7-

NOES: -0-

ABSENT: -0-

Item No. 7

Councilman Neibert presented the following resolution and moved its adoption:

RESOLVED, that the Supervisor be and hereby is authorized to execute and deliver to the State Traffic Commission application for a permit to install, maintain and operate a school signal on Genesee Street at its intersection with Andrew Street, in the Town of Cheektowaga, New York, and be it further

RESOLVED, that the portable signs now erected at the aforementioned intersection be removed as soon as permission to do so is obtained from the State Traffic Commission.

Seconded by Councilman Wroblewski and duly put to a vote which resulted as follows:

Supervisor Holtz,	Voting <u>Aye</u>
Councilman Neibert,	Voting <u>Aye</u>
Councilman Wroblewski,	Voting <u>Aye</u>
Councilman Bystrak,	Voting <u>Aye</u>
Councilman Nagel,	Voting <u>Aye</u>
Councilman Kornecki,	Voting <u>Aye</u>
Councilman Trojanosky,	Voting <u>Aye</u>

AYES -7-

Item No. 8
moved its adoption:

Councilman Tbojansky presented the following resolution and

WHEREAS, Emergency repairs were required on Stradtman Road sanitary sewer, Sewer District No. 3, under road ditch facing Forest Materials and Bison Iron Works, Harlem Road and it was necessary to make said repairs immediately. The Town Engineer engaged Straco, Inc. to furnish the necessary labor and materials required at a cost of \$1,552.23.

BE IT RESOLVED that the voucher for the amount payable to Straco, Inc., be approved and ordered paid;

Seconded by Councilman Wroblewski. AYES: -7-

Item No. 9
moved its adoption:

Councilman Kornecki presented the following resolution and

WHEREAS, Emergency repairs were required in Sanitary Sewer District No. 3, south east side of Stradtman Road, repair and patch open joints 24" and it was necessary to make said repairs immediately. The Town Engineer engaged Straco, Inc., to furnish the necessary labor and materials required at a cost of \$1,509.39.

BE IT RESOLVED, that the voucher for that amount payable to Straco, Inc., be approved and ordered paid.

Seconded by Councilman Wroblewski. AYES: -7-

Item No. 10
its adoption:

Councilman Korneck presented the following resolution and moved

WHEREAS, it was necessary to repair motors and make certain other repairs at Sewage Treatment Plant No. 5 and Stroh Electric Construction Corporation made the needed repairs at the request of the Town Engineer and under his supervision at a cost of \$253.04, be it

RESOLVED, that the voucher submitted by Stroh Electric Corporation in that amount be approved and ordered paid.

Seconded by Councilman Wroblewski CARRIED: AYES: -7-

Item No. 11

Councilman Wroblewski moved, seconded by Councilman

Kornecki, that the Town Engineer be authorized and directed to purchase from the Wolff Machine Company a pipe tripod at a cost of approximately seventy-five dollars (\$75.00).

CARRIED: AYES: -7-

Item No. 12

Councilman Nagel moved, RESOLVED, that Andrew Pinski of No. and Edward Czarnecki of No. be temporarily

appointed rod-men under the jurisdiction of the Town Engineer at an hourly wage of \$1.91 per hour.

Seconded by Councilman Wroblewski. CARRIED: AYES: -7-

Item No. 13
moved its adoption:

Councilman Kornecki presented the following resolution and

WHEREAS, The Todd Company check writer and signer now in use in the Supervisors Office is approximately 20 years old and is worn out,

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to purchase from the Todd Company a machine check writer and signer at a cost not to exceed \$524.00.

Seconded by Councilman Trojanosky. CARRIED: AYES: -7-

Item No. 14
moved its adoption:

Councilman Trojanoski presented the following resolution and

WHEREAS, Nassbaumer, Clarke and Velzy, Consulting Engineers of the Town of Cheektowaga, New York, have recommended in writing Change Orders Numbers 14 and 15, in connection with the work at Sewage Treatment Plant No. 5, copies of which are attached to and made part of this resolution, and

WHEREAS, the recommended changes, according to the Engineers, will provide better operation at the Sewage Treatment Plant,

BE IT RESOLVED, that the contract heretofore entered into between the Town of Cheektowaga and C.E. Knowles, contractors, be amended in accordance with said Change Orders aforementioned, and vouchers to cover the additional work required by reason of said Change Orders, be approved.

Seconded by Councilman Neibert. CARRIED: AYES: -7-

Item No. 15 Councilman Neibert presented the following resolution and moved its adoption:

WHEREAS, the Town Board of Cheektowaga has received and considered the proposed amendments to the Laws of the State of New York, as attached hereto,

WHEREAS, said Town Board is in complete accord with said proposals,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Town Board does hereby approve these proposed amendments.

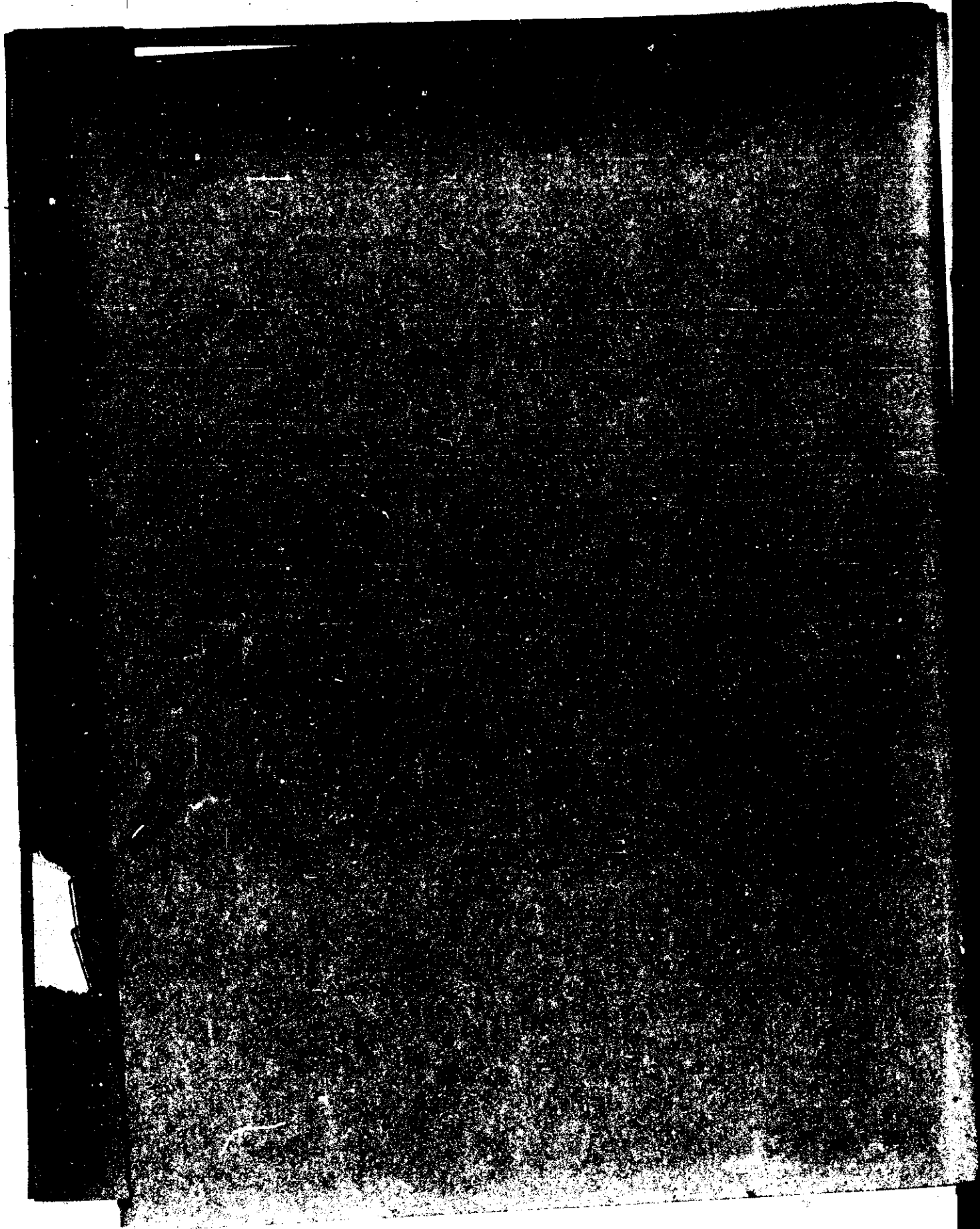
Section 2. The Town Board of Cheektowaga does hereby recommend to the Legislature of the State of New York that these proposed amendments be made law.

Seconded by Councilman Wroblewski. CARRIED: AYES: -7-

Hereto attached is a copy of said proposed amendments:

7

8
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PROPOSED LEGISLATION

1956 SESSION

NEW YORK STATE LEGISLATURE

-00000-

JANUARY 10, 1956

THIS DOCUMENT IS A COPY OF SAID PROPOSED AMENDMENTS

PROPOSED AMENDMENT TO SECTION 4 OF THE TAX LAW

The property owned by the State of New York or by any other municipal corporation shall NOT be exempt from assessments for or in relation to a special district or district improvement, or a special or district service against real property located outside cities and villages, or such assessments for such purposes against real property in county improvement districts or district corporations (other than fire districts), regardless of whether said assessment is payable in full or may become payable in installments thereafter, where said assessments are levied to pay for the costs including interest and incidental and preliminary costs of the acquisition, installation, construction, reconstruction, and enlargement of, or additions to the following improvements including original equipment, furnishings, machinery, or apparatus and the replacements thereof:

- (a) water supply and distribution systems;
- (b) sewer systems (either sanitary or surface drainage or both, including purification, treatment or disposal plants or buildings);
- (c) waterways and drainage improvements; and
- (d) street, highway, road and parkway improvements (including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way).

Sub-section 2 of Section 4 of Article 1 of the Tax Law of the State of New York, which reads as follows: "Property of this state other than property expressly subjected to taxation, provided, however, property of this state hereafter acquired for highway or parkway purposes shall be exempt from all taxation, notwithstanding the provisions of any general, special or local law", is hereby deemed to be subordinate to the amendment set forth above, and that the term "taxation" used in said Subsection 2 does not include assessments levied for or in relation to special or district improvements, or special or district services against real property located outside cities and villages, or such assessments for such purposes against real property in county improvement districts or district corporations (other than fire districts) whether said assessment is payable in full or whether said assessment

... the Board of the State of New York on the 15th day of September 1954

PROPOSED AMENDMENT TO SECTION 7 OF THE LAW 1953

is payable in installments. For the purposes of this amendment, assessments payable in full or in installments shall become a lien upon the receipt of the original special district or service assessment roll and warrant by the town tax collector or receiver of taxes and assessments, and upon the publication and posting of the notice of reception thereof specifying the place where and the time when the assessments may be paid.

* * * * *

STATEMENT BY PROPONENT IN SUPPORT OF AMENDMENT

These comments are directed primarily to the New York State Thruway as a result of the interpretations placed upon Chapter 876 of the Laws of 1953 by the Attorney General in an opinion rendered July 1, 1953. The Attorney General says, and I quote - "This section, as amended by L. 1953, c. 876, and section 19 of the Public Lands Law are not in conflict, but are in pari materia and should be read and applied together, and as so applied, the State is no longer liable for such assessments for local improvements for which, prior to such amendment, it had assumed liability but which are declared by said chapter 876 to be included within the term "taxation" as used in this section. 1953, Op. Atty. Gen. July 1."

In informal discussions had with other departments of the State and with other municipal attorneys, we arrive at the conclusion that the opinion of the Attorney General as set forth above is contrary to the intent of the State Legislature; however, the New York State Thruway is proceeding along the opinion of the Attorney General. The Town of West Seneca, by letter dated September 2, 1954, addressed to Mr. Charles R. Waters, District Engineer, Department of Public Works, served notice that the Town of West Seneca would not remove the property of the Thruway from the assessment rolls of the Town so far as the same related to special district assessments. A letter from W. J. Agnew, Sr. Civil Engineer of the Department of Public Works, New York State Thruway, dated November 24, 1954, sets forth a paragraph as follows:

"The question of the Thruway Authority assuming a portion of the bonded indebtedness of the sewer district in the Town of West Seneca has been referred to Special Counsel, Mr. Woolsey of the Thruway Authority. Mr. Woolsey advised under date of September 9, 1954, that we have no liability in

Hereto attached is a copy of said proposed amendments.

of the Thruway Authority in its jurisdiction...
These conditions are directed by the Thruway Authority to the New York State Thruway Authority

PROPOSED BY PROPOSED IN OFFICE OF THE COMPTROLLER

* * * * *

the time when the assessments are to be made...
the payment of the notice of assessment...
the collector or receiver of taxes and assessments...
the special district or special assessment...
the benefit of the...
the payment of the assessments...
the payment of the assessments...

regard to special assessments because of the construction of the Thruway.
He further advises that as a matter of law, the Thruway Authority has authority
to construct the Thruway as they see fit and the approval of the towns is not
required. In accordance with the advice of counsel, the Thruway Authority
has no obligation toward assuming any portion of the bonded indebtedness of
the sewer district in your township."

In view of the contemplated action of the Thruway Authority as
contained in the paragraph above set forth, we recommend a positive statement
in the form of an amendment to Section 4 of the Tax Law. The route of the
New York State Thruway across the state has been such that it did interfere
in a large amount with metropolitan areas such as surrounds the City of
Buffalo. If the Thruway Authority is allowed to proceed under their assumption
that they are not required to continue payment of the bonded indebtedness of
a special district, the following is happening and will happen in our town
as well as others surrounding the City of Buffalo:

Example: A special sewer district composed of 50 homes has been
created in years past at which there is remaining a bonded indebtedness of
\$100,000 payable over a 30-year basis. The Thruway Authority now condemns or
acquires a good size portion of the property of this district. Let us assume,
as has happened and as will happen in future cases, that they take at least
50% of this district property. The interpretation of Section 4 of the Tax Law
by the Authority would mean that the half of property of this sewer district
not taken over by the Thruway Authority must now assume and pay the bonded
indebtedness of the whole district. This will, at the least, create an undue
burden and a completely unanticipated financial burden upon the remaining
property owners. It has been the policy of the State of New York to closely
scrutinize the special districts by requiring approval of them by the
Comptroller's Office to prevent improvements which would cause a financial
burden upon the property. It is my opinion that the State must be consistent
in its reasoning and in its legislation and accordingly protect these dis-
tricts and the people therein from loss of their homes through outside
larceny by a state controlled agency.

Recorded by Comptroller Frohman.
Herein attached is a copy of said proposed amendments.
CARRIED: ATTS: -7-
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In a large amount with metropolitan areas such as surrounds the City of New York State Highway across the state has been such that it did interfere in the form of an amendment to Section 4 of the Tax Law. The route of the contemplated in the budgetary spoke set forth, we recommend a positive statement

In view of the contemplated action of the Highway Authority as the special district in your community, we have no obligation toward assuming any portion of the bonded indebtedness of the district. In accordance with the advice of counsel, the Highway Authority to construct the Highway as they see fit and the approval of the Board is not be further advised that as a matter of law, the Highway Authority has authority to erect special assessments because of the construction of the Highway.

Furthermore, it has been a time honored principle of this country and this great state of New York that all property taken by condemnation or otherwise for state purposes shall receive complete, adequate and full compensation. When the State acquires property within a special district and does not compensate the remaining property owners in the special district for their loss of not having the condemned or other acquired property participate with them equally in the liquidation of their jointly assumed special district debt, then we have violated this time honored principle and have lost one of the strongest rights known to mankind -- the right of ownership of real property without unreasonable and unwarranted invasion of its rights.

We do not believe that the State of New York should be subject to general taxation nor should any other municipal corporation, but we do believe that the price paid in acquiring property for the State or one of its agencies should include the assumption of special district liabilities in one form or another.

We sincerely request that your attention be devoted to the enactment of this proposal into law.

Recorded by Councilman Wroblewski. CARRIED: ATTS: -7-
Herein attached is a copy of said proposed amendments: 47

of any property without compensation and unallowable the right of the owner
to pay one of the principal taxes known to mankind -- the right of ownership
districts when we have adopted this true honest principle and have
arrived with them finally in the application of such jointly assessed special
taxes for the loss of not having the condemned or other condemned property
does not compensate the remaining property owners in the special district
concerned. When the State supplies property within a special district and
operating for public purposes such as electric companies, gas companies and
and this great state of New York that all property taken in condemnation of
public use, it has been a true honest principle of this country

PROPOSED AMENDMENT OF ERIE COUNTY WATER AUTHORITY ACT TO ELIMINATE
INJUSTICES NOW EXISTING RE SECTION 1063(1) OF THE ERIE COUNTY
WATER AUTHORITY ACT AS ENACTED BY CHAPTER 804 OF THE LAWS OF 1950

Nothing contained in this section shall prevent the levying and
collecting of assessments for unpaid indebtedness for special district improve-
ments existing at the time of acquisition of property in a town by the
Authority to the extent applicable to the property so acquired.

STATEMENT IN SUPPORT OF PROPOSED AMENDMENT

The purpose of the amendment is to eliminate serious injustices
which have resulted from the operation of this Act as it has been interpreted.
We do not believe that the original intention of the legislature was to impose
or to shift undue burdens to the taxable property owners remaining in a special
district after the acquisition of the property by the Water Authority. How-
ever, in operation, serious injustice has resulted and it seems most desirable
that a qualifying amendment be added which will not violate the spirit of the
exemption clause but will avoid placing the burdens upon private property
owners which should be borne by the Water Authority.

In various special districts, property owners have petitioned for
improvements and have thereby agreed to pay a portion of the cost of such im-
provements applicable to their properties. All of the property within these
districts likewise have had allocated to them a portion of the cost of the
improvement. Subsequently, certain parcels of this property have been ac-
quired by the Erie County Water Authority. Under the Act as it was originally
drawn, it appears that the portion of the remaining indebtedness applicable
to this property cannot be assessed against the Water Authority which acquired
the property. This means that that part of the indebtedness must be collected
elsewhere. It is unfair to ask other taxpayers to pay the share applicable
to property acquired by the Authority in addition to paying the portion of the
indebtedness for the improvements originally allocated to their property.
This creates an unbearable situation where a property acquired by the Authority

Recorded by Councilman Krollenfeld. CARRIED: AYES: -7-
Herein attached is a copy of said proposed amendments:

me do not believe that the ordinary intention of the Legislature was to impose
which have resulted from the operation of this act as it has been interpreted.

The purpose of the amendment is to eliminate certain injustices

AMENDMENT TO SECTION 103 OF THE ESTATE AND PROBATE CODE

Authority to the extent applicable to the property so acquired.
rights existing at the time of acquisition of property in a town by the
collecting of assessments for public indebtedness for special district improve-
ments contained in this section shall prevent the levying and

AMENDMENT TO SECTION 103 OF THE ESTATE AND PROBATE CODE
IMPOUNDS NOW EXISTING BY SECTION 103(1) OF THE ESTATE AND PROBATE CODE
PROPOSED AMENDMENT OF THIS CODE AS AMENDED BY SECTION 103 OF THE ESTATE AND PROBATE CODE

constitutes a substantial portion of the property within the district liable
for payment of the cost of the improvement. When indebtedness is incurred for
a special district improvement, it should be regarded as a lien against the
property and any purchaser, public or private, acquiring such property, should
complete the payment which had in effect been contracted for by the previous
owner. While differing in characteristics, the incurring of the indebtedness
is somewhat like placing a mortgage upon all the properties benefitting from
the improvements.

We sincerely request that your attention be devoted to the enactment
of this proposal into law.

Hereto attached is a copy of said proposed amendments.

of this document into law.

The proposed amendment that would be referred to the amendment
the involvement.

is somewhat like giving a mortgage upon all the properties benefiting from
water. While utilizing in construction, the installing of the interdependence
concepts the benefit which may in effect be considered for by the various
property and the various, further of change, including such property, should
a variety of other involvement, it should be referred as a item within the
for benefit of the cost of the involvement. When interdependence is involved for
conferences & administrative portion of the property within the district there

PROPOSED AMENDMENT TO ARTICLE 3, SECTION 24, OF THE
TOWN LAW OF THE STATE OF NEW YORK

All elective officers shall hold their respective offices for
four years.

STATEMENT IN SUPPORT OF PROPOSED AMENDMENT

The tremendous growth which the towns of the first class are now
experiencing is requiring greater hours and diligence on the part of its
officials in order to guarantee a smooth progression in relation to the other
municipal segments composing the government of the State. Harmony and agree-
ment lying between the official family of a town of the first class is a com-
plete necessity. Furthermore, the expansion of the towns of the first class
no longer permits the time store treatment of the complex problems with which
it is confronted. Rather, the complexity and nature of the problems before
the town boards and department heads of first class towns requires considerable
planning and investigation. No longer can a problem be placed upon an agenda
and receive full, accurate, complete and honest treatment in one meeting.

We have seen that great care and study must be given to such com-
plex problems as zoning, traffic control, ordinance control, health, sewerage,
water, drainage, correlation with State and County arterial highways, and
many other problems of vast consequence. A new officer elected for a two-year
period hardly has time to implant his feet firmly into the problems before
him before he is faced again with a problem of a decision for another term
of office. The short period of a two-year office does not permit an official
to become sufficiently familiar with the vast scope of individual problems to
enable him to adequately and honestly reach decisions on those problems re-
quiring immediate attention, nor does it permit the harmonious planning with
his other officials towards long range development programs.

Remember, a town does not have the experience of personnel depart-
ments and experts as do the cities, counties and State. This group, special-
ized in their field, constitute a vast storehold of knowledge and, as is most

Herein attached is a copy of said proposed amendments.

...the extension of the term of the local govern-
ment which reduces the political quality of a town of the local class is a com-
munitywide concern comprising the Government of the State. Harmonized and unified
officials in order to guarantee a smooth transition in relation to the other
experiences in reducing elected posts and influence on the part of the
the dimensions should which the town of the local class are now

REVIEWED IN SUPPORT OF PROPOSED AMENDMENT

Local Acts:

All elective officials shall hold their respective offices for

TERM FOUR OF THE STATE OF NEW YORK
PROPOSED AMENDMENT TO ARTICLE 3, SECTION 5, OF THE

often the case, is not replaced completely upon changes in elected adminis-
trative personnel.

It is further felt that a greater permanency of office evidenced
by the increasing of the elective term to four years will encourage the entry
into local government of persons with particular training and ability.

To the end that we might serve each other and our municipal govern-
ments to the fullest of our capacity, we sincerely request that your attention
be devoted to the enactment of this proposal into law.

Herein attached is a copy of said proposed amendments:

be referred to the enactment of this proposal into law.
ments to the interest of our community, we sincerely request that your attention

to the end that we might serve each other and our municipal government
into local government of persons with traditional training and ability.
by the increasing of the effective term of local leaders will encourage the entry

If it is further felt that a greater responsiveness of office entrusted
relative personnel.
often the case, is not replaced completely upon changes in elected administra-

PROPOSED TOWN LAW AMENDMENTS

**TO SUBDIVISIONS 2 AND 4 OF SECTION 202; AND
SUBDIVISION 2 OF SECTION 202-a.**

Amendment of Subdivision 2 of Section 202 by adding at the end thereof:

"Nothing contained in this subdivision shall be construed as
preventing the measurement of benefit, in whole or in part,
by the assessed value of the real estate or the assessed
value of real estate exclusive of land."

Amendment of Subdivision 4 of Section 202 by adding at the end thereof:

"Where the formula previously established pursuant to which
assessments were levied ceases to provide an equitable ap-
portionment of cost, due to important changes in character
of use of assessable property within the district, a change of
formula for the purpose of making future apportionments conform
more nearly to the equities of the original formula, shall not
be considered a change prohibited by this subdivision."

Amendment of Subdivision 2 of Section 202-a by adding at the end thereof:

"Nothing contained in this subdivision shall be construed as
preventing the measurement of benefit, in whole or in part,
by the assessed value of real estate or the assessed value of
real estate exclusive of land. Any formula which fairly ap-
portions the expense of maintenance of the improvement on a
benefit basis may be used although differing from the formula
used to apportion the cost of the improvement on a benefit basis."

**STATEMENT BY PROPONENT IN SUPPORT
OF AMENDMENT**

The town of Cheektowaga (Erie County) is an area in which there has
been in recent years a rapid growth in population and a change from pre-
dominantly farming and residential character to large, medium and small
industries, commercial establishments, and multiple dwellings in addition
to single residential units. Sewer districts were established before the
great expansion of industry, trade and population in the town and methods

Hereto attached is a copy of said proposed amendments.

assessments made under the law to provide an adequate fund for
where the formula previously set adopted relating to appor-
tionment of contribution of or section 505 by adding to the end thereof:
"value of less estate exclusive of land",
by the assessed value of the less estate of the assessed
beneficiary the assessment of benefit in whole or in part,
"nothing contained in this contribution shall be construed as
amendment of contribution of or section 505 by adding to the end thereof:

AMENDMENT 5 OF SECTION 505-1
TO AMENDMENTS 5 AND 6 OF SECTION 505: VMD
PROPOSED TOWN LAW AMENDMENTS

and procedures were adopted under the Town Law to spread the cost of im-
provements and expense of maintenance thereof as nearly as possible in just
proportion to the amount of benefit which is conferred on the numerous
parcels of property involved. Adherence to the previously adopted pro-
cedures now makes impossible apportionment of costs and expense of main-
tenance in accordance with benefit derived. The purpose of the law is
obviously to apportion costs and expenses on the basis of benefit derived
but, due to changes in character, this cannot now be done without a change
of formula which the Comptroller's Office advises cannot be made under the
statute as it now stands. The same problem probably confronts other growing
towns. Amendment of the statute is desired only to permit spreading of
costs and expense according to the original purpose, i.e., the benefit basis.

The Town of Cheektowaga has six sanitary sewer districts and the cost
of both debt service and sewage treatment has been spread against the in-
dividual properties solely on an area basis. Gross inequity has developed
from this method as the result of large residential and industrial develop-
ment.

Sewage comes principally from improved property. As vacant property
was (through improvements) converted to industrial, commercial, concentrated
housing and institutional uses increased sewage resulted and expansion of
disposal plants became necessary. Cost of operation of disposal plants
likewise increased. While the vacant land was not the cause of the in-
creased cost and operating expenses, it has borne the extra cost on a square
foot basis. Under the single charge on an area basis, the private residence
pays the same amount as an adjoining vacant lot of the same area although the
residence has sewage and creates expense for the disposal plant while the
vacant lot does not. The issue is even more serious in the case of apart-
ment houses and factories. On such properties, hundreds of people are con-
centrated in a small area providing a large volume of sewage for treatment
and disposal. However, such property is charged no more than vacant land
of similar area from which no sewage is run through the disposal plant.

The original bond issues provided facilities and made service avail-
able to the entire district. For the privilege afforded, it was probably

Recorded by Councilman Wohlsheld.
Herein attached is a copy of said proposed amendments:
CARRIED: AYES: 7-
4

...and expenses... of the statute is desired only to benefit... of... The same... conditions... of... the... this... without a... of... and expenses on the basis of benefit... in accordance with benefit... The... of the... is... of... of... and expense of... of... to the... of benefit... on the... and expense of... as nearly as possible in that... under the... to assess the cost of...

proper to spread the debt service equally over the entire area. At that time, apartment houses and factories were not important factors.

Debt service, operation of disposal plants and other items have been added together to obtain the total amount to be levied or assessed. Because the bonds were originally assessed on an area basis, the annual budget amount was likewise assessed on an area basis.

In order to put the charges to the individual properties on a more equitable basis and to have the burden of assessment bear a closer relationship to benefits received, it is now proposed to change the method of spreading costs to the following:

1. Spread the amount of the annual debt service against the various parcels of property on the basis of area. This generally represents the cost of facilities which are available to all of the properties.
2. Spread the annual cost of operation of disposal plant, sewer rental and all other expenses on the basis of assessed value. This spread will place a heavier charge on the area with improvements and at the points where sewage originates.

The State Comptroller's Office was requested to advise whether the desired change could properly be made under existing statute. The following excerpts are taken from the replies received:

"Subdivision 2 of section 202-A of the Town Law together with subdivisions 2 and 4 of section 202 of the Town Law provide that where the original cost of establishing a sewer district was apportioned and assessed on a benefit basis, the expense of maintenance of the improvement must also be apportioned and assessed on a benefit basis. Since the original cost of the improvements in the districts you refer to were apportioned and assessed on a benefit basis, it follows that expense of maintenance must also be apportioned and assessed on a benefit basis, and therefore, cannot now be changed to an ad valorem basis."

"A section 202 uses the terms 'ad valorem' and 'benefit', the two methods are mutually exclusive. It follows, therefore, that the 'benefit' method means a method other than 'ad valorem'."

"It is immaterial that an 'ad valorem' basis may be a more equitable method of assessing costs in this case or that it may be the prescribed method of determining benefits in other cases. The law says that the 'ad valorem' method may not be used in a sewer district."

Secured by Councilman Krollenfeld. CARRIED: AYER: -7-
 Herein attached is a copy of said proposed amendments:

ARTICLE 14-F OF THE GENERAL MUNICIPAL LAW

In order to bring the amount of the sewer rental service charges the
 preceding costs to the following:

It is now proposed to change the method of
 apportioning the burden of assessment from a cross-section-
 method to one based on the individual properties on a more
 equitable basis.

The bonds were originally assessed on an area basis and the amount budget
 added together to obtain the total amount to be levied or assessed. Because
 sewer service, operation of disposal plants and other items have been
 time, abandonment houses and industries were not important factors.
 proper to spread the debt service equally over the entire area. It thus

Investigation has shown that for good and sufficient reasons the
 provisions for sewer rentals under Article 14-F of the General Municipal
 Law cannot be availed of within reasonable costs or with more equitable
 results.

The proposed amendments would permit the Town of Cheektowaga and
 others similarly situated to spread costs of improvements and expenses of
 maintenance on a more equitable basis. The proposed amendments would not
 require a change from the existing rules in any case but would permit a
 change to obtain an equitable apportionment in a proper case where ex-
 isting rules now compel an inequitable apportionment.

We sincerely request that your attention be devoted to the enactment
 of these proposals into law.

Herein attached is a copy of said proposed amendments:

of these provisions into law.

The proposed amendment that your attention is directed to the amendment relating to the manner in which the town clerk shall be authorized to accept a deed or other instrument evidencing a conveyance of land wherein the grantee is a municipal corporation unless the fee evidenced by said deed or other instrument of conveyance has been accepted by the municipal corporation to whom offered. The town clerk, upon acceptance of the fee of the property therein offered, shall indicate the acceptance of said fee by said municipal corporation by inscribing the terms and conditions, if any, of said acceptance upon the instrument. No county clerk shall hereafter record a deed or other instrument of conveyance where the grantee therein is a municipal corporation unless said inscription by the town clerk appears thereon.

A municipal corporation may accept the fee to property offered by a deed or other conveyance upon such terms and conditions as the town board of said town may determine to be necessary and expedient under the circumstances.

PROPOSED AMENDMENT TO THE REAL PROPERTY LAW AND ALSO TO BE SET FORTH IN ARTICLE 16 OF THE TOWN LAW.

A. No person, firm, or corporation may hereafter record a deed or other instrument evidencing a conveyance of land wherein the grantee is a municipal corporation unless the fee evidenced by said deed or other instrument of conveyance has been accepted by the municipal corporation to whom offered. The town clerk, upon acceptance of the fee of the property therein offered, shall indicate the acceptance of said fee by said municipal corporation by inscribing the terms and conditions, if any, of said acceptance upon the instrument. No county clerk shall hereafter record a deed or other instrument of conveyance where the grantee therein is a municipal corporation unless said inscription by the town clerk appears thereon.

B. A municipal corporation may accept the fee to property offered by a deed or other conveyance upon such terms and conditions as the town board of said town may determine to be necessary and expedient under the circumstances.

STATEMENT IN BEHALF OF PROPONENT.

At first glance, a question may be raised as to who would object in becoming the owner of a piece of property regardless of whether or not they were aware of the transaction. However, closer scrutiny of the problem will reveal the following:

A town may have an ordinance requiring developers to construct their own streets and street improvements before acceptance. During the period of the fall, winter and spring months, we allow the developer to proceed with the construction of homes, although the road is not completed to our specifications, if the contractor deposits with the town, in escrow, a sum of money as determined by the engineer and superintendent of highways to be sufficient to guarantee the construction of the road in the event the contractor should default after he has constructed homes thereon. Before we will proceed with this escrow account, we require a deed to the fee of the street. Previously, we would not record this deed until the street

Here to attached is a copy of said proposed amendments.

CHIEF CLERK

corporation unless said jurisdiction by the town clerk whereby...
of other instrument of conveyance where the fee is therein...
upon the instrument. No county clerk shall receive record of deed
corporation by describing the terms and conditions, if any, of said...
therein offered, shall indicate the acceptance of said fee by said...
to whom offered. The town clerk upon acceptance of the fee of the...
instrument of conveyance has been accepted by the...
a municipal corporation unless the fee endorsed by said deed or other
other instrument extending a conveyance of land wherein the...
y. No person, firm or corporation shall receive record of deed of

THIS TO BE THE ONLY COPY TO BE FILED IN THE TOWN CLERK'S OFFICE
EXCEPT WHERE SHOWN OTHERWISE TO THE TOWN CLERK

was brought up to our specifications and recommended for acceptance to the town board. However, this proved to be a dangerous practice and one that would inconvenience the title companies, banks, lending institutions, and attorneys making title examinations. We now indicate on the deed proper that the fee of the street or roadway is accepted only and that the town does not assume any liability or obligation for the construction or maintenance of a roadway. When and if the road or street is constructed according to our specifications and then accepted by the town board, an affidavit is filed by the town clerk indicating that the street has been accepted for maintenance.

As stated above, this procedure is purely by local ordinance. It has worked exceptionally well and places every prospective purchaser on notice as to the condition of the street; however, this would not prevent a fly-by-night developer from recording a deed to the town without our acceptance. While it is the opinion of the writer that this would not cause us any great inconvenience, it could very well involve us in lengthy litigation either in an action to force us to construct a street, maintain same, or for accidents arising thereon. We would, therefore, appreciate the passage of an amendment similar to the one set forth preceding this statement. This would prevent any abuse by the unscrupulous developer.

We sincerely request that your attention be devoted to the enactment of this proposal into law.

Here to attached is a copy of said proposed amendments:

CHIEF CLERK - 7-1-1918

It has worked exceptionally well and places every proposition before the
people and gives them the opportunity to vote on it. It is a very simple
method of procedure and is highly recommended.
The ordinance is filed by the town clerk indicating that the street has been
excavated to our specifications and then accepted by the town board. It
does not require any liability or obligation for the construction or repair
of the street or roadway. It is accepted only and that the town
would incur no liability or obligation. We now indicate on the deed book
that the town board has accepted the street. However, this does not mean that
we are bound to our specifications and recommendations for acceptance to the

**PROPOSED AMENDMENT TO SECTION 133 OF ARTICLE 9
OF THE TOWN LAW.**

Every ordinance and every amendment to an ordinance hereafter adopted
or approved by the town board of a town to which the provisions of this
article are applicable, shall be entered in its minutes, and notice of such
adoption or approval by the town board of a town shall be published in a
newspaper circulated in the town specifying in general terms the ordinance
adopted, and a copy of such ordinance or amendment thereof shall be posted
on the sign board maintained by the town clerk pursuant to subdivision six
of section thirty of this chapter, and affidavits of such publication and
posting shall be filed with the town clerk. Such ordinance or amendment
shall take effect ten days after such publication and posting; but such
ordinance or amendment shall take effect from the date of its service
as against a person served personally with a copy thereof, certified by
the town clerk under the corporate seal of the town; and showing the date
of its passage and entry in the minutes.

STATEMENT IN BEHALF OF PROPONENT

The publication of ordinances or amendments adopted by a town board
of a town has become obsolete. First, these notices are published in such
fine print that they are barely readable. Secondly, very few persons take
the time to read this publication. Thirdly, at the present rates of \$.30
to \$.35 per line, two inches in width, an ordinance of any length becomes
a \$300.00 outlay.

The towns adjacent to a metropolitan area are constantly required
to create ordinances and to make amendments to those in existence.
Our bills for publication have become enormous, and it is the feeling
and opinion of myself and these town boards that this money expended in
the manner required by the present Section 133 of the Town Law could best
be used for other governmental functions.

Recorded by Councilman Proclamation.
Carried: AYES: 7-
Here to attached is a copy of said proposed amendments:

of section thirty of this chapter, and the validity of such ordinance shall be determined by the town clerk pursuant to subdivision six on the town board maintained by the town clerk pursuant to subdivision six adopted, and a copy of such ordinance or amendment thereof shall be posted newspaper circulated in the town specifying in general terms the ordinance adoption or approval by the town board of a town shall be published in a article and applicable, shall be entered in its minutes, and notice of such or approval by the town board of a town to which the provisions of this every ordinance and every amendment to an ordinance heretofore adopted

OF THE TOWN IV.
PROPOSED AMENDMENT TO SECTION 133 OF ARTICLE 3

We, therefore, request an amendment of Section 133 in accordance with the above proposal, thereby paralleling same to Section 130 of the Town Law relating to the calling of public hearings on the adoption of an ordinance or amendment and the publishing of a notice thereof in general terms.

We sincerely request that your attention be devoted to the enactment of this proposal into law.

Recorded by Councilman Wholesand. CARRIED: AYRS: -7-
Hereto attached is a copy of said proposed amendments:
4

Item No. 16
adoption:

Councilman Nagel presented the following resolution and moved its

WHEREAS, the Town of Cheektowaga and the Foisset Corporation have entered into an AGREEMENT wherein the said Foisset Corporation has agreed to construct 1400 feet of road bed and to place topping on Laurentian Drive as shown on a map filed in the Erie County Clerks' Office under Cover No. 1938, and have filed a Surety Company Bond in the sum of \$14,000.00 the said amount being fixed by the Town Board conditioned that the Corporation comply in all respects with the aforementioned Agreement and with the specifications of the Town Highway Department and all the regulations of the Town of Cheektowaga, in the construction of said highway, now therefore

BE IT RESOLVED, that the Supervisor be authorized to execute the annexed Agreement between the Foisset Corporation and the Town of Cheektowaga, on behalf of the Town of Cheektowaga, New York, and be it further

RESOLVED, that Laurentian Drive as shown on a map filed in the Erie County Clerks' Office under Cover 1938, be accepted as a Town Highway under the jurisdiction of the Town Highway Superintendent, and be it further

RESOLVED, that the Town Attorney be and he is hereby authorized and directed to record in the Erie County Clerks' Office a deed to said highway.

Seconded by Councilman Bystrak.

CARRIED: AYES: -7-

AGREEMENT

This Agreement made this 16th day of January, 1956; by and between the Town of Cheektowaga, a municipal corporation of the State of New York with its office and principal place of business in the County of Erie and State of New York, party of the first part, and the Foisset Corporation, a domestic corporation organized and existing under the laws of the State of New York, with its office and principal place of business at 1368 Sycamore Street, Buffalo, New York, part of the second part:

WITNESSETH:

WHEREAS, the party of the second part is the owner of the abutting property on Laurentian Drive as shown on a map filed in the Erie County Clerks' Office under Cover No. 1938, and

WHEREAS, the party of the second part has constructed the foundation for the highway and have also constructed in said highway, sanitary sewer and have entered into a contract with the Erie County Water Authority for the construction of a water line in said highway and have paid the Erie County Water Authority for the cost thereof, and

WHEREAS, the party of the second part has requested the Town of Cheektowaga to accept as a Town Highway LAURENTIAN DRIVE as shown on said Cover Map 1938 and has agreed to enter into a contract with the Town of Cheektowaga, New York, to place the topping on said street and complete the same so that the same will comply with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is hereby

AGREED, that the party of the second part agrees to place topping on Laurentian Drive as shown on Cover Map Number 1938 and to complete the same so that the highway will conform in every respect with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is further

UNDERSTOOD AND AGREED that the party of the second part will furnish the party of the first part a Surety Bond, executed by a Bonding Company authorized to do business in the State of New York, in the sum of \$14,000.00, said bond to provide that the party of the second part will, in all respects, conform with the terms and conditions of the Agreement and the accompanying resolution of the Town Board on or before January 16, 1956. In the event the party of the second part fails to live up to the terms of this Agreement, then the party of the first part is authorized to complete said highway so that the same comply in every respect with the minimum specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, and all expense incurred by it in completing said highway shall be paid by the party of the second part and its surety, and in the event said sum of \$14,000.00 is insufficient to pay such cost, then the party of the second part hereby agrees to pay any sum required in excess of that amount, it is however,

AGREED, that the maximum liability of the Surety Company is limited to the sum of \$14,000.00

Upon filing with the Town Board an executed copy of this Agreement and the Surety Company Bond, it is agreed that the party of the first part does hereby accept said highway as a Town Highway, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed and these presents to be signed by their duly authorized officers.

Town of Cheektowaga, New York, BY: Benedict T. Holtz-Supervisor
The Foisset Corporation BY: Sigmund A. Tidawski, Secty.
(Bond in General File)

Item No. 17 Councilman Bystrak presented the following resolution and moved its adoption:

WHEREAS, the Town of Cheektowaga and Peter Santin Construction Company Inc., have entered into an Agreement wherein Peter Santin Construction Company Inc., has agreed to place topping on Victoria Blvd., from a point on the center line of Lot No. 16 to the northerly side of lot No. 32, a distance of 855 feet, as shown on a map of the Park View Estates Sub-division, M.C. 1885, and has filed a Surety Company Bond in the sum of \$8,550.00 conditioned that it compls in all respects, with the aforementioned Agreement, be it

RESOLVED, that the Supervisor be authorized to execute the annexed Agreement between Peter Santin Construction Company, Inc., and the Town of Cheektowaga, on behalf of the Town of Cheektowaga, New York, be it further,

RESOLVED, Victoria Boulevard commencing at Pine Ridge Road and extending in an easterly direction approximately 1,655 feet to the northerly side of Lot No. 32 as shown on the map of the Park View Estates Sub-division Map Cover 1885 be accepted as a Town Highway under the jurisdiction of the Town Highway Superintendent. The westerly 800 feet of said highway commencing at Pine Ridge Road and running in an easterly direction approximately 800 feet to the center line of Lot 16, having been accepted as a Town Highway by resolution adopted May 16, 1955.

That the Town Attorney be and he is hereby authorized and directed to record in the Erie County Clerks' Office deed to said Highway.

Seconded by Councilman Neibert.

CARRIED: AYES: -7--

AGREEMENT

This agreement made this 10th day of January 1956 by and between the Town of Cheektowaga, a municipal corporation of the State of New York with its office and principal place of business in the County of Erie, State of New York, party of the first part and Peter Santin Construction Company, Inc., with its office and principal place of business at 4 Woodland Terrace, Cheektowaga, New York, party of the second part;

WITNESSETH

WHEREAS, the party of the second part is the owner of the abutting property on Victoria Boulevard, from a point on the center line of Lot No. 16 to the northerly side of Lot No. 32, a distance of 855 feet, as shown on a map of the Park View Estates Sub-Division M.C. 1885.

WHEREAS, the party of the second part is desirous of constructing the foundation and the topping for the highway on Victoria Blvd., as shown above described, and has also constructed in said highway a sanitary sewer and

WHEREAS, the party of of the second part has requested the Town of Cheektowaga to accept as a Town Highway, Victoria Blvd., as above described and is willing to enter into a contract with the Town of Cheektowaga New York, to place the foundation and topping on said street and complete the same so that the same will comply with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is hereby

AGREED, that the party of the second part agrees to place foundation and topping on Victoria Blvd., from a point on the center line of Lot No. 16 to the northerly side of Lot No. 32 a distance of 855 feet, as shown on a map of the Park View Estates Sub-Division M.C. # 1885.

IT FURTHER AGREES, where necessary, to reconstruct the foundation of said highway and complete the same so that said highway will conform in every respect, with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, be it further

UNDERSTOOD AND AGREED, that the party of the second part will furnish the party of the first part, a Surety Bond, executed by a Bonding Company authorized to do business in the State of New York, in the sum of \$8,550.00 said Bond to provide, among other things, that the party of the second part will, in all respects, comply with the terms and conditions of this Agreement and the accompanying resolution of the Town Board on or before September 1, 1956. In the event that party of the second part fails to live up to the terms and conditions of the Agree,ent, then the party of the first part is authorized to complete said highways so that the same complies in every respect with the minimum specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, and all expenses incurred by it in completing said highway shall be paid by the party of the second part and its surety, and in the event said sum of \$8,550.00 is

Item No. 17-Cont'd

insufficient to pay such cost, then the party of the second part hereby agrees to pay any sum required in excess of that amount, it is however **AGREED**, that the minimum liability of the Surety Company is limited to the sum of \$8,550.00.

Upon filing with the Town Board an excepted copy of this Agreement and the Surety Bond, it is agreed that the party of the first part does hereby accept said highway as Town Highway, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this day and year first written above.

Peter Santin Construction Company, Inc.

Peter Santin, President

First Party

Town of Cheektowaga

BY: Benedict T. Holts - Supervisor

Second Party

(Bond placed on file in the General File Cabinet).

Item No. 18 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, the Town Superintendent of Highways has notified the Town Board that the pavement on Andrews Street in the Town of Cheektowaga New York, has been completed and meets the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, and is acceptable to him as a Town Highway, be it

RESOLVED, that Andrews Street for its entire length be accepted as a Town Highway, be it further

RESOLVED, that the Town Attorney be authorized to record in the Erie County Clerk's Office a quit claim deed to said highway

Seconded by Councilman Neibert.

CARRIED: AYES: -7-

Item No. 19 Councilman Wroblewski presented the following resolution and moved its adoption:

RESOLVED, that Albert Ziolkowski of No. Cheektowaga, New York, be appointed a member of the Towns Recreation Board to fill the vacancy caused by the resignation of Joseph Kornecki.

Seconded by Councilman Kornecki.

CARRIED: AYES: -7-

Item No. 20 Councilman Neibert presented the following resolution and moved its adoption:

WHEREAS, the Municipal Division of the New York State Bar Association, is holding a meeting on January 26, 27 and 28, 1956 at New York City,

WHEREAS, the Town of Cheektowaga is interested in proposing some amendments to the existing law, be it

RESOLVED, that the Town Attorney, George B. Doyle, Town Auditor George Holloway and Dr. Louis Vendetti, Health Officer, be authorized to attend said meeting and their reasonable expenses be charged to the General Fund.

Seconded by Councilman Trojanosky.

CARRIED: AYES: -7-

Item No. 21 Councilman Neibert presented the following resolution and moved its adoption:

WHEREAS, the Town Board has heretofore deemed it to be in the public interest to construct a wading pool to be used in the summer and a skating rink in winter, as well as a band stand at the Town Park, be it

RESOLVED, that Nussbaumer Clarke and Velzy, Consulting Engineers for the Town of Cheektowaga, New York, be requested to prepare definite plans and specifications for the construction of said wading pool, skating rink and band stand and submit the same to the Town Board for its further approval.

Seconded by Councilman Trojanosky.

CARRIED: AYES: -7-

Item No. 22 Councilman Kornecki presented the following resolution and moved its adoption:

WHEREAS, Emergency repairs were required in Sanitary Sewer District No. 3, south east side of Stradtman Road, repair and patch open joints 24" and it was necessary to make said repairs immediately. The Town Engineer engaged Straco Inc., to furnish the necessary labor and materials required at a cost of \$1,509.39, be it

RESOLVED, that the voucher for that amount payable to Straco Inc., be approved and ordered paid.

Seconded by Councilman Wroblewski. CARRIED: AYES: -7-

Item No. 23 Councilman Neibert presented the following resolution and moved its adoption:

WHEREAS, the New York State Sewage and Industrial Wastes Association is holding its annual meeting in New York City on January 19th and 20th, 1956, be it

RESOLVED, that the Town Engineer Albert J. Kama be authorized to attend the meeting and his reasonable expenses charged to the General Fund.

Seconded by Councilman Trohanosky. CARRIED: AYES: -7-

Item No. 24 Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, emergency repairs were required on Stradtman Road Sanitary Sewer, Sewer District No. 3, under road ditch facing, Forest Material and Bison Iron Works, Harlem Road, and it was necessary to make said repairs immediately. The Town Engineer engaged Straco Inc., to furnish the necessary labor and materials required at a cost of \$1,551.23, be it

RESOLVED, that the voucher for that amount payable to Straco Inc., be approved and ordered paid.

Seconded by Councilman Wroblewski. CARRIED: AYES: -7-

Item No. 25 RESOLUTION FOR TOWN HIGHWAY MACHINERY PURCHASE

Councilman Wroblewski moved, seconded by Councilman Kornecki: WHEREAS, the Town Superintendent of Highways did on the 19th day of December, 1955, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law,

NOW THEREFORE, BE IT RESOLVED, that pursuant to Section 142 of the Highway Law the Town Superintendent of highways is hereby authorized to purchase in accordance with the provisions of Article 5-A of the General Municipal Law, with the approval of the County Superintendent of Highways, the following:

One Model W 825 N Oshkosh 4-wheel drive truck with Daybrook Model B8-54 dump body and Daybrook Model 66 DL) Speedlift Hoist, and full "V" type snow plow and 12 foot levelling wing, with front engine mounted, P.H.O. and pump and front frame plow hitch,

for a maximum price of twenty-two thousand four hundred and twenty nine dollars (\$22,429.00) delivered at Cheektowaga Town Garage, Cheektowaga, New York, and to be delivered on or about February 10, 1956.

The Town Superintendent of Highways is hereby authorized, subject to the approval of the County Superintendent of Highways, to surrender to the vendor a Walters Truck, Dump Body, Snow Plow, and Wing, full power hydraulic controls, as part payment for the above equipment to be purchased.

The terms of payment will be as follows:

Trade in allowance.....	\$1,500.00
Check drawn on Machinery Fund.....	1,000.00
Check from proceeds of obligations.....	19,929.00
TOTAL	\$22,429.00

A contract of purchase for the item purchased shall be duly executed between the Town Superintendent of Highways and such vendor, and when duly approved by the County Superintendent of Highways, it shall become effective. When such contract has been duly executed and approved, the Supervisor is authorized to complete such purchase upon delivery of the item purchased in accordance with the terms of such resolution and such contract, and to pay the above amount specified to be paid by check or checks.

- (1) by a check drawn on the Machinery Fund Item No. 3 for \$1,000.00
- (2) by a check in the amount of \$19,929.00 drawn on the account established from the proceeds of obligations to be issued pursuant to the Local Finance Law to finance such purchase. Such obligations will be authorized by this Board by a separate resolution.

CARRIED: AYES: -7-

This being the time and the place advertised for a public hearing for the Extension of Doyle Fire District No. 1.

The Town Clerk presented proof that the Notice of Public Hearing has been published and posted as prescribed by law.

The Supervisor announced that the Board would hear all persons interested in the subject of the hearing, and no person appearing in opposition thereof, Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, there has been presented to this Town Board a written petition in due form together with the necessary map and plan of the existing Fire District in this Town, known as Doyle Fire District No. 1, by annexing thereto the territory situate in such Town and hereinafter described, and an order of the Town Board reciting the filing of said petition and specifying the time and place where said Town Board would meet to consider said petition and to hear all persons interested in the subject thereof concerning the same having been published and posted as required by law, and the hearing taken place at the Town Hall, corner of Broadway and Union Road, Town of Cheektowaga, New York, on the 16th of January, 1956, at which hearing all persons interested in the subject matter were given an opportunity to be heard and the Town Board having given due consideration thereon, and

WHEREAS, the said petition, as presented to the Town Board on the 6th day of December, 1955, for the extension of the existing Fire District No. 1 of the Town of Cheektowaga, New York, is signed, approved, and acknowledged, as required by law, and is otherwise sufficient, and there is attached to said petition a map and plan prepared by Nussbaumer, Clarke and Velzy, Engineers, duly licensed by the State of New York, showing the boundaries of the existing Fire District, and the general plan of the proposed extension, and

WHEREAS, it is not proposed or required that the Town shall finance the cost of the extension by the issuance of bonds, notes, certificates, or other evidence of indebtedness of the Town therefore, and

WHEREAS, there is annexed to the petition the consent duly executed by the Fire Commissioners of Fire District No. 1;

NOW THEREFORE, after due deliberation, it is hereby

RESOLVED AND DETERMINED:

FIRST: That the petition is signed and acknowledged or proved as required by law and is otherwise sufficient;

SECOND: That it is in the public interest to grant the relief sought;

THIRD: That all property and property owners included within the proposed district and benefitted thereby;

FOURTH: That all property and property owners benefitted are included therein, and that no property or property owners or persons benefitted thereby have been excluded therefrom, and

BE IT FURTHER RESOLVED that the Supervisor be and he is hereby authorized on behalf of the Town of Cheektowaga, New York, to apply to the Department of Audit and Control of the State of New York for its approval of the extension of said Fire District; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed by the Town Clerk of the Town of Cheektowaga in the Erie County Clerk's Office within ten (10) days after the date of its adoption; and

BE IT FURTHER RESOLVED that the petition for the extension of the existing Fire District No. 1 be and the same hereby is granted and the said existing Fire District No. 1 is hereby extended to embrace the following described territory:

DESCRIPTION OF
PROPOSED EXTENSION TO
DOYLE FIRE DISTRICT NO. 1.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at the point of intersection of the southerly line of lands of the Lehigh Valley Railroad with the westerly line of Subdivision Map Cover #455, said westerly line of Subdivision Map Cover #455 being the easterly line of the present Doyle Fire District #1.

Thence northeasterly along the southerly line of lands of the Lehigh Valley Railroad, to the westerly line of Subdivision Map Cover #527; thence, southerly along the easterly line of lands owned by J. Lubkowski and the northerly line of Lot No. 64, Township 10, Range 14 of the Buffalo Creek Indian Reservation.

Thence westerly along said northerly line of Lot No. 64, Township 10, Range 14 of the Buffalo Creek Indian Reservation and its westerly projection thereof to the westerly line of Subdivision Map Cover #455 as aforesaid; thence, northerly along the westerly line of Subdivision Map Cover #455 being also the easterly line of the Doyle Fire District #2 as aforesaid, to the southerly line of the Lehigh Valley Railroad or the point or place of beginning.

Seconded by Councilman Kornecki and duly put to a vote, which resulted as follows:

Supervisor Holtz,	Voting <u>Aye</u>
Councilman Meibert,	Voting <u>Aye</u>
Councilman Wroblewski,	Voting <u>Aye</u>
Councilman Bystrak,	Voting <u>Aye</u>
Councilman Nagel,	Voting <u>Aye</u>
Councilman Trojansky,	Voting <u>Aye</u>
Councilman Kornecki,	Voting <u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

Item No. 27
it adoption:

Councilman Kornecki presented the following resolution and moved

WHEREAS, the Department of Sanitation has notified the Town Board that they are in need of four (4) new truck chassis with cabs, be it

RESOLVED that this request be granted and that the Town Clerk be directed to publish the annexed NOTICE TO BIDDERS in the DEPEW HERALD AND CHEEKTOWAGA NEWS, having a circulation in the Town of Cheektowaga, in connection with the said Sanitation trucks, and be it further

RESOLVED, that the Town Board meet on the 6th day of February, 1956 at 2:30 o'clock P.M., Eastern Standard Time, at the Town Hall, Broadway and Union Roads, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

Seconded by Councilman Wroblewski, and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Joseph A. Meibert,	Voting <u>Aye</u>
Councilman	Felix Wroblewski,	Voting <u>Aye</u>
Councilman	Stanley Bystrak,	Voting <u>Aye</u>
Councilman	Henry Nagel,	Voting <u>Aye</u>
Councilman	Joseph Trojansky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires separate sealed bids for four (4) truck chassis with cabs, fully enclosed, for use in the Sanitation Department.

The detailed specifications may be examined at the office of the Town Clerk, where the same are on file.

Copies of the specifications are made available for all prospective bidders. Sealed bids must be received not later than 2:30 o'clock P.M. Eastern Standard Time on February 6th, 1956, at which time they will be publicly opened by the Town Board at a public meeting called for that purpose to be held at the Town Hall, corner of Union and Broadway, Cheektowaga, New York.

The Town of Cheektowaga reserves the right to reject any, and all bids or to waive technical defects in bids if it be in public interest of the Town of Cheektowaga to do so.

This notice is to be published by direction of the Town Board of the Town of Cheektowaga, New York.

Dated: January 26, 1956

Posted as follows on the 20th day of January, 1956:

- 1- Town Hall Bulletin Board;
- 2- Forks Fire Hall-Broadway and Union Rd;
- 3- U-Crest Fire Hall-Evergreen Street & Clover Place;
- 4- Rescue Fire Hall-Pine Ridge Road;
- 5- Doyle Fire Hall No. 1-William and Alaska Street.

Hereto attached is a copy of the specifications and the affidavit of publication:

**SPECIFICATIONS FOR TRUCK CHASSIS AND CAB
(4 REQUIRED)
SANITATION DEPARTMENT**

Four (4) 1956 Heavy Duty Chassis and Cab for Packer Type Bodies. Packer Body by others.

1. New 1956 Heavy Duty Chassis and Cab Conventional.
2. Specify in bid either 2a or 2b.
 - a. Engine: 150 Horsepower minimum V8 engine.
 - b. Engine: 150 Horsepower minimum 6 cylinder engine.
3. Gross Vehicle Weight: 28,000 lbs. minimum.
4. Cab to Axle Dimension: 120".
5. Frame: Full outer channel equipped with reinforcement from rear front spring bracket to end of frame.
6. Springs: Front, leaf semi-elliptic. Rear, heavy duty springs.
7. Front axle rated capacity 7000 lbs. minimum.
8. Transmission: Five speed constant mesh in fifth.
9. Specify in bid either 9a or 9b.
 - a. Clutch: Minimum 11" double frictional area of 270 sq. in. or better.
 - b. Clutch: Minimum 13" single disc with 178 sq. in. area or better.
10. Rear Axle: Dual reduction, Timken or equal. 21,000 lbs. minimum capacity.
11. Electrical System: 12 volt heavy duty battery
Low cut in generator
40 ampere generator minimum
12. Wheels: Cast Spoke.
13. Rim: 7.5 (Seven (7) required).
14. Tires: Seven (7) 10:00x20 (12 Ply) Seiberling's.
15. Brakes: Full air brakes. Gauge on instrument panel.
16. Gasoline Tank: 40 Gallon capacity or better.
17. Deluxe heater and defroster.
18. Air windshield wipers (2).
19. Directional Signals: Front and rear.
20. Dual mirrors.
21. Tow hooks front.
22. Grab handles side of cab.

Bidders are requested to furnish complete specifications with their bid, of type of equipment specified in the bid.

A check in the amount of Two Hundred Dollars (\$200.00) must accompany the bid as surety for fulfillment of the contract.

Delivery to be made within 60 days of the award of the bid to Corona, Long Island, New York, for installation of packer type bodies.

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.:

...with ...
...in the ...
...
The detailed specifications may be examined at the office of the Clerk, where the same are ...
...of the specifications are available for all prospective ...
...Sealed bids must be received later than 2:30 o'clock P.M. Eastern Standard Time on February 6th, 1956, at which time they will be publicly opened by the Board at a public meeting for that purpose to be held at the Town Hall, corner of Union Street and Broadway, Cheektowaga, New York.

The Town of Cheektowaga reserves the right to reject any, and all or to waive technical details in bids if it be in the public interest of the Town of Cheektowaga.

...to be published by the Board of the Town of Cheektowaga, New York, on January 16, 1956.

KENNETH T. HANLEY,
Town Clerk

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 19th day of January, 1956, and the last insertion being on the 19th day of January, 1956 and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this _____ day of

_____ 1956

Kenneth T. Hanley
Notary Public in and for Erie County

hn 11096-GS

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SERIAL NOTICE
BOND RESOLUTION DATED JANUARY 16, 1956, AUTHORIZING THE ISSUANCE OF \$2,600.00 SERIAL BONDS OF THE TOWN OF CHEEKTOWAGA IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION OF A LATERAL SEWER.

WHEREAS, Sewer District No. 5 hereinafter referred to is a sewer district of the Town of Cheektowaga in the County of Erie, duly established by the Town Board of said Town, pursuant to and in accordance with the provisions of the Town Law of New York, and said Sewer District has constructed and now maintains a trunk system of sewers in said District in accordance with Article 12 of the Town Law of New York, and the lateral sewer hereinafter described is to be connected with said trunk system of sewers and will be entirely within said District, and the purpose, hereinafter described is a special improvement authorized by said Article 12;

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

Section 1. In order to finance the specific object or purpose hereinafter described, the Town of Cheektowaga, in the County of Erie, shall issue its Serial Bonds of the aggregate principal amount of \$2,600.00 pursuant to the Local Finance Law of New York,

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a lateral sewer in Union Road from Redleaf Lane, south, a distance of 340 feet towards Cleveland Drive, so as to serve both sides of said highway, in accord-

ance with a resolution adopted by the Town Board of said Town of Cheektowaga on the 15th day of August, 1955,

Section 3. The expense of making the improvement described in Section 2 of this resolution shall be borne by local assessment upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefitted by such improvement. An amount sufficient to pay the principal of and interest on said Serial Bonds, as the same shall become due, shall be annually apportioned and assessed upon the several Lots and parcels of land especially benefitted by such improvement in proportion to the amount of benefit which the improvement shall confer upon the same, in accordance with Subdivision 2 of Section 231 of the Town Law of New York.

Section 4. It is hereby stated that (a) the maximum cost of said purpose, as estimated by the Town Board is \$2,600.00 and (b) no money has heretofore been authorized to be applied to the payment of the cost of said purpose and (c) the Town Board plans to finance the cost of said purpose entirely from funds raised by the issuance of said Serial Bonds, and (d) all of such costs is to be paid by assessment upon benefitted real property in an area less than the area of said Town.

Section 5. It is hereby determined that said purpose is an object or purpose described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

Section 6. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

Section 7. 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 such Town is not authorized to expend money, or the provisions of law which should be complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 8. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.09 of said Local Finance Law, and such publication shall be in the Depew Herald and Cheektowaga News, a newspaper published in said Town and having a general circulation in the Township.

Section 9. This resolution shall take effect immediately upon its adoption.

The bond resolution published herewith has been adopted on the 16th day of January, 1956 and the validity of the obligations authorized by such bond resolution may be hereafter contested, only if such obligations were authorized for an object or purpose for which the Town of Cheektowaga, in the County of Erie, is not authorized to expend money or if the provisions of law which should have been 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 days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution of New York.

KENNETH T. HANLEY,
Town Clerk of the Town of Cheektowaga, New York

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STATE OF NEW YORK }
COUNTY OF ERIE } ss.:



RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 19th day of January, 1956, and the last insertion being on the 19th day of January, 1956 and that not more than six days intervened between any two publications thereof

Richard G. Bennett

day of

19
Kenneth T. Henley
Notary Public in and for Erie County

STATE OF NEW YORK
COUNTY OF ERIE

RESOLUTION
JANUARY 14, 1956, APPROVED BY THE TOWN BOARD OF CHEEKTOWAGA IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION OF A LATERAL SEWER.

WHEREAS, Sewer District No. 5, hereinafter referred to is a sewer district of the Town of Cheektowaga in the County of Erie, duly established by the Town Board of said Town, pursuant to and in accordance with the provisions of the Town Law of New York, and said Sewer District has constructed and maintains a trunk system of sewerage in said District in accordance with Article 12 of the Town Law of New York; and the lateral sewer hereinafter described is to be connected with said trunk system and will be entirely within said District, and the purpose hereinafter described is a sewer improvement authorized by Article 12;

THEREFORE, **RESOLVED**, by the Town Board of the Town of Cheektowaga in the County of Erie, as follows:

Section 1. In order to finance the object or purpose herein described, the Town of Cheektowaga in the County of Erie, shall issue the Serial Bonds of the principal amount of \$2,600.00 pursuant to the Local Finance Law of New York.

Section 2. The specific object or purpose hereinafter referred to as to be financed is the construction of a lateral sewer in Union Road from Redden Lane, south, a distance of 340 feet towards Cleveland Drive, so as to serve both sides of said highway, in accordance with a resolution adopted by the Town Board of said Town of Cheektowaga on the 14th day of August, 1955.

Section 3. The expense of making the improvement described in Section 2 of this resolution shall be borne by local assessment upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefitted by such improvement. An amount sufficient to pay the principal of and interest on said Serial Bonds, as the same shall become due, shall be annually apportioned and assessed upon the several lots and parcels of land especially benefitted by such improvement in proportion to the amount of benefit which the improvement shall confer upon the same, in accordance with Subdivision 1 of Section 231 of the Town Law of New York.

Section 4. It is hereby stated that (a) the maximum cost of said purpose, as estimated by the Town Board is \$2,600.00 and (b) no money has heretofore been authorized to be applied to the payment of the cost of said purpose and (c) the Town Board plans to finance the cost of said purpose entirely from funds raised by the issuance of said Serial Bonds, and (d) all of such costs is to be paid by assessment upon benefitted real property in an area less than the area of said Town.

Section 5. It is hereby determined that said purpose is an object or purpose described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

Section 6. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

Section 7. 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 said Town is not authorized to ex-

pend money thereon. The validity of such obligations is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 8. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the Depew Herald and Cheektowaga News, a newspaper published in said Town and having a general circulation in the Township.

Section 9. This resolution shall take effect immediately upon its adoption.

The bond resolution published herewith has been adopted on the 14th day of January, 1956 and the validity of the obligations authorized by such bond resolution may be hereafter contested, only if such obligations were authorized for an object or purpose for which the Town of Cheektowaga, in the County of Erie, is not authorized to expend money or if the provisions of law which should have been compiled within 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 days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution of New York.

KENNETH T. HANLEY,
Town Clerk of the Town of Cheektowaga, New York

Item No. 29
adoption:

Councilman Kornecki presented the following resolution and moved its

BOND ANTICIPATION NOTE RESOLUTION, DATED JANUARY 16, 1956, AUTHORIZING THE ISSUANCE OF \$2,600.00 SERIAL BONDS OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION OF A LATERAL SEWER.

BE IT RESOLVED, by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

Section 1. The Board of the Town of Cheektowaga, in the County of Erie, shall issue its bond anticipation notes of the aggregate principal of \$2,600.00, pursuant to the Local Finance Law of New York, in order to finance in Sewer District No.5 of the Town of Cheektowaga the construction of a lateral sewer in Union Road, from Redleaf Lane, south a distance of 340 feet towards Cleveland Drive, so as to serve both sides of said highway, in anticipation of the sale of \$2,600.00 Serial Bonds of the Town of Cheektowaga, in the County of Erie, pursuant to the Local Finance Law, to finance the construction of a lateral sewer as authorized by resolution adopted by the Town Board on the 15th day of August, 1955.

Section 2. As required by the Local Finance Law, it is hereby stated that (a) there are no outstanding Bond Anticipation Notes issued in anticipation of the said Serial Bonds, and (b) the notes authorized by this resolution are not renewal notes, and (c) the notes described in this resolution shall mature within one year from the date of their issue, and (d) such notes are issued in anticipation of bonds for an assessable improvement.

Section 3. Notes issued pursuant to this resolution shall be payable not later than one year from the date of said notes, and shall bear interest at the rate which shall not exceed five per cent (5%) per annum, payable at maturity, The power to prescribe the terms, form the contents of such notes, subject to the provisions of this resolution, and sell and deliver said notes, is hereby delegated to the Town Supervisor. The Town Supervisor and the Town Clerk are hereby directed to sign any notes issued pursuant to this resolution and to affix to such notes the corporate seal of the Town of Cheektowaga,

Seconded by Councilman Wroblewski and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph A. Neibert,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Joseph Trojanski,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

UNITED STATES OF AMERICA
STATE OF NEW YORK
TOWN OF CHEEKTOWAGA

BOND ANTICIPATION NOTE OF 1956

(\$2,600.00)

The Town of Cheektowaga, in the County of Erie, a municipality of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this note the sum of

-----TWO THOUSAND SIX HUNDRED DOLLARS-----

on the 1st day of January, 1957 together with interest thereon from the date hereof at the rate of Two Per Cent (2%) per annum, payable January 1, 1957 and annually thereafter.

Both principal of and interest on this note will be paid in lawful money of the United States of America, at the main office of the Manufacturers and Traders Trust Company, Buffalo, New York.

This note is one of an authorized issue, the aggregate principal amount of which is Two Thousand Six Hundred Dollars (\$2,600.00).

This note is issued pursuant to the provisions of a bond anticipation note resolution dated January 16, 1956, authorizing the issuance of bond anticipation notes of the Town of Cheektowaga, New York, in the amount of Two Thousand Six Hundred Dollars (\$2,600.00) in anticipation of the sale of serial bonds authorized to finance improvements by the construction of a lateral sewer on Union Road, from Redleaf Lane, south, a distance of 340 feet towards Cleveland Drive, in accordance with Town Board resolution of August 15, 1955.

This note may be called for redemption on any date prior to maturity after the giving of at least five days notice of the date of redemption to the holder thereof.

The faith and credit of such Town of Cheektowaga are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of New York, to exist, to have happened and to have been performed precedent to and in the issuance of this note, exist, have happened and have been performed, and that this note, together with all other indebtedness of such Town of Cheektowaga, is within every debt and other limit prescribed by the Constitution and Laws of such State.

IN WITNESS WHEREOF, the Town of Cheektowaga, New York, has caused this note to be signed by its Supervisor and its corporate seal to be hereunto affixed and attested by its Town Clerk and this note to be dated as of the 11th day of January, 1956.

Town of Cheektowaga, Erie County, New York.

BY: Benedict T. Holtz-Supervisor

Attest:

Kenneth T. Hanley, Town Clerk.

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Item No. 30

BOND RESOLUTION DATED JANUARY 16, 1956 AUTHORIZING THE ISSUANCE OF \$11,800.00 SERIAL BONDS OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION OF A LATERAL SEWER (RAYMOND AVENUE FROM WILLIAM STREET TO DOMMER PLACE)

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BOND RESOLUTION
JANUARY 1933
RESOLUTION OF THE TOWN BOARD OF CHEEKTOWAGA IN THE COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION OF A LATERAL SEWER.

WHEREAS, sewer District No. 3, hereinafter referred to, is a sewer district of the Town of Cheektowaga in the County of Erie, duly established by the Town Board of said Town, pursuant to and in accordance with the provisions of the Town Law of New York, and said Sewer District has constructed and now maintains a trunk system of sewers in said District in accordance with Article 12 of the Town Law of New York, and the lateral sewer hereinafter described is to be connected with said trunk system of sewers and will be entirely within said District, and the purpose, hereinafter described is a special improvement authorized by said Article 12.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

Section 1. In order to finance the specific object or purpose, hereinafter described, the Town of Cheektowaga, in the County of Erie, shall issue its Serial Bonds of the aggregate principal amount of \$11,800.00 pursuant to the Local Finance Law of New York.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a lateral sewer in Raymond Avenue extending from William Street, northerly to Downer Place, so as to serve both sides of said highway, in accordance with

waga on the 16th day of January, 1933.

Section 3. The expense of making the improvement described in Section 2 of this resolution shall be borne by local assessment upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefitted by such improvement. An amount sufficient to pay the principal of and interest on said Serial Bonds, as the same shall become due, shall be annually apportioned and assessed upon the several lots and parcels of land especially benefitted by such improvement in proportion to the amount of benefit which the improvement shall confer upon the same, in accordance with Subdivision 2 of Section 231 of the Town Law of New York.

Section 4. It is hereby stated that (a) the maximum cost of said purpose, as estimated by the Town Board is \$11,800.00 and (b) no money has heretofore been authorized to be applied to the payment of the cost of said purpose and (c) the Town Board plans to finance the cost of said purpose entirely from funds raised by the issuance of said Serial Bonds, and (d) all of such costs is to be paid by assessment upon benefitted real property in an area less than the area of said Town.

Section 5. It is hereby determined that said purpose is an object or purpose described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

Section 6. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

of said Serial Bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 8. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the Depew Herald and Cheektowaga News, a newspaper published in said Town and having a general circulation in the Township.

The bond resolution published herewith has been adopted on the 16th day of January, 1933 and the validity of the obligations authorized by such bond resolution may be hereafter contested, only if such obligations were authorized for an object or purpose for which the Town of Cheektowaga, in the County of Erie, is not authorized to expend money or if the provisions of law which should have been 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 days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution of New York.

KENNETH T. HANLEY,
Town Clerk of the Town of Cheektowaga, New York

HERETO ATTACHED IS A COPY OF THE NOTICE PUBLISHED IN THE DEPEW

HERALD-CHEEKTOWAGA NEWS:

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STATE OF NEW YORK
COUNTY OF ERIE



RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

^{Depew} ^{Cheektowaga}
Herald and News

a public newspaper published at Depew, Town of Cheek-
towaga, Erie County, New York, that notice of which the
annexed printed slip taken from said newspaper, is a copy,
was inserted and published therein once a week for
..... *one* week, the first insertion being on the
..... *19th* day of *January* 19*56* and
the last insertion being on the *19th* day of
..... *January* 19*56* and that not
more than six days intervened between any two publi-
cations thereof.

Richard G. Bennett

Sworn to before me this day of

July 20 1956

19.....

Kenneth T. Hanley

Notary Public in and for Erie County

STATE OF NEW YORK
COUNTY OF ERIE

Town of Cheektowaga in the County of Erie pursuant to the Local Finance Law, to finance the construction of a lateral sewer.

WHEREAS, Sewer District No. [redacted] hereinafter referred to, is a sewer district of the Town of Cheektowaga in the County of Erie, was established by the Town Board of said Town, pursuant to and in accordance with the provisions of the Town Law of New York, and said Sewer District has constructed and now maintains a trunk system of sewers in said District in accordance with Article 12 of the Town Law of New York, and the lateral sewer hereinafter described is to be connected with said trunk system of sewers and will be wholly within said District, and the lateral sewer hereinafter described is a public improvement authorized by Article 12.

IT IS THEREFORE RESOLVED, by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

Section 1. In order to finance the object or purpose, herein described, the Town of Cheektowaga, in the County of Erie, is authorized to issue Serial Bonds of the Town of Cheektowaga, in the County of Erie, in the amount of \$11,800.00.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed (pursuant to this resolution is the construction of a lateral sewer in Ray Avenue extending from Wilcox Street, northerly to Downer Street, as to serve [redacted]

Section 3. The specific object or purpose of this resolution shall be deemed to be a public improvement, and the lots and parcels of land [redacted] shall be assessed and assessed upon the amount sufficient to pay the principal of and interest on said bonds, as the same shall be annually assessed and assessed upon the lots and parcels of land [redacted] in proportion to the amount of benefit which the improvement shall confer upon the [redacted] in accordance with Subdivision 4 of Section 231 of the Town Law of New York.

Section 4. It is hereby stated that the maximum cost of said purpose, as estimated by the Town Board, is \$11,800.00 and (b) no money has heretofore been authorized to be applied to the payment of the cost of said purpose and (c) the Town Board plans to finance the cost of said purpose entirely from funds raised by the issuance of said Serial Bonds, and (d) all of such costs is to be paid by assessment upon benefitted real property in an area less than the area of said Town.

Section 5. It is hereby determined that said purpose is an object or purpose described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

Section 6. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

Section 7. 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 such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law [redacted]

of the State Finance Law, and the
the public of possible obligations of
said purpose is thirty years.

Section 6. It is hereby determin-
ed that the proposed maturity of
the obligations authorized by this
resolution will not be in excess of
five years.

Section 7. The validity of said
Serial Bonds or of any bond/anticip-
ation notes issued in anticipation
of the sale of said Serial Bonds may
be contested only if such obliga-
tions are authorized for an object
or purpose for which said Town is
not authorized to expend money,
or the provisions of law which
must be complied with, and an ac-
tion, suit or proceeding contesting
the validity is commenced within
thirty days after the date of such
publication; or if said obligations
were authorized in violation of the
provisions of the Constitution of
the State of New York.

Section 8. This resolution shall
be published in full by the Town
of said Town, together with
the form in substantially the form
prescribed by Section 21.40 of said
Finance Law, and such pub-
lication shall be in the Dapew Har-
bor and Cheektowaga News, a news-
paper published in said Town and
having a general circulation in the
Town.

The bond resolution published
herewith has been adopted on the
15th day of January, 1959 and the
validity of the obligations author-
ized by such bond resolution may be
contested, only if such
obligations were authorized for an
object or purpose for which the
Town of Cheektowaga, in the
County of Erie, is not authorized
to expend money or if the provis-
ions of law which must be complied
with, and an action, suit or proceed-
ing contesting the validity is com-
menced within thirty days after the date
of publication of this notice, or
if said obligations were authorized in
violation of the provisions of the
Constitution of New York.

WILLIAM T. HANLEY,
Town Clerk of the Town of
Cheektowaga, New York

Item No. 31
its adoption:

Councilman Wroblewski presented the following resolution and moved

BOND ANTICIPATION NOTE RESOLUTION DATED JANUARY
16, 1956, AUTHORIZING THE ISSUANCE OF \$11,800.00
SERIAL BONDS OF THE TOWN OF CHEEKTOWAGA, IN THE
COUNTY OF ERIE, PURSUANT TO THE LOCAL FINANCE LAW,
TO FINANCE THE CONSTRUCTION OF A LATERAL SEWER

(RAYMOND AVENUE EXTENDING FROM WILLIAM STREET
NORTHERLY TO DOMMER PLACE)

BE IT RESOLVED, by the Town Board of the Town of Cheektowaga,
in the County of Erie, as follows:

Section 1. The Board of the Town of Cheektowaga, in the County of
Erie, shall issue its Bond Anticipation Notes of the aggregate principal amount
of \$11,800.00, pursuant to the Local Finance Law of New York, in order to finance
in Sewer District No. 3 of the Town of Cheektowaga the construction of a lateral
sewer in RAYMOND AVENUE, extending from William Street, northerly to Dommer Place,
so as to serve both sides of said highway, in anticipation of the sale of \$11,800.00
Serial Bonds of the Town of Cheektowaga, in the County of Erie, pursuant to the
Local Finance Law, to finance the construction of a lateral sewer, as authorized
by resolution adopted by the Town Board on the 8th day of August, 1955.

Section 2. As required by the Local Finance Law, it is hereby
stated that (a) there are no outstanding Bond Anticipation Notes issued in
anticipation of the said Serial Bonds, and (b) the notes authorized by this
resolution are not renewal notes, and (c) the notes described in this resolution
shall mature within one year from date of their issue, and (d) such notes are
issued in anticipation of bonds for an assessable improvement.

Section 3. Notes issued pursuant to this resolution shall be payable
not later than one year from the date of said notes, and shall bear interest at a
rate which shall not exceed five per cent (5%) per annum, payable at maturity. The
power to prescribe the terms, form and contents of such notes, subject to the
provisions of this resolution, and to sell and deliver said notes, is hereby delegated
to the Town Supervisor. The Supervisor and the Town Clerk are hereby directed to
sign any notes issued pursuant to this resolution and to affix to such notes the
corporate seal of the Town of Cheektowaga.

Seconded by Councilman Bystrak and duly put to a vote which resulted
as follows:

Supervisor Councilman		Voting AYE
	Benedict T. Holts	■ ■
	Stanley R. Bystrak	■ ■
■	Henry J. Nagel	■ ■
■	Felix T. Wroblewski	■ ■
■	Joseph A. Neibert	■ ■
■	Joseph Kornecki	■ ■
■	Joseph Trojanosky	■ ■

CARRIED: AYES: -7-

NOES: -0-

ABSENT: -0-

UNITED STATES OF AMERICA
STATE OF NEW YORK
TOWN OF CHEEKTOWAGA

BOND ANTICIPATION NOTES OF 1956 (\$8,000.00)

The Town of Cheektowaga, in the County of Erie, a municipality
of the State of New York, hereby acknowledges itself indebted and for value received
promises to pay to the bearer of this note the sum of

-----EIGHT THOUSAND DOLLARS-----

on the 1st day of January, 1957, together with interest thereon from the date hereof at
the rate of two per cent (2%) per annum, payable January 1, 1957, and annually thereafter

Both principal of and interest on this note will be paid in
lawful money of the United States of America, at the main office of the Manufacturers
& Traders Trust Company, Buffalo, New York.

This note is one of an authorized issue, the aggregate principal
amount of which is Eleven Thousand Eight Hundred Dollars (\$11,800.00).

This note is issued pursuant to the provisions of a Bond Anticipation Note Resolution dated January 16, 1956, authorizing the issuance of Bond Anticipation Notes of the Town of Cheektowaga, New York, in the amount of Eleven Thousand Eight Hundred Dollars (\$11,800.00), in anticipation of the sale of Serial Bonds authorized to finance improvement by the construction of a lateral sewer on Raymond Avenue, extending from William Street, northerly to Downer Place, in accordance with the Town Board Resolution of August 8th, 1955.

This note may be called for redemption on any date prior to maturity after the giving of at least five days notice of the date of redemption to the holder thereof.

The faith and credit of such Town of Cheektowaga are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of New York, to exist, to have happened and to have been performed precedent to and in the issuance of this note, exist, have happened and have been performed, and that this note, together with all other indebtedness of such Town of Cheektowaga, is within every debt and other limit prescribed by the Constitution and Law of such State.

IN WITNESS WHEREOF, the Town of Cheektowaga, New York, has caused this note to be signed by its Supervisor, and its corporate seal to be hereunto affixed and attested by its Town Clerk and this note to be date as of the 11th day of January, 1956.
TOWN OF CHEEKTOWAGA, NEW YORK
BY: Benedict T. Holts, Supervisor

ATTEST: Kenneth T. Hanley, Town Clerk.

Item No. 32

LEGAL NOTICE
CAPITAL NOTE RESOLUTION,
DATED JANUARY 16, 1956,
AUTHORIZING THE ISSUANCE
OF \$20,000.00 CAPITAL NOTES
OF THE TOWN OF CHEEKTOWAGA,
IN THE COUNTY OF ERIE,
PURSUANT TO THE LOCAL FINANCE LAW,
TO FINANCE THE ACQUISITION OF
HIGHWAY MACHINERY.

BE IT RESOLVED by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

Section 1. The Town of Cheektowaga, in the County of Erie, shall issue its Capital Notes of the aggregate principal amount of \$20,000.00 pursuant to the Local Finance Law of New York, in order to finance the specific purpose hereinafter described.

Section 2. The specific purpose (hereinafter referred to as "purpose"), to be financed by the issuance of such Capital Notes, is the acquisition of machinery or apparatus for highway construction or maintenance and consists of a four wheel drive truck with dump body at an estimated maximum cost of \$22,929.00 and (b) no money has heretofore been authorized to be applied to the payment of the cost of such purpose other than \$229.00 which has been made available therefor by budgetary appropriation, which has not lapsed together

with trade-in allowance for old truck of \$1,800.00, and (c) the Town Board plans to finance the cost of said purpose entirely from funds raised by the issuance of said Capital Notes and by money appropriated by said budgetary appropriation and by trade-in allowances on old truck.

Section 4. It is hereby determined that said purpose is an object or purpose described in Subdivision 28 of Paragraph A of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five years.

Section 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of December 31, 1958.

Section 6. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the Depew Herald and Cheektowaga News, a newspaper published and having a general circulation in said Town. The validity of said Capital Notes or of any bond anticipation notes issued in anticipation of the sale of said Capital Notes may be contested only if such obligations are authorized for an object or purpose for which said Town is not

authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or if said obligations are authorized in violation of the provisions of the constitution of New York.

Section 7. This resolution shall take effect immediately upon its adoption.

The capital note resolution published herewith has been adopted on the 16th day of January, 1956, and the validity of the obligations authorized by such bond resolution may be hereafter contested, only if such obligations were authorized for an object or purpose for which the Town of Cheektowaga, in the County of Erie, is not authorized to expend money or if the provisions of law which should have been 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 days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution of New York.

KENNETH T. HANLEY,
Town Clerk of the Town of Cheektowaga, New York

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Hereto attached is a copy of the Notice published in the Depew Herald-Cheektowaga News:

ss.:

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

^{Depew} ^{Cheektowaga}
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for

..... *one* week, the first insertion being on the

..... *19th* day of *January*, 19*56* and

the last insertion being on the *19th* day of

..... *January* 19*56* and that not

more than *six* days intervened between any two publi-

cations thereof.

Richard G. Bennett

e Polic

**Kemp Urges Girls
To Consider Nursing**
"Nursing as a Career" was the subject chosen by Clarence Kemp, teacher and band director at Eastern High School, as he spoke before the Future Nurses Club last week.
Mr. Kemp used the Good Samaritan and by trade-in allowances on old trucks.

Sworn to before me this day of

..... *January* 19*56*

Kenneth T. Hanley
Notary Public in and for Erie County

Item No. 32 - Cont'd

STATE OF NEW YORK
COUNTY OF ERIE

... OF CHEEKTOWAGA
... THE COUNTY OF
... ACCORDANT TO THE LO-
... FINANCE LAW, TO FI-
... THE ACQUISITION OF
... HIGHWAY MACHINERY.

RESOLVED by the Town
of the Town of Cheektowaga,
the County of Erie, as

1. The Town of Cheektowaga,
the County of Erie, shall
issue Capital Notes of the aggregate
principal amount of \$20,000.00
under the Local Finance Law
of the State of New York, in order to finance
the specific purpose hereinafter de-

2. The specific purpose
referred to as "pur-
to be financed by the issue
such Capital Notes, is the
of machinery or appe-
highway construction of
and consists of a four
truck with dump body
estimated maximum cost of
and (b) no money has
been authorized to be

Sworn to before me this

1956

Kenneth T. Hanley
Notary

hn 11098-C8

applied to the payment of the cost substantially complied with, and an
of such purpose other than \$929.00 action, suit or proceeding contest-
which has been made available, ing such validity is commenced
therefor by budgetary appropria- within twenty days after the date
tion, which has not lapsed together of publication of this notice; or such
with trade-in allowance for old obligations were authorized in vio-
truck of \$1,500.00, and (c) the Town lation of the provisions of the Con-
Board plans to finance the cost of stitution of New York.

KENNETH T. HANLEY,
Town Clerk of the Town of
Cheektowaga, New York

Section 4. It is hereby determin-
ed that said purpose is an object
of purpose described in Subdivi-
sion 28 of Paragraph A of Section
11.00 of the Local Finance Law,
and that the period of probable
usefulness of said purpose is five
years.

Section 5. It is hereby determin-
ed that the proposed maturity of
the obligations authorized by this
resolution will not be in excess of
December 31, 1958.

Section 6. This resolution shall
be published in full by the Town
Clerk of said Town, together with
a notice in substantially the form
prescribed by Section 11.00 of said
Local Finance Law, and such pub-
lication shall be in the Depew Her-
ald and Cheektowaga News, a
newspaper published and having a
general circulation in said Town.
The validity of said Capital Notes
and the obligations thereon shall be
subject to the provisions of the
Local Finance Law of the State of
New York, and to the provisions of
the Local Finance Law of the State
of New York, in order to finance
the specific purpose hereinafter de-

Section 7. This resolution shall
take effect immediately upon its
adoption.
The capital note resolution pub-
lished herewith has been adopted
on the 16th day of January, 1956,
and the validity of the obligations
authorized by such bond resolution
may be hereafter contested, only
if such obligations were authorized
for an object or purpose for which
the Town of Cheektowaga, in the
County of Erie, is not authorized
to expend money or if the provi-
sions of law which should have been
complied with as of the date of
publication of this notice were not

Capital Note Resolution

Councilman Kornecki presented the following resolution and moved its adoption:

WHEREAS, a bond anticipation note of 1955, designated as Note No. 4 in the sum of \$150,000.00 by its terms became due on the 11st day of January, 1956 at the Manufacturers and Traders Trust Company of Buffalo, New York, and

WHEREAS, this note is one of an authorized issue the aggregate amount of which is \$950,000.00 issued pursuant to a bond anticipation note resolution dated December 20, 1954, and

WHEREAS, the bonds referred to in said resolution have not as yet been paid.

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to renew said note for a period of six months on the same terms and conditions as the original note except as to the date of payment.

Seconded by Councilman Wroblewski and duly put to a vote, which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting	<u>Aye</u>
Councilman	Joseph A. Neibert,	Voting	<u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting	<u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting	<u>Aye</u>
Councilman	Henry J. Nagel,	Voting	<u>Aye</u>
Councilman	Joseph Kornecki,	Voting	<u>Aye</u>
Councilman	Joseph Trojanosky,	Voting	<u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

UNITED STATES OF AMERICA

STATE OF NEW YORK

COUNTY OF ERIE

TOWN OF CHEEKTOWAGA

BOND ANTICIPATION NOTE OF 1955

Renewal of Note No. 4

\$150,000.00

The Town of Cheektowaga, in the County of Erie, a municipality of the State of New York, hereby acknowledges itself indebted and for value received to pay to the bearer of this note the sum of

----- ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)-----

on the 11th day of July, 1956, together with interest thereon from the date hereof at the rate of two per cent (2%) per annum, payable July 11, 1956, and annually thereafter.

Both principal of and interest on this note will be paid in lawful money of the United States of America, at the Main Office of the Manufacturers and Traders Trust Company, Buffalo, New York.

This note is one of an authorized issue, the aggregate principal amount of which is Nine Hundred and Fifty Thousand Dollars (\$950,000.00).

This note is issued pursuant to the provisions of a bond anticipation note resolution, dated December 20, 1954, authorizing the issuance of bond anticipation notes of the Town of Cheektowaga, New York, in the amount of Nine Hundred and Fifty Thousand Dollars (\$950,000.00), in anticipation of the sale of serial bonds authorized to finance improvements in Sewer District No. 5, in accordance with the Town Board resolution of December 20, 1954.

The faith and credit of such Town of Cheektowaga are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this note, exist, have happened performed, and that this note, together with all other indebtedness of such Town of Cheektowaga is within every debt and other limit prescribed by the Constitution and Laws of such State.

Item No. 33 cont'd

IN WITNESS WHEREOF, the Town of Cheektowaga, New York, has caused this note to be signed by its Supervisor and its corporate seal to be hereunto affixed and attested by its Town Clerk and this note to be dated as of the 11th day of January, 1956.

TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

BY: Benedict T. Holtz, Supervisor

ATTEST: Kenneth T. Hanley, Town Clerk

LEGAL NOTICE

Councilman Wroblewski moved, seconded by Councilman Neibert, that the herienafter decision of the Zoning Board of Appeals be upheld:

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of BERTA ALLGAIER To rezone from a Residential District to a Business District the property hereinafter described.

The petitioner seeks to have rezoned from a Residential District to a Business District a parcel of land 87.59 feet on the east side of Harlem Road with a depth of 377.10 feet on the north side of

Danbury Drive, to be used for retail store and office buildings.

A hearing was held on this application on the 16th day of November, 1955 before the Zoning Board of Appeals. A large group of property owners appeared and objected to the rezoning and urged that this property remain in the Residential District.

The Zoning Board of Appeals inspected the property as well as other property in the immediate area and do not believe that property facing Harlem Road is any longer adaptable for residence purposes. We do not believe however that the application to rezone more than a depth of 200 feet on the north side of Danbury Drive should be permitted.

We recommend to the Town Board, the property of the petitioner on the east side of Harlem Road at its intersection with the north side of Danbury Drive be rezoned from a Residential District to a Business District for a width of 87.59 on the east side of Harlem Road and a depth of 200 feet on the north side of Danbury Drive. be granted.

Dated: December 12, 1955.

Leo Kurnick, Chairman
Charles G. Hanson
Lawrence M. Januszcyk
Michael L. Henfling

Dated: January 16, 1956.

KENNETH T. HANLEY
Town Clerk

119

STATE OF NEW YORK
COUNTY OF ERIE

ss.:



RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 19th day of January, 1956 and the last insertion being on the 19th day of January, 1956 and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

20, 1956, 19.....

Kenneth T. Hanley

Notary Public in and for Erie County

hn 11096-C8

The above Notice was posted on the Town Hall Bulletin Board on the 20th day of January, 1956.

LEGAL NOTICE

Councilman Wroblewski moved, seconded by Councilman Nelbert, that the hereinafter decision of the Zoning Board of Appeals be upheld:

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of BERTA ALLGAIER

To rezone from a Residential District to a Business District the property hereinafter described.

The petitioner seeks to have rezoned from a Residential District to a Business District a parcel of land 87.59 feet on the east side of Harlem Road with a depth of 377.10 feet on the north side of

Danbury Drive, to be used for retail store and office buildings.

A hearing was held on this application on the 16th day of November, 1955 before the Zoning Board of Appeals. A large group of property owners appeared and objected to the rezoning and urged that this property remain in the Residential District.

The Zoning Board of Appeals inspected the property as well as other property in the immediate area and do not believe that property facing Harlem Road is any longer adaptable for residence purposes. We do not believe however that the application to rezone more than a depth of 200 feet on the north side of Danbury Drive should be permitted.

We recommend to the Town Board, the property of the petitioner on the east side of Harlem Road at its intersection with the north side of Danbury Drive be rezoned from a Residential District to a Business District for a width of 87.59 on the east side of Harlem Road and a depth of 200 feet on the north side of Danbury Drive, be granted.

Dated: December 12, 1955.

Leo Kurnick, Chairman
Charles G. Hanson
Lawrence M. Januszcyk
Michael L. Henfling

Dated: January 16, 1956.

KENNETH T. HANLEY
Town Clerk

119

STATE OF NEW YORK
COUNTY OF ERIE

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of BERTA ALLGAIER

To rezone from a Residential District to a Business District the property hereinafter described.

The petitioner seeks to have rezoned from a Residential District to a Business District a parcel of land 87.59 feet on the east side of Harlem Road with a depth of 377.10 feet on the north side of Danbury Drive, to be used for retail store and office buildings.

A hearing was held on this application on the 16th day of November, 1955 before the Zoning Board of Appeals. A large group of property owners appeared and objected to the rezoning and urged that this property remain in the Residential District.

The Zoning Board of Appeals inspected the property as well as other property in the immediate area and do not believe that property facing Harlem Road is any longer adaptable for residence purposes. We do not believe however that the application to rezone more than a depth of 200 feet on the north side of Danbury Drive should be permitted.

We recommend to the Town Board, the property of the petitioner on the east side of Harlem Road at its intersection with the north side of Danbury Drive be rezoned from a Residential District to a Business District for a width of 87.59 on the east side of Harlem Road and a depth of 200 feet on the north side of Danbury Drive, be granted.

Dated: December 12, 1955.

Leo Kurnick, Chairman
Charles G. Hanson
Lawrence M. Januszcyk
Michael L. Henfling

Dated: January 16, 1956.

KENNETH T. HANLEY
Town Clerk

119

LEGAL NOTICE

Councilman Wroblewski moved, seconded by Councilman Trojanosky, that the hereinafter decision of the Zoning Board of Appeals be upheld:

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of H. WILLIAM DERRICK, Jr. To rezone from a Residential District to a First Industrial District the property hereinafter described.

The property is located on Duke Road, which was formerly Walden Avenue. It is the intention of the petitioner to erect on the property buildings to manufacture screen-

ing machinery.

A hearing was held on this application before the Zoning Board of Appeals on December 21, 1955. No one appeared in opposition.

The members of the Zoning Board of Appeals inspected the property which is located in an area no longer adaptable for residence use. In fact many industries are located on Walden Avenue and same on Duke Road.

We recommend that the application to rezone the property hereinafter described from a Residential District to a First Industrial District be granted.

DESCRIPTION OF PROPERTY
Part of Lot 16, T. 11, R. 7, Town of Cheektowaga Erie County, N. 329

Y. North side of Duke Road the east line being the boundary between Steffen and Lenz. The east line is parallel with east line of lot 16 and 750.66 feet measured to center line of Union Road, extending 703.77' north from Duke Road. The north line of lot 16 and extends 300.00' west. The west line is parallel to the east lot line of lot 16 and measures 910.81', south to Duke Road.

Dated: January 13, 1956.

Leo Kurnick, Chairman
C. G. Hanson
Lawrence M. Januszczak

Dated: January 16, 1956.

KENNETH T. HANLEY,
Town Clerk

STATE OF NEW YORK
COUNTY OF ERIE

ss.:

DECISION OF ZONING BOARD OF APPEALS

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of H. WILLIAM DERRICK, Jr. To rezone from a Residential District to a First Industrial District the property hereinafter described.

The property is located on Duke Road, which was formerly Walden Avenue. It is the intention of the petitioner to erect on the property buildings to manufacture screen-

ing machinery.

A hearing was held on this application before the Zoning Board of Appeals on December 21, 1955. No one appeared in opposition.

The members of the Zoning Board of Appeals inspected the property which is located in an area no longer adaptable for residence use. In fact many industries are located on Walden Avenue and same on Duke Road.

We recommend that the application to rezone the property hereinafter described from a Residential District to a First Industrial District be granted.

DESCRIPTION OF PROPERTY
Part of Lot 16, T. 11, R. 7, Town of Cheektowaga Erie County, N. 329

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 19th day of January, 1956, and the last insertion being on the 19th day of January, 1956 and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

....., 19.....

Kenneth T. Hanley
Notary Public in and for Erie County

hn 11096-C8

The above Notice was posted on the Town Hall Bulletin Board on the 20th day of January, 1956.

LEGAL NOTICE

Councilman Wroblewski moved, seconded by Councilman Trojansky, that the hereinafter decision of the Zoning Board of Appeals be upheld:

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of H. WILLIAM DERRICK, Jr. To rezone from a Residential District to a First Industrial District the property hereinafter described.

The property is located on Duke Road, which was formerly Walden Avenue. It is the intention of the petitioner to erect on the property buildings to manufacture screen-

ing machinery.

A hearing was held on this application before the Zoning Board of Appeals on December 21, 1955. No one appeared in opposition.

The members of the Zoning Board of Appeals inspected the property which is located in an area no longer adaptable for residence use. In fact many industries are located on Walden Avenue and some on Duke Road.

We recommend that the application to rezone the property hereinafter described from a Residential District to a First Industrial District be granted.

DESCRIPTION OF PROPERTY

Part of Lot 16, T. 11, R. 7, Town of Cheektowaga Erie County, N. 219

Y. North side of Duke Road the east line being the boundary between Steffen and Lenz. The east line is parallel with east line of lot 16 and 750.66 feet measured to center line of Union Road, extending 703.77' north from Duke Road. The north line of lot 16 and extends 300.00' west. The west line is parallel to the east lot line of lot 16 and measures 910.81', south to Duke Road.

Dated: January 13, 1956.

Leo Kurnick, Chairman
C. G. Hanson

Lawrence M. Januszczak
Dated: January 16, 1956.
KENNETH T. HANLEY,
Town Clerk

**STATE OF NEW YORK
COUNTY OF ERIE**

... Councilman Trojansky, that the hereinafter decision of the Zoning Board of Appeals be upheld:

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of H. WILLIAM DERRICK, Jr. To rezone from a Residential District to a First Industrial District the property hereinafter described.

The property is located on Duke Road, which was formerly Walden Avenue. It is the intention of the petitioner to erect on the property buildings to manufacture screen-

ing machinery.

A hearing was held on this application before the Zoning Board of Appeals on December 21, 1955. No one appeared in opposition.

The members of the Zoning Board of Appeals inspected the property which is located in an area no longer adaptable for residence use. In fact many industries are located on Walden Avenue and some on Duke Road.

We recommend that the application to rezone the property hereinafter described from a Residential District to a First Industrial District be granted.

DESCRIPTION OF PROPERTY

Part of Lot 16, T. 11, R. 7, Town of Cheektowaga, Erie County, N. Y.

North side of Duke Road the east line being the boundary between Steffen and Lenz. The east line is parallel with east line of lot 16 and 750.66 feet measured to center line of Union Road, extending 703.77' north from Duke Road. The north line of lot 16 and extends 300.00' west. The west line is parallel to the east lot line of lot 16 and measures 910.81', south to Duke Road.

Dated: January 13, 1956.

Leo Kurnick, Chairman
C. G. Hanson

Lawrence M. Januszczak
Dated: January 16, 1956.
KENNETH T. HANLEY,
Town Clerk

The above Notice was of January, 1956.

LEGAL NOTICE

Councilman Neibert moved, seconded by Councilman Trojanosky, that the hereinafter decision of the Zoning Board of Appeals be upheld:

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of RALPH FUDOLI, ET AL To rezone from a Residential District to a Business District the property hereinafter described.

The property sought to be rezoned is located at the northwest corner of Transit Road and Rein Road and contains approximately 15.89 acres of land.

The petitioner requests the property to be rezoned for the construction of a shopping plaza containing retail stores of various descriptions.

A public hearing was held on this

application before the Zoning Board of Appeals on December 21, 1955. Members of the Zoning Board of Appeals inspected the property. Portions of this property could be used for residential purposes and should not be rezoned for business purposes unless the petitioner actually constructs on the property a shopping plaza. Such a construction would require a large parking area.

(We recommend that the entire property be rezoned from a Residential District to a Business District providing there is constructed thereon a shopping plaza which requires the entire depth of the property for either buildings or parking area.

DESCRIPTION OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Cheektowaga, Erie County, New York, being a part of Lot 75 and located at the northwest corner of Transit Road and Rein Road,

bounded and described as follows: Commencing at the intersection of the center line of Transit Road and the center line of Rein Road running; westerly therefrom 1711.11 feet; thence northerly 410.18 feet; thence easterly 1706.17 feet to the center line of Transit Road; thence southerly 400.10 feet along the center line of Transit Road to the place of beginning; containing 15.89 acres more or less. Excepting therefrom so much of said property as fronts on Transit Road and extending therefrom a depth of 150 feet, which said portion of the premises has already been zoned for business.

Dated: January 13, 1956.

Leo Kurnick, Chairman
C. G. Hanson

Lawrence M. Januszczyk

Dated: January 16, 1956.

KENNETH T. HANLEY,
Town Clerk

STATE OF NEW YORK
COUNTY OF ERIE

ss.:

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 19th day of January, 1956 and the last insertion being on the 19th day of January, 1956 and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

January 1956

....., 19.....

Kenneth T. Hanley

Notary Public in and for Erie County

hn 11096-C8

The above Notice was posted on the Town Hall Bulletin Board on the 20th day of January, 1956.

... 120.13 feet;
 ... 170.17 feet to the
 ...
 ... of Transit Road to the
 ... of ... containing 15.89
 ... or less. Shopping
 ... as fronts on Transit Road and
 ... extending therefrom a depth of 150
 ... feet, which said portion of the
 ... has already been zoned
 ...

Date: January 13, 1956.
 Leo Kurnick, Chairman
 C. G. Hanson
 Lawrence M. Januszczyk
 Date: January 16, 1956.
 KENNETH T. HANLEY,
 Town Clerk

... by ...
 ... the hereinafter decision of the
 ... Board of Appeals be up-
 ...

DECISION OF ZONING BOARD OF APPEALS

In the Matter of the Application of **RALPH FUDOLI, ET AL.** to rezone from a Residential District to a Business District the property hereinafter described.

The property sought to be rezoned is located at the northwest corner of Transit Road and Rein Road and contains approximately 15.89 acres of land.

The petitioner requests the property to be rezoned for the construction of a shopping plaza consisting retail stores of various descriptions.

A public hearing was held on this application before the Zoning Board of Appeals on December 21, 1955. Members of the Zoning Board of Appeals inspected the property. Portions of this property could be used for residential purposes and should not be rezoned for business purposes unless the petitioner actually constructs on the property a shopping plaza. Such a construction would require a large parking area.

We recommend that the entire property be rezoned from a Residential District to a Business District providing there is construction of a shopping plaza which requires the entire depth of the property for either buildings or parking area.

DESCRIPTION OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Cheektowaga, Erie County, New York, being a part of Lot 75 and located at the northwest corner of Transit Road and Rein Road, bounded and described as follows: Commencing at the intersection of the center line of Transit Road and the center line of Rein Road run-

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 PUBLISHER
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Herald and News

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one week, the first insertion being on the 19th day of January, 1956 and the last insertion being on the 19th day of January, 1956 and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

day of
 19
Hanley
 Public in and for Erie County

The above Notice was posted on the Town Hall Bulletin Board on the 20th day of January, 1956.

Item No. 37 Councilman Kornecki moved, seconded by Councilman Wroblewski, that all claims presented at this meeting for audit be approved and that the Town Clerk be authorized and directed to draw a warrant on the Supervisor for payment of same. (Warrant No. 64 to Warrant No. 168, inclusive, drawn on the Supervisor).

Item No. 38 Councilman Nagel moved, seconded by Councilman Kornecki, to adjourn.

SEAL

Kenneth T. Hanley, Town Clerk.

Kenneth T. Hanley

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 21st day of January, 1956, at 11:00 o'clock A.M., E.S.T., there were:

PRESENT: Benedict T. Holtz	Supervisor
Joseph A. Neibert	Councilman
Stanley R. Bystrak	"
Felix T. Wroblewski	"
Henry J. Nagel	"
Joseph Kornecki	"
Joseph Trojansky	"

Also present was Town Attorney George B. Doyle.

Item No. 2 Due to the absence of Town Clerk Kenneth T. Hanley, Town Attorney Doyle was designated to act a Clerk for this special meeting.

Item No. 3 Councilman Trojansky presented the following resolution and moved its adoption:

WHEREAS, the Capital Note Resolution hereinafter referred to has taken effect in accordance with law and the Town Board desires to make provisions for the issuance of the bonds authorized by said Capital Note Resolution; NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

(1) Capital Notes of the Town of Cheektowaga, in the County of Erie, of the aggregate principal amount of \$20,000.00 shall be issued pursuant to the Capital Note Resolution entitled "Capital Note Resolution, dated January 16, 1956 authorizing the issuance of \$20,000.00 capital notes of the Town of Cheektowaga, in the County of Erie, pursuant to the Local Finance Law, to finance the acquisition of highway machinery". Said Capital Notes shall be designated "Highway Machinery Capital Notes, Series a, 1956". Said Capital Notes shall consist of two notes of the denomination of \$10,000.00 each, numbered 1&2, in the order of their maturity and shall constitute as issue of Capital Notes payable in annual installments on April 1st in each of the years 1957 and 1958.

(2) All of said Capital Notes shall be dated as of a date subsequent to January 16, 1956 and shall bear interest from their date at the rate of 2% per annum. The interest on the Capital Notes shall be payable on April 1, 1956 and thereafter on each April 1 and October 1.

(3) Both principal of and interest on said capital notes shall be payable at the Manufacturers and Traders Trust Company of Buffalo, in Buffalo, New York, in any coin or currency of the United State of America which at the time of payment is legal tender for the payment of public and private debts.

(4) Each of said Capital Notes shall be payable to bearer and shall be convertible into registered capital note. Each of said capital notes shall be executed by the Town Supervisor of said town and shall be attested by the Town Clerk of said Town. Each of said Capital Notes shall be sealed with the seal of said Town.

(5) The power to prescribe the terms, form and contents of said capital notes, subject to the provisions of this resolution are hereby delegated to the Town Supervisor. Said Capital Notes shall be sold to the Manufacturers and Traders Trust Company of Buffalo, New York, at private sale and shall bear an interest rate of 2% per annum.

(6) The faith and credit of the Town are hereby pledged to the payment of said bonds and the interest thereon as the same become due and payable.

Seconded by Councilman Kornecki and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting	<u>Aye</u>
Councilman	Joseph A. Neibert,	Voting	<u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting	<u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting	<u>Aye</u>
Councilman	Henry J. Nagel,	Voting	<u>Aye</u>
Councilman	Joseph Kornecki,	Voting	<u>Aye</u>
Councilman	Joseph Trojansky,	Voting	<u>Aye</u>

Item No. 4 Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, the Bond Resolution hereinafter referred to has taken effect in accordance with law and the Town Board desires to make provision for the issuance of the bonds authorized by said Bond Resolution; NOW, THEREFORE

BE IT RESOLVED by the Town Board of the Town of Cheektowaga, in the County of Erie, as follows:

(1) Bonds of the Town of Cheektowaga, in the County of Erie, of the aggregate principal amount of \$950,000 shall be issued pursuant to the bond resolution entitled "Bond Resolution, dated December 20, 1954, authorizing the issuance of \$950,000 Serial Sewer District No. 5 bonds of the Town of Cheektowaga, in the County of Erie, pursuant to the Local Finance Law". Said bonds shall be designated "Serial Sewer District No. 5 Bonds". Said bonds shall consist of nine hundred and fifty bonds of the denomination of \$1,000 each, numbered from 1 to 950, inclusive, in the order of their maturity, and shall constitute an issue of bonds payable in annual installments on October 1 in each year as follows: \$28,000 in each of the years 1956 to 1965, inclusive, \$35,000 in each of years 1966 to 1975, inclusive, and \$40,000 in each of the years 1976 to 1983, inclusive.

(2) All of said bonds shall be dated January 1, 1956 and shall bear interest from their date at a rate which shall not exceed 5% per annum. The interest on the bonds shall be payable on April 1, 1956 and thereafter on each April 1 and October 1.

(3) Both principal and interest on said bonds shall be payable at the Manufacturers and Traders Trust Company of Buffalo, in Buffalo, New York, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts,

(4) Each of said bonds shall be payable to bearer with coupons attached for the payment of interest to bearer and such bond shall be convertible into a registered bond. Each of said bonds shall be executed by the Town Supervisor of said Town and shall be attested by the Town Clerk, of said Town. Each of said bonds shall be sealed with the seal of said Town. Each of the interest coupons to be attached to said bonds shall be authenticated by the facsimile signature of said Town Supervisor.

(5) The power to prescribe the terms, form and contents of said Serial Bonds, subject to the provisions of this resolution and all powers and duties pertaining or incidental to the sale and issuance of said Serial Bonds, are hereby delegated to the Town Supervisor. Said bonds shall bear interest at the rate specified in the proposal to purchase said bonds which shall be accepted by the Town Supervisor at the public sale of said bonds,

(6) The faith and credit of the Town are hereby pledged to the payment of said bonds and the interest thereon as the same become due and payable.

Seconded by Councilman Kornecki and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Joseph A. Neibert,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

Item No. 5 Councilman Nagel moved seconded by Councilman Wroblewski to adjourn.

George B. Doyle,
Acting Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 6th day of February, 1956, at 2:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Harry J. Nagel	Councilman
Felix T. Wroblewski	"
Joseph Kornecki	"
Joseph Trojanosky	"
Joseph A. Neibert	"
Stanley R. Bystrak	"

ABSENT: Benedict T. Holts	Supervisor
---------------------------	------------

Also present were: Town Clerk Kenneth T. Hanley; Town Attorney George B. Doyle; General Foreman John Eberl; Building Inspector Carl J. Trafalski and Justice of the Peace Joseph Pyszczynski.

Item No. 2 On a motion by Councilman Neibert, seconded by Councilman Bystrak, Councilman Wroblewski was designated to act as chairman of this meeting due to the absence of Supervisor Holts.

Item No. 3 The Town Clerk advised the Town Board that a copy of the minutes of the previous meeting has been placed on their desk in the Council Chamber.

Item No. 4 ANNUAL REPORT OF THE TOWN HISTORIAN

As required by law, I offer the following report of the activities during 1955, of the Office of the Town Historian of the Town of Cheektowaga:

The year 1955 has been as busy for this office, as in the past years. However the printed material added to the Cheektowaga Historical Atlas has not been in the same volume as in previous years. During the past year I have spent a great deal of time in research, in Erie County and in Albany, on material pertaining to the time prior to the establishment of the township as such. This research material will be reproduced and used in many ways in the Atlas during 1956.

On a statewide basis, I brought the activities of Cheektowaga's Town Historian to the public on three different occasions. I was again privileged to be member of the staff of experts at the Seminars on American Culture, in Cooperstown, NY during early July. While there I presented material on historic tours, as well as having many conferences with those who wanted advice or information about the work on the Atlas. The University of Buffalo sponsored its first Congress for Local Historical Societies in late July. I headed one of the four sessions, as well as appearing on a panel in another session. The only exhibit there, was one I prepared from maps in the town's collection and ones reproduced in the Atlas. Afterwards, I was officially congratulated as being the one who had contributed most in making the Congress a success.

The highlight of the statewide appearances was when I was chosen to be Town Historian for the Model Town Board of the New York State Association of Towns last February. At that time, the Cheektowaga Historical Atlas was presented to that board, which of course gave Cheektowaga statewide recognition. I also appeared on the Local Historians session during the Association meeting.

During the year 1955, as Town Historian, I gave 8 talks to local groups with the town, and made 6 such appearances within Erie County and spoke to the Niagara County Historical Society in Lockport. I worked in all of the public schools of the town and several of the parochial schools, trying to help the teachers with their local history units of the social studies program. I also worked with public schools pupils and college students in their preparation of material on Cheektowaga.

The Town of Cheektowaga was represented in the exhibits of Department 26 (Department of History) at the Erie County Fair. As Town Historian, as well as Superintendent of that department, I used maps from the collection, along with other historical material concerning the town.

Item No. 4 cont'd. I am continuing the collection of historical material pertinent to the town's history, in the form of artifacts and pictures. I have also continued my program of interviews with older residents, in order to have records of past events. With the recent purchase of an adequate taperecorder, I can extend my activities in this field during the coming year.

Thank you for all of the generosity and consideration you have shown me during the past years. I hope that your confidence in me will continue, as I try to make the Office of the Town Historian more and more important to the Town of Cheektowaga as each year goes by.

Respectfully submitted,

Mrs. Victor Reinstein

Item No. 5 Councilman Bystrak presented the following resolution and moved its adoption:

WHEREAS, the Board of Fire Commissioners of Cleveland Hill Fire District No. 6, have requested that the curbing at the northeast corner of Cleveland Drive and Harlem Road be moved back to improve traffic conditions, and

WHEREAS, Cleveland Drive and Harlem Road are both County highways,

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to contact the Erie County Highway Department and request the curbing be moved in accordance with the request of the Fire Commissioners of Cleveland Hill Fire District No. 6.

Seconded by Councilman Neibert.

CARRIED

AYES -6-

ABSENT -1-

Item No. 6 Councilman Bystrak presented the following resolution and moved its adoption:

WHEREAS, the Board of Fire Commissioner of Cleveland Hill Fire District No. 6, have requested that the present blinker signal in front of the fire hall on Cleveland Drive be moved east on Cleveland Drive to the east side of Merrymont Drive.

BE IT RESOLVED, that the request of the Fire Commissioners be granted and that Reynders Electric Company be requested to move the signal in accordance with the resolution.

Seconded by Councilman Neibert.

CARRIED

AYES -6-

ABSENT -1-

Item No. 7 Councilman Neibert, presented the following resolution and moved its adoption:

RESOLVED, that Robert Molik, and Jerome J. Schneider, both Patrolmen in the Cheektowaga Police Department, be appointed Detective Sergeants at an annual salary of \$4,850.00. This appointment to take effect immediately.

Seconded by Councilman Nagel, and duly put to a vote which resulted as follows:

Councilman Nagel,	Voting	<u>AYE</u>
Councilman Wroblewski,	Voting	<u>AYE</u>
Councilman Neibert,	Voting	<u>AYE</u>
Councilman Bystrak,	Voting	<u>AYE</u>
Councilman Trojansky,	Voting	<u>AYE</u>
Councilman Kornecki,	Voting	<u>AYE</u>

AYES -6-

NOES -0-

ABSENT -1-

Item No. 8 Councilman Wroblewski moved, seconded by Councilman Neibert, that the Town Clerk be authorized and directed to issue building permits on applications processed by the Petitions Committee on 1-21-56, 1-28-56, 2-4-56, after same have been approved by the Building Inspector.

CARRIED

AYES -6-

ABSENT -1-

Item No. 9 On a motion by Councilman Neibert, seconded by Councilman Bystrak, RESOLVED, that the Subdivision map of Park Lane Subdivision No. 2 prepared by Krehbiel & Krehbiel, Engineers, dated November 9, 1955, be approved and ordered filed in the Assessors Office.

CARRIED

AYES -6-

ABSENT -1-

Item No. 10 On a motion by Councilman Neibert, seconded by Councilman Trojanosky, that the Town Engineer be authorized to purchase from Peerless Mill Supply Company a hose with couplings for the sum of \$95.50.

CARRIED

AYES -6-

ABSENT -1-

Item No. 11 On a motion by Councilman Neibert, seconded by Councilman Trojanosky, that the reasonable expenses of John J. Zablotny, Town Highway Superintendent, to Albany and return on January 24, 1956 to attend a conference with State Department of Public Works be approved and ordered paid.

CARRIED

AYES -6-

ABSENT -1-

Item No. 12 On a motion by Councilman Kornecki, seconded by Councilman Trojanosky, that the expenses of Town Officials and Department Heads to attend conferences in Buffalo, New York of the Association of Towns on February 6th to 8th, inclusive, be approved and ordered paid.

CARRIED

AYES -6-

ABSENT -1-

Item No. 13 Councilman Nagel presented the following resolution and moved its adoption:

WHEREAS, Cherokee Park, Inc., has entered into an agreement with the Town of Cheektowaga, New York, wherein the said Cherokee Park, Inc., has agreed to place topping on Camel Road, commencing at Crescent Court extending to Melcourt Drive West and on Melcourt Drive West from Camel Road to a point 77 feet north of Dawn Street and on Dawn Street from Melcourt Drive West to Crescent Court, a total distance of approximately 1700 feet and has filed as security for the faithful performance of said agreement bond in the sum of \$17,00.00 conditioned that it will comply in all respects with the aforementioned agreement.

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to execute the annexed agreement between Cherokee Park Inc., and the Town of Cheektowaga, New York, on behalf of the Town of Cheektowaga, New York.

BE IT RESOLVED, that Camel Road commencing at Crescent Court and extending to Melcourt Drive West and Melcourt Drive West commencing at Camel Road and extending to a point 77 feet north of Dawn Street and Dawn Street commencing at Melcourt Drive West and extending to Crescent Court, be accepted as town highways under the jurisdiction of the Town Highway Superintendent.

That the said agreement is hereby approved as to form and sufficiency as is the amount of the bond and the Town Attorney is hereby authorized to record in the Erie County Clerk's Office a deed to said highways.

Seconded by Councilman Neibert and duly put to a vote, which resulted as follows:

Councilman	Joseph A. Neibert,	Voting	<u>AYE</u>
Councilman	Stanley R. Bystrak,	Voting	<u>AYE</u>
Councilman	Felix T. Wroblewski,	Voting	<u>AYE</u>
Councilman	Henry J. Nagel,	Voting	<u>AYE</u>
Councilman	Joseph Kornecki,	Voting	<u>AYE</u>
Councilman	Joseph Trojanosky,	Voting	<u>AYE</u>

AYES -6-

NOES -0-

ABSENT -1-

AGREEMENT

This Agreement made this 6th day of February, 1956, by and between the Town of Cheektowaga, a municipal corporation of the State of New York with its office and principal place of business in the County of Erie, State of New York, party of the first part and Cherokee Park, Inc., a domestic corporation, organized and existing under and by-virtue of the laws of the State of New York with its office and principal place of business located at 160 Keystone Street, Buffalo, New York, party of the second part;

WHEREAS, the party of the second part is the owner of the abutting property on Camel Road commencing at Crescent Court extending to Melcourt Drive, West and also Melcourt Drive West commencing at Camel Road and extending to a point 77 feet north of Dawn Street and Dawn Street commencing at Melcourt Drive West and extending to Crescent Court a total distance of approximately 1700 feet, as shown on a subdivision map filed in the Erie County Clerk's Office July 26, 1955 under map cover No. 1917, and

WHEREAS, the party of the second part has constructed the foundation for the highway and has also constructed in said highway, sanitary sewers and has entered into a contract with the Erie County Water Authority for the construction of a water line in said highway and has paid the Erie County Water Authority the cost thereof, and

WHEREAS, the party of the second part has requested the Town of Cheektowaga to accept, as Town highways Camel Road commencing at Crescent Court extending to Melcourt Drive West and also Melcourt Drive West commencing at Camel Road and extending to a point 77 feet north of Dawn Street and Dawn Street commencing at Melcourt Drive West and extending to Crescent Court a total distance of approximately 1700 feet and has agreed to enter into a contract with the Town of Cheektowaga, New York, to place the topping on said streets the same so that the same will comply with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is hereby

AGREED, that the party of the second part agrees to place topping on Camel Road commencing at Crescent Court, extending to Melcourt Drive West and also Melcourt Drive West commencing at Camel Road and extending to a point 77 feet north of Dawn Street and Dawn Street commencing at Melcourt Drive West and extending to Crescent Court a total distance of approximately 1700 feet on or before October 1, 1956; It further agrees, where necessary, to reconstruct, the foundation of said highways and complete the same so that said highways will conform in every respect, with the specification of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is further

UNDERSTOOD AND AGREED, that the party of the second part will furnish the party of the first part, a Surety Bond, executed by a Bonding Company authorized to do business in the State of New York, in the sum of \$17,000.00, said Bond to provide, that the party of the second part will in all respects, conform with the terms and conditions of this Agreement and the accompanying resolution of the Town Board on or before October 1, 1956. In the event the party of the second part fails to live up to the terms of this Agreement, then the party of the first part is authorized to complete said highways so that the same shall comply in every respect with the minimum specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, and all expenses incurred by it in completing said highways shall be paid by the party of the second part and its surety, and in the event said sum of \$17,000.00 is insufficient to pay such cost, then the party of the second part hereby agrees to pay and sum required in excess of that amount, it is however,

AGREED, that the maximum liability of the Surety Company is limited to the sum of \$17,000.00.

Upon filing with the Town Board an executed copy of this Agreement and the Surety Company Bond, it is agreed that the party of the first part does hereby accept said highway as Town highways, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

TOWN OF CHEEKTOWAGA, NEW YORK

BY: Benedict T. Holtz, Supervisor

CHEROKEE PARK INC.

BY: Robert B. Ledger, President

Item No. 14 Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, the Town of Cheektowaga has constructed a sewer throught the southerly 20 feet of subdivision lots 5 & 30 and also through the easterly 10 feet of subdivision lots 2 through 9 as the same appear on the subdivision map filed in the Erie County Clerk's Office July 26, 1955 under map cover No. 1917 and,

WHEREAS, it is necessary that the Town of Cheektowaga acquire an easement to enter upon said property to repair and replace said sewer and Cherokee Park Inc., the owner of the property having consented to execute an easement to the Town of Cheektowaga, New York, a copy of which written easement is hereto attached and made a part of this resolution and the same having been approved by this Town Board as to its form and sufficiency.

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to execute this easement and agreement on behalf of the Town of Cheektowaga, New York.

Seconded by Councilman Neibert and duly put to a vote, which resulted as follows:

Councilman	Joseph A. Neibert.	Voting	<u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting	<u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting	<u>Aye</u>
Councilman	Henry J. Nagel,	Voting	<u>Aye</u>
Councilman	Joseph Kornecki,	Voting	<u>Aye</u>
Councilman	Joseph Trojanosky,	Voting	<u>Aye</u>

AYES -6- NOES -0- ABSENT -1-

AGREEMENT

This Agreement made this 6 day of February, 1956, by and between Cherokee Park, Inc., with its office and principal place of business located at 160 Keystone Street, Buffalo, New York, party of the first part and the Town of Cheektowaga, a municipal corporation located in the County of Erie, State of New York, party of the second part.

WITNESSETH:

WHEREAS, the party of the first part is the owner of real property located on Melcourt Drive West in the Town of Cheektowaga, New York, as shown on a subdivision map filed in the Erie County Clerk's Office July 26, 1955, under map cover No. 1917, and

WHEREAS, a storm sewer belonging to the party of the second part has been constructed on the southerly 20 feet of subdivision lots No. 5 & 30 and also through the easterly 10 feet of subdivision lots 2 through 9 as shown on said subdivision map and that it is necessary for the party of the second part to maintain said sewer and to enter upon portions of the property of the party of the first part, in order to do so, for the consideration of the sum of \$2.00 and other valuable consideration paid to the party of the second part, it is hereby

AGREED, that the party of the first part hereby grants to the party of the second part a perpetual easement to run with the land solely for sewer purposes over the following described property, to wit:

The southerly 20 feet of subdivision lots 5 & 30 and the easterly 10 feet of subdivision lots 2 through 9 as shown on subdivision map filed in the Erie County Clerk's Office July 26, 1955, under map cover no. 1917.

and it is further

AGREED, that the party of the second part may enter upon the easement above described with men and machinery for the purpose of constructing, maintaining, repairing and replacing the sewer now located within the easement hereinbefore described and it is further

UNDERSTOOD AND AGREED, that if the party of the second part enters upon the property within the easement hereinbefore described for any of the purposes for which the easement is granted the party of the second part at its own expense will restore the property to the same condition as it was before entering upon the premises. The party of the first part however agrees not to construct or place upon any of the property located within the easement any permanent buildings or structures and if it does, so, then if the buildings or structures have to be removed or in any way interfered with, in maintaining, repairing or replacing the existing sewers and resulting damaged to the buildings or structures shall be borne entirely by the party of the first part, its successors and assigns.

Item No. 14 cont'd. IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BY : Cherokee Park, Inc.
Robert B. Leger, President
Party of the First part
TOWN OF CHEEKTOWAGA, NEW YORK
BY: Benedict T. Holtz,
Supervisor

Item No. 15 This being the time and the place advertised for the receiving of sealed bids for the purchase of four (4) truck chassis with cabs, fully enclosed, for use in the Sanitation Department.

On a motion of Councilman Neibert, seconded by Councilman Wroblewski, the Clerk was authorized and directed to open and read the sealed bids on hand.

Hereto is a summary of the bids received:

Maier Schuele G M C	\$5,950.00 each
Brockway Motors.....	Model 147
	W L
	25,200.00
Brockway Motors.....	Model 148W
	26,240.00
Zynda Pontiac.....	26,760.80
Zynda Pontiac.....	24,200.00 (Alternate)
DeLacy Motors.....	19,992.00
Reo Motors.....	25,000.00

On a motion of Councilman Neibert, seconded by Councilman Wroblewski, the bids were ordered referred to the Board for analysis and tabulation.

Its

PERSONALS

... GRANTED RITA AND NORMA LA PRELL

Mrs. Andrew J. Weaver and daughter, Marsha, of 317 Terrace Blvd, Depew, left Tuesday for Cape May, N. J. to attend the graduation exercises of Marsha's fiance, John Drogi, who finished three and one-half months of basic training with the United States Coast Guard. They returned home today.

A christening party was held Sunday, Feb. 5th at the home of Mr. and Mrs. Edmund Mochol of 421 Gould Ave., Depew, in honor of their infant son, Frank Edmund, born Jan. 15th at Mercy Hospital. The child was baptized at St. Augustine's Church with the Rev. Henry Stachewicz officiating. Miss Annette Flisek of Penora St., a

as:

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 16th day of February, 1956, and the last insertion being on the 16th day of February, 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

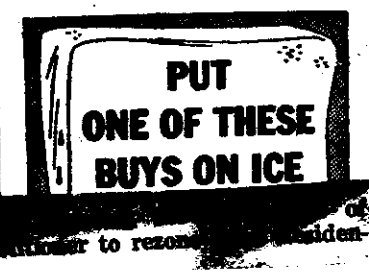
Sworn to before me this day of

..... 1956

..... 19.....

Wm. T. Hawley

Notary Public in and for Erie County



...for the purpose of commissioning the application of Necessity and Rita La... for the rezoning of premises from residential district to business district of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and... KEAS, the Zoning Board of... having rendered its decision granting the application of... to rezone from Residen-

...RESOLVED, by this Town Board... the Ordinance adopted December 21, 1942 and as now amended entitled "Zoning Ordinance", be amended the same hereby is amended by changing the Zoning Map so as to change the following described property from that of "Residential District" to "Business District."

DESCRIPTION
 William Street—south side—Fl. 67 TS 10 S. 1926 Ac. Across the street from Raymond Street, No. 2827 William St. (36x200 feet to be used for Business purposes.)

Dated: February 6, 1956.
 KENNETH T. HANLEY, Town Clerk, Town of Cheektowaga, New York

G. BENNETT
 ... and says that he is the
 BLESHER
 ... of the

Cheektowaga
and News

116
 ... at Depew, Town of Cheektowaga, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 16th day of February, 1956, and the last insertion being on the 16th day of February, 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of
 1956
 19
Kenneth T. Hanley
 Notary Public in and for Erie County

Item No. 17 REZONING GRANTED JOHN ZOLA

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

... public hearing for the purpose of considering the application of John Zola for the rezoning of premises from residential district to business district of the property hereinafter described and amending the zoning map and ordinance accordingly, and WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of petitioner to rezone from Residential District No. 1 to Business District No. 1, the premises described in a deed dated the eighth day of May, 1954, from Sarah Olson to Walter Olson, recorded in the office of the Clerk of the County of Erie and the State of New York, on the first day of November, 1957, in Liber 628 of Deeds at Page 72, New Walden Avenue, north side, west of Union Road, 100.00 feet frontage and 200 feet in depth to be used only for business purposes.

Dated: February 8, 1956.
KENNETH T. HANLEY,
Notary Public in and for Erie County,
Town of Cheektowaga, New York.

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the

printed slip taken from said newspaper, is a copy,

inserted and published therein once a week for

week, the first insertion being on the

day of February 1956, and

the last insertion being on the 16th day of

February, 1956, and that not

more than six days intervened between any two publi-

cations thereof.

Richard G. Bennett

Sworn to before me this day of

February 8, 1956

Kenneth T. Hanley

Notary Public in and for Erie County

hn 11096-C8

The above notice was posted on the Town Hall Bulletin Board on the 18th day of February, 1956.

STATE OF NEW YORK
COUNTY OF ERIE

...for the purpose of considering the application of John Zola for the rezoning of premises from residential district to Business district of the property hereinafter described and amending the zoning map and ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of petitioner to rezone from Residential District to Business District the property hereinafter described,

RESOLVED that the decision of the Zoning Board of Appeals granting the application of petitioner to rezone premises from Residential District to Business District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 11, 1942 and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described premises that of "Residential District" to "Business District."

DESCRIPTION
...one-half interest in and to all that certain piece or parcel of land situate in the Town of Cheektowaga, in the County of Erie and State of New York, being part of Lot Number Sixteen (16) in Township eleven Range seven of the Holland Land Company Survey

...at the intersection of the center line of Walden Avenue (formerly Genesee Street Road) with a line parallel to the East bounds of said Lot number Sixteen, at the distance of twenty chains, seventy-six links west therefrom, running thence northerly, along said parallel line, thirty-four chains and eighty-four links; thence westerly, along the continuation of the north bounds of the road forty feet wide and parallel to the north bounds of said Lot number Sixteen, three chains and eight links; thence southerly along the easterly termination of said road and parallel with the East bounds of said Lot number Sixteen, forty links; thence westerly, along the southerly bounds of said road and parallel to the north bounds of said Lot number Sixteen, six chains and thirty-seven links; thence southerly, on a line parallel with the east bounds of said Lot number Sixteen, thirty-four chains and one link to the center line of Walden Avenue formerly Genesee Street Road; thence easterly, along said center line of said Walden Avenue, six chains and six and one-half links to the point or place of beginning, containing thirty-two and 1/100 acres of land, be the same more or less. And being the same premises described in a deed dated the eighth day of May, 1883, from Sarah Quinn to Patrick Quinn, recorded in the office of the Clerk of the County of Erie and the State of New York, on the first day of November, 1887, in Liber 523 of Deeds at Page 72.

New Walden Avenue, north side, west of Union Road, (165.80 feet frontage and 200 feet in-depth to be used only for Business purposes).

Dated: February 6, 1956.
KENNETH T. HANLEY,
Town Clerk, Town of
Cheektowaga, New York

...ce was posted on the Town Hall Bulletin Board on the

18

19

STATE OF NEW YORK
COUNTY OF ERIE

ss.:

... to business district...
 ... property hereinafter de-
 ... and amending the zoning
 ... and ordinance accordingly.

... THE ZONING BOARD OF
 ... having rendered its deci-
 ... granting the application of
 ... to rezone from Residen-
 ... District to Business District the
 ... hereinafter described,

... RECEIVED that the decision of
 ... Board of Appeals grant-
 ... application of petitioner to
 ... premises from Residential
 ... to Business District be and
 ... is hereby confirmed and
 ... it

... RECEIVED, by this Town Board
 ... Ordinance adopted Decem-
 ... and as now amended
 ... Ordinance", be
 ... hereby is amended
 ... the Zoning Map so as
 ... the following described
 ... from that of "Residential"
 ... to "Business District."

DESCRIPTION
 ... 1 and 2, northeast corner
 ... Street and Shanley
 ... (100 feet)
 ... 1956.
 ... T. HANLEY,
 ... Clerk, Town of
 ... Cheektowaga, New York

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheek-
 towaga, Erie County, New York, that notice of which the
 annexed printed slip taken from said newspaper, is a copy,
 was inserted and published therein once a week for
 ... *one* ... week, the first insertion being on the
 ... *16th* day of ... *February*, 19*56* and
 the last insertion being on the ... *16th* day of
 ... *February*, 19*56* and that not
 more than six days intervened between any two publi-
 cations thereof.

Richard G. Bennett

Sworn to before me this day of

FEB 17 1956 19.....

Herbert T. Hanley
Notary Public in and for Erie County

hn 11196-C8

The above notice was posted on the Town Hall Bulletin Board on the
18th day of February, 1956.

STATE OF NEW YORK
COUNTY OF ERIE

ss.:

HERMAN HOFFMAN, Petitioner, for the purpose of changing the location of Herman Hoffman for the zoning of premises from Residential District to business district of the property hereinafter described and amending the zoning map and ordinance accordingly.

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of petitioner to rezone from Residential District to Business District the property hereinafter described,

and WHEREAS, that the decision of the Zoning Board of Appeals granting the application of petitioner to rezone from Residential District to Business District be and the same is hereby confirmed and approved, be it now

RESOLVED, by this Town Board of the Ordinance adopted December 21, 1942 and as now amended, known as "Zoning Ordinance", be the same hereby is amended changing the Zoning Map so as to change the following described property from that of "Residential District" to "Business District."

DESCRIPTION

Part of Farm Lot 15, T 11, R 7, Map Cover 411 being sub lots 1, 2, 3 and 4, and being situated at the northeast corner of ... and ... Street.

February 8, 1956.

BENNETT T. HANLEY,
Town Clerk, Town of Cheektowaga, New York

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

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..... *one* week, the first insertion being on the

..... *16th* day of *February*, 19*56*, and

the last insertion being on the *16th* day of

..... *February*, 19*56*, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

Feb 17 1956

19.....

Bennett T. Hanley

Notary Public in and for Erie County

Im 11026-C8

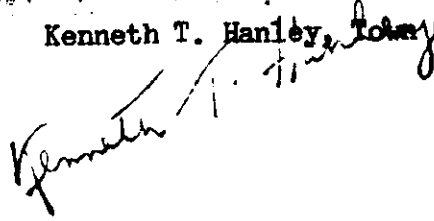
The above notice was posted on the Town Hall Bulletin Board on the 18th day of February, 1956.

Item No. 20 Councilman Kornecki moved, seconded by Councilman Bystrak, that all claims presented at this meeting for audit be approved and that the Town Clerk be authorized and directed to draw a warrant on the Supervisor for payment of same. Warrant No. 169 to No. 364 inclusive, drawn on the Supervisor.

Item No. 21 Councilman Nagel moved, seconded by Councilman Bystrak, to adjourn.

SEAL

Kenneth T. Hanley, Town Clerk



At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 18th day of February, 1956, at 12 o'clock Noon, Eastern Standard Time, there were:

PRESENT: Benedict T. Holtz	Supervisor
Henry J. Nagel	Councilman
Felix T. Wroblewski	"
Joseph Kornecki	"
Joseph Trojanosky	"
Joseph A. Neibert	"
Stanley R. Bystrak	"

Also present was Town Attorney George B. Doyle.

Due to the absence of Kenneth T. Hanley the Town Attorney was designated to act as chairman for this meeting.

Item No. 1 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, this Town Board on December 19, 1955 denied the issuance of a building permit to the U.S. Rubber Reclaiming Company Inc., for the reasons stated in said resolution, and

WHEREAS, the U.S. Rubber Reclaiming Company, Inc., has renewed its application for a building permit, and

WHEREAS, hearings have been held upon said application and the matter having been fully considered at this time by the Town Board, be it

RESOLVED, that the application of the petitioner for a building permit for the premises described herein, be and the same is hereby denied until such time as machinery and equipment are installed which will completely eliminate the offensive odors emanating from its property.

Seconded by Councilman Bystrak and duly put to a vote which resulted as follows:

Councilman Nagel	Voting	AYE
Councilman Wroblewski	"	"
Councilman Kornecki	"	"
Councilman Trojanosky	"	"
Councilman Neibert	"	"
Councilman Bystrak	"	"
Supervisor Holtz	"	"

CARRIED: AYES: -7-

Item No. 2 Councilman Neibert presented the following resolution and moved its adoption:

RESOLVED, that the bid of Maier-Schule GMC Inc., 21 East Jewett Avenue, Buffalo 14, New York, to furnish the Town of Cheektowaga, New York, with 4 new 1956 heavy duty chassis and cab for paker type body for the sum of \$5,950.00 each be accepted. Said bid being regarded by the Town Board as having been submitted by the lowest responsible bidder.

Seconded by Councilman Bystrak.

CARRIED: AYES: -7-

Item No. 3 Councilman Neibert moved, seconded by Councilman Kornecki to adjourn.

Kenneth T. Hanley, Town Clerk

George B. Doyle, Acting Town Clerk

SEAL.

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 20th day of February, 1956, at 7:30 o' clock P.M., E.S.T., there were:

PRESENT: Benedict T. Holtz	Supervisor
Henry J. Nagel	Councilman
Felix T. Wroblewski	"
Joseph Kornecki	"
Joseph Trojanosky	"
Joseph A. Neibert	"
Stanley R. Bystrak	"

Also present were: Town Clerk Kenneth T. Hanley; Town Attorney George B. Doyle; Highway Superintendent John J. Zablotny; Town Engineer Albert J. Kamm and Chairman of the Board of Assessors Edward B. Jerzewski.

Item No. 2 The Town Clerk advised the Board that a copy of the minutes of the previous meeting has been placed on their desk in the Council Chamber.

Item No. 3 On a motion of Councilman Neibert, seconded by Councilman Wroblewski, Peter Kojm was appointed a school crossing guard.

Item No. 4 Councilman Neibert presented the following resolution and moved its adoption:

WHEREAS, the State Traffic Commission has granted a permit to install, maintain and operate a school signal on Route 33 Genesee Street SH1212 at its intersection with Andrew Street, in the Town of Cheektowaga, New York, subject to the conditions stated in said permit,

BE IT RESOLVED, that the Supervisor be and he is hereby authorized to purchase the school signal to be erected at said intersection and to enter into a contract for its installation.

Seconded by Councilman Bystrak.

CARRIED AYES -7-

Item No. 5 Councilman Trojansky presented the following resolution and moved its adoption:

WHEREAS, Nussbaumer, Clarke and Velzy, Consulting Engineers of the Town of Cheektowaga, New York and Albert J. Kamm, Town Engineer have recommended to the Town Board that a flapper gate be installed on the out fall sewer at sewage treatment plant No. 3 to prevent flooding of the plant at time of high water in Buffalo Creek, and a proposal to furnish and install the said flapper gate for the sum of \$923.00 was received from C. E. Knowles.

BE IT RESOLVED, that the supervisor be and he is hereby authorized to enter into a contract with C. E. Knowles to purchase said flapper gate at a sum not to exceed \$923.00.

Seconded by Councilman Neibert and duly put to a vote, which resulted

as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Joseph A. Neibert,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>

AYES -7- NOES -0- ABSENT -0-

Item No. 6 On a motion of Councilman Bystrak, seconded by Councilman Neibert, the New York State Gas & Electric Company was authorized to place on Pole No. 2 on Old Genesee Street a 2500 lumen street lamp.

CARRIED AYES -7-

Item No. 7 Councilman Wroblewski moved, seconded by Councilman Neibert, that the Town Clerk be authorized and directed to issue building permits on applications processed by the Petitions Committee on 2-11-56/ 2-18-56 after same have been approved by the Building Inspector.

CARRIED AYES -6-

Item No. 8

TO: TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, NEW YORK, and

SUPERINTENDENT OF HIGHWAYS OF

SAID TOWN

The petition of the FOISSET CORPORATION, a domestic corporation with its principal place of business at 1368 Sycamore Strret, Buffalo, New York, respectfully shows:

That your petitioner is the owner of all the lands abutting Gilbert and Holland Avenue, as shown on Map Cover Number 1362, from the west line of Beach Road as now laid out and the east line of the Ontario Thruway and,

WHEREAS, the FOISSET CORPORATION has filed with the approval of the Town Board, the Town Engineer, and the Superintendent of Highways of the Town of Cheektowaga, Cover Map Number 1938, covering the same areas and has deeded to the Town of Cheektowaga the new street named Laurentian, and,

WHEREAS, this portion of Gilbert Avenue and Holland Avenue as shown on Map Cover Number 1362 has not been opened and worked as a highway within six years from the time it was dedicated to the use of the public, if dedicated at all, ans has never been opened and worked as a highway at any tine to the best informa-tion and knowledge of the petitioner and,

WHEREAS your petitioner requested and obtained from the County of Erie a deed, conveying this portion of Gilbert Avenue and Holland Avenue from the County of Erie to the Town of Cheektowaga,

WHEREFORE, your petitioner respectfully prays that the Town Board of the Town of Cheektowaga and the Superintedent of Highways of said Town abandon said portions of said Gilbert Avenue and Holland Avenue in accordance with the provisions of Section 205 of the Highway Law of the State of New York.

Dated: February 3rd, 1956

THE FOISSET CORPORATION

BY: Sigmund A.Kidowski

STATE OF NEW YORK)

COUNTY OF ERIE)

SIGMUND A. KIDOWSKI, being duly sworn, deposes and says that he is the Secretary of the FOISSET CORPORATION, and that it is the petitioner herein, that he has read the foregoing petition and knows the contents thereof; that the same is true to the knowledge of deponents, except as to the matters therein stated to be alledged on information and belief, and that as to those matters they believe it to be true.

Subscribed and sworn to before me this 3rd day of February, 1956.

X Sigmund A. Kidowski

Charles W. Thompson
Notary Public, Erie County, N.Y.

EXTRACT FROM MINUTES OF TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town, on the 20th day of February, 1956, at 7:30 o'clock P.M.

The meeting was called to order by Supervisor Holtz and the roll being called, ther were:

- PRESENT: Benedict T. Holtz, Supervisor
- Stanley R. Bystrak, Councilman
- Henry J. Nagel, "
- Joseph A. Neibert, "
- Felix T. Wroblewski, "
- Joseph M. Trojanosky, "
- Joseph Kornecki, "

ABSENT--None

Item No. 8 cont'd The following resolution was offered by Mr. Nagel, who moved 27
its adoption, seconded by Mr. Neibert, to wit:

WHEREAS, the FOISSET CORPORATION has petitioned this Town Board and
the Superintendent of Highways of the Town of Cheektowaga to abandon that portions
of Gilbert and Holland Avenues as here and after described, and,

WHEREAS, said portions of said highways has not been opened and
worked as a highway within six years from the time it was dedicated and from the
time they were dedicated to the use of the public, if dedicated at all, and have
never been so opened and worked at any time, and

WHEREAS, the said FOISSET CORPORATION is now the owner of all the
lands abutting this portion of said highways, which are sought to be closed and the
Town of Cheektowaga is the owner of the bed of this portion of said Gilbert and
Holland Avenues,

NOW THEREFORE BE IT RESOLVED, that portions of formerly Gilbert
Avenue and Holland Avenue as shown on map cover Number 1362 lying between the west-
terly line of Beach Road as laid out and the easterly line of Ontario Thruway.

BE AND THE SAME HEREBY are abandoned as highways in accordance with
the provisions of Section 205 of the Highway Law of the State of New York, and this
Town Board does hereby consent that the Superintendent of Highways of the Town shall
execute, file and record in the Town Clerk's Office a written description of said
abandoned highway, signed by him and by this Town Board.

Seconded by Neibert and duly put to a vote which resulted as

follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>aye</u>
Councilman	Stanley Bystrak,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph A. Neibert,	Voting <u>Aye</u>
Councilman	Joseph M. Trojanosky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

STATE OF NEW YORK)
COUNTY OF ERIE :SS
TOWN OF CHEEKTOWAGA)

IT IS HEREBY CERTIFIED TO by the person whose names are hereunto
subscribed, that the portion of Gilbert Avenue lying between the westerly line of
Beach Road as now laid out and as shown of Cover Map Number 1938 and the easterly
line of lands taken by the State of New York for the Ontario Thruway and Holland
Avenue lying between the westerly line of Beach Road as laid out and as shown on
Cover Map Number 1938 and the easterly line of lands taken by the State of New
York for the Ontario Thruway.

Dated: February 20 1956

Superintendent of Highways

Supervisor

Councilman

Councilman

Councilman

Councilman

Councilman

Councilman

Item No. 9 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, the Town of Cheektowaga and Zygfried Pieczynski, Bernard Pieczynski, and Stanley Michalak, d/b/a Cayuga Construction Co. have entered into an Agreement wherein the said Zygfried Pieczynski, Bernard Pieczynski and Stanley Michalak have agreed to place topping on Vern Lane, commencing 1000 feet north of William Street and extending in a northerly direction a distance of about 2100 feet and have filed a Surety Company Bond in the sum of \$10,000.00, conditioned that they comply in all respects, with the aforementioned Agreement and

WHEREAS, The Pomeroy Organization, Inc, Morgan Building, Buffalo New York, is placing the mortgages on the homes to be built on Vern Lane and has agreed in writing, to withhold from the final mortgage payment the sum of \$250.00 from the final draw on mortgages processed by it until said highway is completed to comply, in all respects, with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga,

BE IT RESOLVED, that the Supervisor be authorized to execute the annexed Agreement between the Cayuga Construction Co. and the Town of Cheektowaga, on behalf of the Town of Cheektowaga, New York, and be it further

RESOLVED, that Vern Lane, commencing 1000 feet north of William Street and extending in a northerly direction a distance of about 2100 feet, be accepted as a Town highway under the jurisdiction of the Town Highway Superintendent.

That the Town Attorney be and he is hereby authorized and directed to record in the Erie County Clerk's Office, deed to said highway.

Seconded by Councilman Neibert and duly put to a vote, which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Joseph A. Neibert,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

AGREEMENT

This Agreement made this 20 day of February, 1956, by and between the Town of Cheektowaga, a municipal corporation of the State of New York with its office and principal place of business in the County of Erie, State of New York, party of the first part and Zygfried Pieczynski, Bernard Pieczynski and Stanley Michalak, d/b/a Cayuga Construction Co., a domestic corporation, organized and existing under and by virtue of the laws of the State of New York with its office and principal place of business in the Town of Cheektowaga, New York, parties of the second part:

WITNESSETH:

WHEREAS, the parties of the second part are the owners of the abutting property on Vern Lane, commencing 1000 feet north of William Street and extending in a northerly direction a distance of about 2100 feet, and

WHEREAS, the parties of the second part have constructed the foundation for the highway and have also constructed in said highway, sanitary sewers and have entered into a contract with the Erie County Water Authority for the construction of a water line in said highway and have paid the Erie County Water Authority the cost thereof, and

WHEREAS, the parties of the second part have requested the Town of Cheektowaga, to accept, as a Town Highway Vern Lane, commencing 1000 feet north of William Street and extending in a northerly direction a distance of about 2100 feet and have agreed to enter into a contract with the Town of Cheektowaga, New York, to place the topping on said street and complete the same so that the same will comply with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is hereby

AGREED, that the parties of the second part agree to place topping on Vern Lane, commencing 1000 feet north of William Street and extending in a northerly direction a distance of about 2100 feet on or before _____ . It further agrees, where necessary, to reconstruct the foundation of said highway and complete the same so that said highway will conform in every respect, with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is further

Item No. 9 cont'd UNDERSTOOD AND AGREED, that the parties of the second part will furnish the party of the first part, a Surety Bond, executed by a Bonding Company authorized to do business in the State of New York, in the sum of \$10,000.00, said Bond to provide, that the parties of the second part will, in all respects, conform with the terms and conditions of this Agreement and the accompanying resolution of the Town Board on or before _____ . In the event the parties of the second part fail to live up to the terms of this Agreement, then the party of the first part is authorized to complete said highway so that the same comply in every respect with the minimum specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, and all expenses incurred by it in completing said highway shall be paid by the parties of the second part and its surety, and in the event said sum of \$10,000.00 is insufficient to pay such cost, then the parties of the second part hereby agree to pay any sum required in excess of that amount, it is however,

28

AGREED, that the maximum liability of the Surety Company is limited to the sum of \$10,000.00 and the parties of the second part agree to file in the Town Clerk's Office, the agreement by Pomeroy Organization, Inc., that it will withhold the sum of \$250.00 from the final draw on all mortgages processed by it,

Upon filing with the Town Board an executed copy of this Agreement and the Surety Company Bond, it is agreed that the party of the first part does hereby accept said highway as a Town highway, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

TOWN OF CHEEKTOWAGA, NEW YORK

BY: _____
Supervisor

CAYUGA CONSTRUCTION CO.

BY: _____

Item No. 10

TO: TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, NEW YORK, AND
SUPERINTENDENT OF HIGHWAYS OF
SAID TOWN

The petition of the FOISSET CORPORATION, a domestic corporation with its principal place of business at 1368 Sycamore Street, Buffalo, New York, respectfully shows:

That the petitioner is the owner of all the land abutting Laurentian Drive as shown on Map Cover Number 1938 and filed the said Map in the Erie County Clerk's Office after obtaining the approval of this Town Board, the Town Engineer and the Superintendent of Highways of the Town of Cheektowaga.

That the said Cover Map shows a six inch water main lying within the bound of Laurentian Drive. The Town of Cheektowaga was given a deed by the FOISSET CORPORATION, conveying the bed of the street known as Laurentian Drive to the Town of Cheektowaga.

That the Erie County Water Authority has requested the FOISSET CORPORATION to obtain an easement from the Town of Cheektowaga to the Erie County Water Authority granting them the right to install, maintain, and remove eight hundred sixty feet (860) of six inch water main and two hundred twenty-five feet (225) of a two inch water main in Laurentian Drive, and in Holland Ave. as shown on Cover Map 1362 from Beach Road to Cunard Avenue.

WHEREFORE your petitioner respectfully prays that the Town Board of the Town of Cheektowaga grant an easement to the Erie County Water Authority to lay, relay, operate, maintain and remove a water main or mains, both supply and distribution, and appurtenances, including domestic services and fire hydrants, in the full width and length, shown on the map hereinafter mentioned, of the private

Item No. 10 cont'd

street known as Laurentian Drive, and in Holland Avenue as shown on Cover Map 1362 from Beach Road to the existing main on Cunard Avenue.

Dated: February 3rd, 1956

THE FOISSET CORPORATION

BY Sigmund A. Kidowski

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

SIGMUND A. KIDOWSKI, being duly sworn, deposes and says that he is the Secretary of the FOISSET CORPORATION, and that it is the petitioner herein, that he has read the foregoing petition and knows the contents thereof; that the same is true to the knowledge of deponents, except as to the matters therein stated to be alledged on information and belief, and that as to those matters they believe to be true.

Subscribed and sworn to

THE FOISSET CORPORATION

before me this 3rd day of

February, 1956

BY Sigmund A. Kidowski

Charles W. Thompson
Notary Public, Erie County, N.Y.

Councilman Nagel presented the following petition and moved its adoption:

WHEREAS the FOISSET CORPORATION has petitioned this Town Board to grant as easement to the Erie County Water Authority to install, maintain eight hundred sixty feet (860) of six inch water main and two hundred twenty-five (225) of two inch water main in Laurentian Drive as shown on Cover Map Number 1938, and in Holland Avenue as shown on Cover Map 1362 from Beach Road to the existing water main in Cunard Avenue.

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to execute the annexed easement by the Town of Cheektowaga and the Erie County Water Authority.

Seconded by Councilman Niebert and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph A. Niebert,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Joseph M. Trojanosky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES -7-

NOES -0-

ABSENT -0-

(Easement-Corp.)

THIS INDENTURE, made this 20th day of February, between Town of Cheektowaga, a New York municipal corporation, having its principal place of business in the Town Hall, Town of Cheektowaga and State of New York, party of the first part, and ERIE COUNTY WATER AUTHORITY, a public benefit corporation, having its principal office and place of business at 338 Ellicott Square Bldg., City of Buffalo, County of Erie, and State of New York, party of the second part,

WITNESSETH:

That the party of the first part, in consideration of other good and valuable consideration and Two (\$2.00) Dollars, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns, forever:

The perpetual and exclusive right to lay, relay, operate, maintain and remove a water main or mains, both supply and distribution, and appurtenances, including domestic services and fire hydrants, in the full width and length, shown on the map hereinafter mentioned, of the private streets known as Laurentian Drive as said private street, situated at _____, in the Town of Cheektowaga, County of Erie, and State of New York, as shown on a certain map, filed in the office of the Clerk of the aforesaid County and State, on _____, as Map No. 1938, and entitled Anthony Court Subdivision and in

Item No. 10 cont'd

and along Holland Avenue, as the same is shown on a certain map filed in the Erie County Clerk's Office under Cove Number 1362 from Beach Road to the existing water main in Cunard Avenue.

TOGETHER with the right to use such streets for such purposes

TO HAVE AND TO HOLD the rights and easements herein granted unto the party of the second part, its successors and assigns forever.

ALL MAINS and appurtenances laid or to be laid by the party of the second part, its successors or assigns, shall be and remain the property of the party of the second part, its successors and assigns, forever.

AND said party of the first part covenants as follows:

First: That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

Second: That said party of the second part shall quietly enjoy the said rights and easements;

Third: That said premises are free and clear from encumbrances (exceptions if any)

Fourth: That the party of the first part will execute or procure any further necessary assurances of the title to said rights and easements; and

Fifth: That said party of the first part will forever warrant the title to the said right and easements.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written,

CORPORATE
SEAL

Town of Cheektowaga

By _____
Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) ss.

On the _____ day of February, 1956, before me personally came Benedict T. Holtz, to me known who, being by me duly sworn, did depose and say that he resides at 48 Ridge Park Avenue, Town of Cheektowaga, New York; that he is Supervisor of the Town of Cheektowaga the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation, and that he signed his name thereto by like order.

Notary Public, State of New York

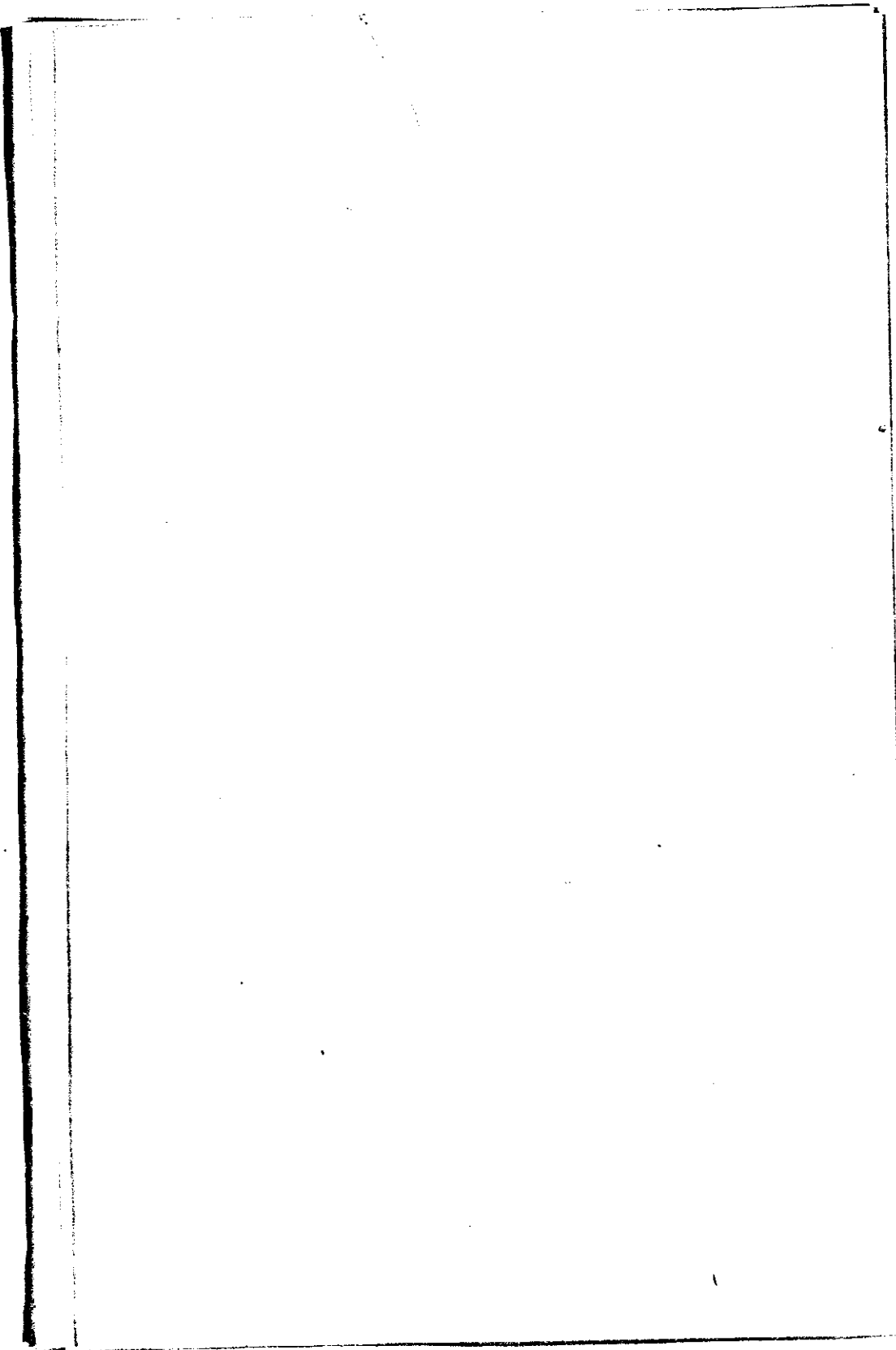
Item No. 11 INFORMAL HEARING FOR THE EXTENSION OF THE U-CREST FIRE DISTRICT NO. 4
TO INCLUDE THE WESTINGHOUSE MANUFACTURING COMPANY AND THE CORNELL AERONAUTICAL CORP.

Mr. Kenneth W. Kitzinger, Attorney at Law, representing the U-Crest Fire District Commissioners related to the Board that both Westinghouse and Cornell should be included in the Fire District Extension.

Mr. P.N. Love representing the Westinghouse Manufacturing Company told the Board the reason his company was not interested in becoming a part of the proposed extension is due to the fact that the company has its own fire fighting equipment.

Mr. Knabloe, representing the Cornell Aeronautical Corporation went on record as being in favor of his organization going into the new proposed fire district extension.

Hereto attached is a copy of a communication from Mr. Love relating to Westinghouse being excluded from the proposed extension.



22

Filed
2-20-56

Westinghouse

ELECTRIC CORPORATION



MOTOR AND CONTROL DIVISION

PHONE: PLAZA 1500
BOX 2025. BUFFALO 5. N. Y.
January 26, 1956

Town Board
Town Of Cheektowaga
Erie County, New York

Gentlemen:

The Westinghouse Electric Corporation, for the following reasons, respectfully requests that its property not be included in the proposed extension of the U-Crest Fire District #4, Town of Cheektowaga:

- (1) In the Manufacture of our products, various types of machinery and processes are necessary that require highly specialized fire extinguishing equipment to meet insurance specifications and give proper fire protection. Such fire equipment is purchased and maintained at great expense to the Company.
- (2) This specialized fire equipment includes over 3000 portable fire extinguishers, each with its own particular application. Twenty thousand feet of fire hose with the appropriate nozzles and adapters.

A reserve supply of 1,000,000 gallons of water, maintained in two separate tanks and piped into the sprinkler and fire system. A pressure pump maintains a constant pressure on this system varying between 85 and 125 pounds. Also four large stand-by pumps are built into the system and deliver a pressure of 150 pounds p.s.i., when in operation.

There are a number of special installations of CO₂ systems varying from 100 pounds to 4 tons capacity and operate both automatically and manually.

Certain operations and processes are protected by foam systems that operate automatically and manually.

A coded Gamewell Fire Alarm System of 42 alarm boxes is maintained. Twenty-two hydrants (fire plugs) are located at strategic points on property.

Approximately 60% of the entire plant area is covered by a sprinkler system. Emergency lighting sets are maintained.

YOU CAN BE SURE... IF IT'S Westinghouse

Hereto attached is a copy of a communication from Mr. Love relating to Westinghouse being excluded from the proposed extension.

All of this equipment is augmented by a regular Mack Fire Truck that carries 300 gallons of water, chemical extinguishers and large supplies of foam to be used in foam generator which is a part of the truck.

- (3) To utilize the above equipment, a volunteer fire brigade consisting of 120 trained men is maintained as well as 36 uniformed police and firemen.
- (4) With this set-up, all insurance regulations are fully met, and we feel we have ample fire protection.
- (5) Company insurance rates would not be reduced if property would be included in Fire District.
- (6) There would be increased cost to Company if property would be included in Fire District.

Yours very truly,


P. N. Love
Asst. to Manager

h

Here to attached is a copy of a communication from Mr. Love relating to Westinghouse being excluded from the proposed extension.

LIFE INSURANCE EXTENSION.

LEGAL

WHEREAS, the Benderson Development Company applied to the Town Board to rezone from a Residential District to a First Industrial District, property located immediately east of the cloverleaf from Walden Avenue to the thruway, consisting of approximately 26 acres, and

WHEREAS, a public hearing was held on this application before the Zoning Board of Appeals on September 28, 1955, and

WHEREAS, the Zoning Board of Appeals rendered its decision about December 14, 1955, recommending that the Town Board grant the application of the petitioner, and

WHEREAS, the Town Board has held many public hearings on this application at which there appeared representatives of School District No. 4, property owners and other school officials of various other school districts, and

WHEREAS, it has been proposed that at some future time the land in question may be needed for school purposes, that time may be several years hence, and

WHEREAS, this Town Board does not believe that it has the power to refuse to rezone this property because the same may be possibly be needed at a later date for school purposes, and

WHEREAS, this Town Board does not believe it to be in the public interest to carve out of an industrial area a tract of land and only permit it to be used for residential purposes.

DESCRIPTION

Those certain parcels of land situated in the Town of Cheektowaga, New York, being part of Lot No. 16, Township 11 and Range 7

PARCEL NO. 1. Bounded west by a line parallel with the east line of said lot No. 16 and distant forty chains and sixty links (40.60) westerly therefrom twelve chains and eighty-seven and one-half links (12.87½); north by a line parallel with the north line of said lot and distant thirteen chains and twenty-seven and one-half links (13.27½) southerly therefrom fifteen chains and eighty-seven links (15.87); east by a line parallel with the east line of said lot and distant twenty-four chains and seventy-three links (24.73) westerly therefrom twelve chains and eighty-seven and one-half links (12.87½); south by a line parallel with the north line of said lot and distant twenty-six chains and fifteen links (26.15) southerly therefrom fifteen chains and eighty-seven links (15.87) containing approximately twenty (20) acres.

PARCEL NO. 2. Bounded west by a line parallel with the east line of said Lot No. 16 and distant forty chains and twenty links (40.20) westerly therefrom five (5) chains more or less; north by a line parallel with the north line of said lot and distant twenty-six chains and fifty-five links (26.55) southerly therefrom nine chains and ninety-nine links (9.99); east by a line parallel with the east line of said lot and distant thirty chains and twenty-one links (30.21) westerly therefrom seven (7) chains more or less; south by the northerly line of Walden Avenue as recently re-located nine (9) chains more or less, containing approximately six (6) acres.

PARCEL NO. 3. Bounded west

parallel with the east line of said Lot No. 16 and distant twenty-six chains and fifteen links (26.15) southerly therefrom fifteen chains and eighty-seven links (15.87); east by a line parallel with the east line of said lot and distant twenty-four chains and seventy-three links (24.73) westerly therefrom forty (40) links; south by a line parallel with the north line of said lot and distant twenty-six chains and fifty-five links (26.55) southerly therefrom fifteen chains and eighty-seven links (15.87) sometimes referred to as a road.

All of which is subject to and there is excepted therefrom all lands, interests and rights acquired by the State of New York pursuant to the provisions of the Highway Law; also subject to zoning statutes, ordinances, restrictions and requirements.

Together with and including all appurtenances thereto and all of the right, title and interest of the seller in and to any and all streets, roadways, highways, easements and rights-of-way (public or private) upon which the above described premises abut or which are appurtenant thereto.

BE IT RESOLVED, that the application of the petitioner to rezone from a Residential District to a First Industrial District, the property hereinabove described be granted.

Dated: February 20, 1956.

KENNETH T. HANLEY
Town Clerk, Town of Cheektowaga, New York

The above notice was posted on the Town Hall Bulletin Board on the 25th day of February, 1956.

LEGAL NOTICE
 WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Harry H. Harris for the rezoning of premises from Residential District to First Industrial District of the property hereinafter described and amending the zoning map and ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the

petitioner to rezone from Residential District to First Industrial District the property hereinafter described, be it

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to First Industrial District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the ordinance adopted December 21, 1942, and as now amended

entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to First Industrial District.

DESCRIPTION

No. 2685 Union Road at William Street, 170 feet by 155 feet.

Dated: February 20, 1956.

KENNETH T. HANLEY,

Town Clerk, Town of
 Town Clerk, Town of Cheektowaga,
 Erie County, New York

The above notice was posted on the Town Hall Bulletin Board on the 25th day of February, 1956:

Item No. 14 Councilman Kornecki moved, seconded by Councilman Nagel, that all claims presented at this meeting for audit be approved, and that the Town Clerk be authorized and directed to draw a warrant on the Supervisor for payment of same. (Warrant No. 365 to No. 461, inclusive , drawn on the Supervisor).

Item No. 15 Councilman Nagel moved, seconded by Councilman Neibert, to adjourn until 5:30 P.M., on February 23, 1956.

SEAL

Kenneth T. Hanley
 Kenneth T. Hanley
 Town Clerk.

Item No. 1 At a regular adjourned meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 23rd day of February, 1956, at 5:00 o'clock P.M., E.S.T., there were:

PRESENT: Benedict T. Holtz	Supervisor
Felix T. Wroblewski	Councilman
Stanley B. Bystrak	"
Joseph Trojanosky	"
Joseph Kornekci	"
ABSENT: Joseph A. Neibert	"
Henry J. Nagel	"

Due to the absence of Kenneth T. Hanley, Councilman Wroblewski was designated to act as Clerk for this meeting.

Item No. 2 Councilman Wroblewski moved, seconded by Councilman Trojanosky, that Assistant Building & Plumbing Inspector E. J. Rohem be authorized and directed to attend the annual meeting of building Inspector in New York City on February 23 and 24, 1956, and that his reasonable expenses be borne by the Town.

CARRIED: AYES: -5-
ABSENT: -2-

Item No. 3 Councilman Trojanosky presented the following resolution and moved its adoption:

RESOLVED, that Bernard Czechowski of No. _____ and Frank Sztukowski of No. _____ be appointed Motor Equipment Operators and their pay be fixed at \$1.90½ per hour of time actually worked.
Seconded by Councilman Bystrak.

CARRIED: AYES: -5-
ABSENT: -2-

Item No. 4 Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, A. Russell Tryon was appointed Town Planner for the Town of Cheektowaga, at a regular meeting of the Town Board held February 20, 1956, and WHEREAS, the validity of his appointment at such meeting was questioned and to eliminate any possible question of his appointment Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Cheektowaga, New York, constitutes the Planning Commission of the Township, and

WHEREAS, the services of a planning consultant to work with the Town Board is deemed to be necessary, and

WHEREAS, A. Russell Tryon an experienced Town Planner has submitted to the Town Board a detailed report of the work he believes is necessary to be done to provide the Town of Cheektowaga with a comprehensive plan for its future development, and

WHEREAS, Mr. Tryon is now ready to devote some time in the preparation of maps and plans giving priority to matters requiring immediate study and action,

BE IT RESOLVED, that A. Russell Tryon, Town Planner be engaged to act as a consultant to the Town Board to carry out the sequence study required and that his compensation be fixed on an hourly basis of \$7.50 an hour per man for office time and \$10.00 for the services of Mr. Tryon. It is understood that clerical time for typing of reports is included under the above rates as overhead.

BE IT RESOLVED, that this resolution take effect immediately and that a conference be arranged with Mr. Tryon, the Town Board, the Town Engineer and the Town Attorney, as soon as possible.

Seconded by Councilman Wroblewski and duly put to a vote which resulted as follows:

Supervisor Benedict T. Holtz	Voting AYE
Councilman Stanley R. Bystrak	" "
Councilman Felix T. Wroblewski	" "
Councilman Joseph Trojanosky	" "
Councilman Joseph Korencki	" "

CARRIED: AYES: -5-

ABSENT: -2-

Item No. 5 Councilman Trojanoksy presented the following resolution and moved its adoption:

RESOLVED, that the salaries of the disposal plant operators on both plant 3 and 5 be fixed at the salary of \$4,200.00 per year, payable in semi-monthly installments:

That the salary of Frank Lunz, Superintendent of Disposal Plants be increased from \$4,400.00 to \$4,800.00 per year, to be paid in semi-monthly installments:

That the salary of Edmund Stachowski, Incinerator Plant Working Foreman be increased to \$4,600.00 per year, payable in semi-monthly installments:

That the salary of incinerator plant operators be increased from \$4,000.00 to \$4,200.00 per year, payable in semi-monthly installments:

That the salary of George Burst, General Mechanic, be increased from \$4,350.00 to \$4,550.00 per year, payable in semi-monthly installments:

That the salary of Edward Snyder, Auto Mechanic, be increased from \$3,950.00 to \$4,150.00 per year, payable in semi-monthly installments:

That the salaries of Raymond Przybsz and Florian Jablonski, Janitors, be increased from \$3,750.00 to \$4,050.00 per year, payable in semi-monthly installments:

That the salary of Helen Kosin, Police Matron be increased from \$1,100.00 to \$1,200.00 per year payable in semi-monthly installments.

This resolution shall take effect immediately.

Seconded by Councilman Bystrak and duly put to a vote which resulted as follows:

Supervisor Benedict T. Holtz	Voting AYE
Councilman Stanley R. Bystrak	" "
Councilman Felix T. Wroblewski	" "
Councilman Joseph Trojanoksy	" "
Councilman Joseph Kornecki	" "

3) CARRIED: AYES: -5-

ABSENT: -2-

Item No. 6 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, it was necessary to make certain changes in the contract between the Town of Cheektowaga and Pitt Construction Company and its sub-contractors Stroh Electric Construction Corporation and New York State Electric and Gas Corporation, known as contract No. 3, in connection with the work to be done at Sewage Treatment Plant No. 5, all of which are set forth in Change Order No. 1 attached hereto, which contains credits and extra work which has been approved by Nussbaumer, Clarke and Velzy, Consulting Engineers of the Town of Cheektowaga, New York,

BE IT RESOLVED, that the attached Change Order No. 1 be approved and a contract between the Pitt Construction Company and its sub-contractors with the Town of Cheektowaga be modified as set forth in said Change Order No. 1.

Seconded by Councilman Trojanosky and duly put to a vote which resulted as follows:

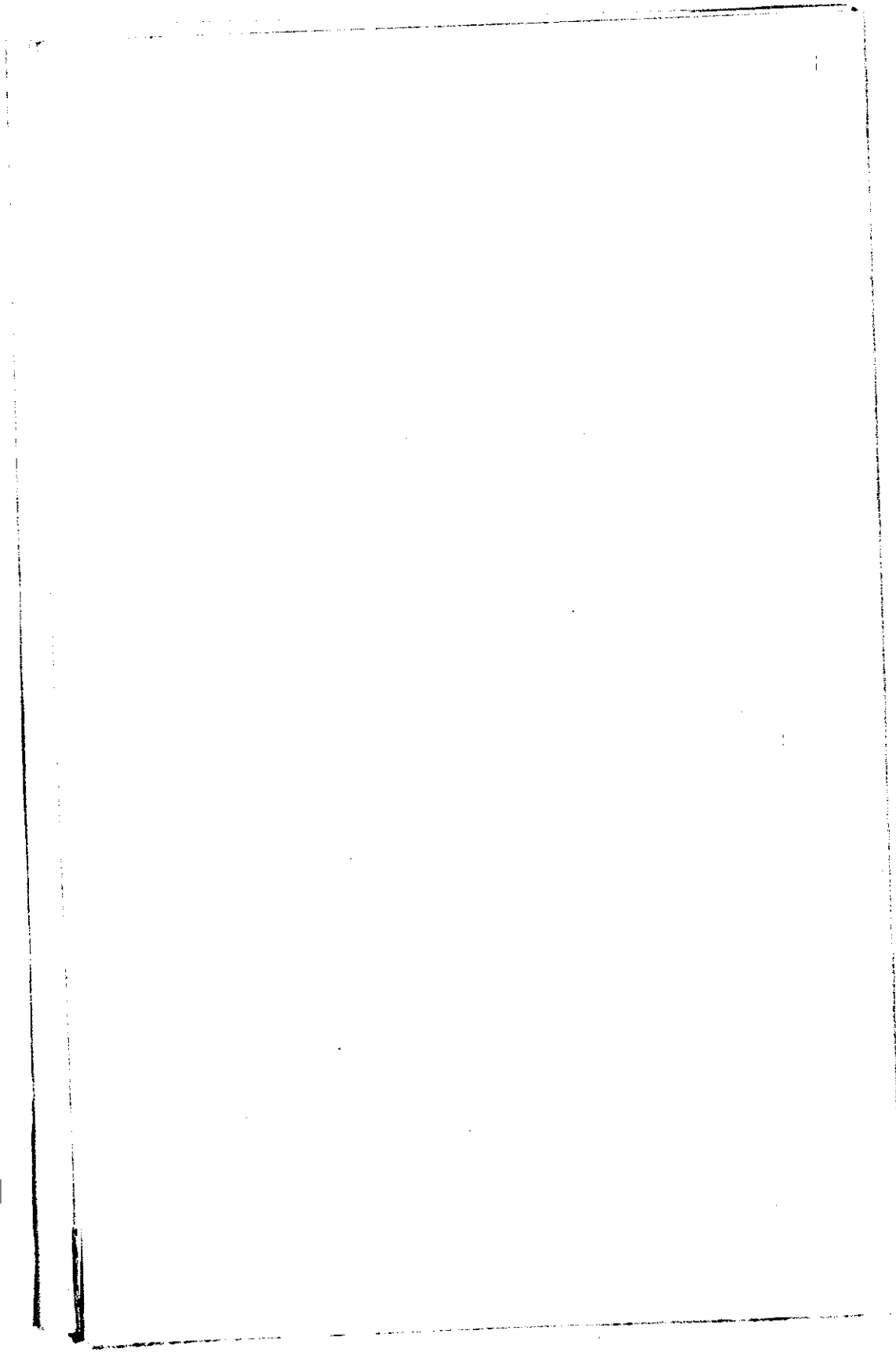
Supervisor Benedict T. Holtz	Voting AYE
Councilman Stanley R. Bystrak	" "
Councilman Felix T. Wroblewski	" "
Councilman Joseph Trojanosky	" "
Councilman Joseph Kornecki	" "

CARRIED: AYES: -5-

ABSENT: -2-

Hereto attached is a copy of the hereinabove described Change Order:

6
3
27



CHANGE ORDER NO. 1
TOWN OF CHEEKTOWAGA, N. Y.
SEWAGE TREATMENT PLANT NO. 5
CONTRACT 3

January 30, 1956

General Contractor: Pitt Construction Company

Sub-Contractors: Stroh Electric Construction Corporation
New York State Electric & Gas Corp.

Nature of Change: Power supply to Recirculation Building to come from a different source; Telephone conduits added.

Reason for Change: Saving in cost; better voltage regulation; more adequate power supply.

Item No. 1 - Omit Main Circuit Breaker in Main Pump Station as described in Sect. 11.17.8, paragraph 2, of the specifications. Credit \$ 398.00

Item No. 2 - Omit underground power feeder from Main Pump Station to Recirculation Bldg., as described in Sect. 11.17.8, paragraph 3, and Addendum No. 2, part 5, page 2 of the specifications. Credit \$8,200.00

Item No. 3 - Omit the one-inch steel telephone conduit as described in Sect. 11.17.15 of the specifications. Credit 495.00

Total Credit for Items 1, 2 & 3: \$9,093.00

Additional Work:

Item No. 4 - Primary pole-line extension along south property line by New York State Electric & Gas Corp. Electrical contractor shall reimburse the power company in the amount of \$330.00

Extra \$ 330.00

Item No. 5 - As shown on revised drawings, Sheets 1-A and 15-A, furnish and install an underground 2 1/2" galvanized steel conduit with 3 # 4/0 Type RH-RW 600-volt single conductor cables from the pole-mounted sub-station to the Recirculation Bldg. Motor Control Center.

Conduit shall extend up the pole 8 to 11 feet, and conductors shall be long enough to reach power company's secondary terminals on the pole. Furnish and install a concrete hand-hole as required. Extra \$3,483.00

Item No. 5-A

The thickness of the south concrete wall of the Settled Sewage Conduit shall be increased to 18 inches and the electrical conduit imbedded in the wall, as shown on the plans, Sheet 15-A.

1.40 cu. yd. Class "C" Concrete at \$60.00 per cu. yd. = \$84.00
150 lbs. reinforcing steel at \$0.15 per lb. = 22.50
Extra \$106.50

Item No. 6

Modify the Motor Control Center in the Recirculation Building to include the following additional items:

(a) The Incoming Line Circuit Breaker shall be as described in Sect. 11.17.10, Unit No. 3-E, "J" - frame, moulded plastic case, 200-amp. trip instead of 150 amp.

(b) Two 300 amp. vertical busses with bus supports arranged for mounting of power company's current transformers for metering.

(c) A hinged ebony-asbestos or equal panel for mounting power company's meters.

(d) Incorporate the magnetic starter for the sump pump and the magnetic contractors for the unit heaters in the Control Center instead of wall-mounting in separate enclosures as specified. Extra \$ 700.00

Item No. 7

Furnish and install in the switchboard in the Main Pumping Station a 50-amp., 3 pole circuit breaker for branch feeder to future Garage Building. Circuit breaker shall be equipped with red "power-on" indicator light and plastic name plate.

Also furnish and install a 1 1/2" galvanized steel conduit from the Switchboard to and through the wall of the Pump Station for branch feeder to the future Garage Building. Existing sleeve in wall shall be used. Extra \$ 500.00

Item No. 8

Furnish and install about 112 feet of underground telephone duct from existing pole No. 23-1-A to the Main Pump Station as shown on Revised Site Plan, Sheet No. 1-A. Duct shall be 2-inch diameter cement-asbestos conduit, "Transite" or approved equal. It shall be laid in six inches of gravel and hand-back filled for a depth of six inches above the conduit with selected fill material, gravel or

equal. At the pole and at the building, 2-inch galvanized steel conduits with long sweep elbows shall be used. Place a fish-wire in the conduit.

Furnish and install in the Pumping Station, 3/4" galvanized steel conduit to a telephone outlet at the desk and to the flow indicator in the switchboard.

All work shall be in accordance with New York Telephone Company requirements.

Extra \$872.00

Item No. 9

From a pole to be set by the telephone company to the Vacuum Filter Building, furnish and install about 60 feet of underground 2-inch diameter galvanized steel telephone conduit. Driveway shall be restored to its original condition. Place a fish-wire in the conduit and perform all work in accordance with New York Telephone Company requirements.

Extra \$595.00

Total Extra for Items 4, 5, 6, 7, 8, & 9 \$6,586.50

Total Credit for Items 1, 2 & 3 \$9,093.00

Net Total Credit \$2,506.50

Summary of Item Costs

Item No. 1	Credit	\$ 398.00
Item No. 2	Credit	8,200.00
Item No. 3	Credit	495.00

Total Credit \$9,093.00

Item No. 4	Extra	\$ 330.00
Item No. 5	Extra	3,483.00
Item No. 5-A	Extra	106.50
Item No. 6	Extra	700.00
Item No. 7	Extra	500.00
Item No. 8	Extra	872.00
Item No. 9	Extra	595.00

Net Total Extra \$6,586.50

Net Total Credit 2,506.50

Recommended By:

Nussbaumer, Clarke & Velzy

Per: Wm. L. Nussbaumer

Date: 2/20/56

Approved By:

Town of Cheektowaga, N.Y.

Per: _____

Date: _____

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

... the zoning of certain
Residential District to
District of the property
described and amend-
Zoning Map and Ordinance
and
... the Zoning Board of
having rendered its deci-
... the application of the
to rezone from Residen-
to Business District the
...

YOU MUST BE
If You Re
... the first insertion
... at the
... Depew, Cheektowaga
... quarter, and
... the entire town of
... the town of
...

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew

Cheektowaga

Herald and News

a public newspaper published at Depew, Town of Cheek-
towaga, Erie County, New York, that notice of which the
annexed printed slip taken from said newspaper, is a copy,
was inserted and published therein once a week for
... *one* ... week, the first insertion being on the
... *8th* ... day of ... *March* ... 19*56*, and
the last insertion being on the ... *8th* ... day of
... *March* ... 19*56*, and that not
more than six days intervened between any two publi-
cations thereof.

Richard G. Bennett

Sworn to before me this day of

MAR 13 1956

19.....

Henry T. Hanley

Notary Public in and for Erie County

hm 11096-C8

The above notice was posted on the Town Hall Bulletin Board on

March 12, 1956.

STATE OF NEW YORK
COUNTY OF ERIE

... of Loen A. and Bernice H. Kujawa
for the rezoning of premises
from Residential District to
Business District of the property
... described and amend-
... Zoning Map and Ordinance
... and
... the Zoning Board of
... having rendered its deci-
... the application of the
... to rezone from Residen-
... to Business District the
... hereinafter described, be

... of the
to rezone premises from
Residential District to Business Dis-
... and the same is hereby
... and approved, be it
... by this Town Board
... Ordinance adopted Decem-
... 1942 and as now amended
... "Zoning Ordinance", be
... hereby is amended by
... the zoning map so as to
... the following described pro-
... that of Residential Dis-
... Business District.

DESCRIPTION
... part of Lot No. 28, Town-
... Range 7 of the Holland
... Survey and accord-
... map filed in Erie County
... Office under cover No. 1266
... and described as Subdi-
... No. 119, 120, 121, 122;
... on the north side of
... St., together being on the
... line of Genesee St. 159.968
... and 160 ft. to the rear; 131.44

... on the east line and
129.94 feet on the west.
Northwest corner Genesee and
Crestwood, Lot No. 122 to be re-
zoned.
Dated: February 23, 1956.
KENNETH T. HANLEY,
Town Clerk, Town of Cheektowaga,
Erie County, New York

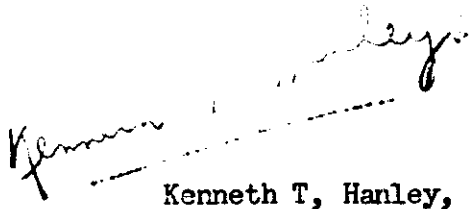
Hanley
Notary
hn 11096-C8

The above notice was posted on the Town Hall Bulletin Board on
March 12, 1956.

Item No. 8
Kornecki, to adjourn.

Councilman Bystrak moved, seconded by Councilman

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Kenneth T, Hanley, Town Clerk

SEAL

Felix T. Wroblewski, Acting Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 5th day of March, 1956, at 2:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Benedict T. Holtz	Supervisor
Henry J. Nagel	Councilman
Felix T. Wroblewski	"
Joseph Kornecki	"
Joseph Trojanosky	"
Stanley Bystrak	"
ABSENT: Joseph A. Neibert	"

Also present were: Town Clerk Kenneth T. Hanley; Town Attorney George B. Doyle; Highway Superintendent John J. Zablony; Chief of Police Mersmann; Town Historian Julia B. Reinstein; Assessors Eugene Rudyzinski; Town Engineer A.J. Kamm; Building Inspector Carl Trafalski and Foreman John Eberl.

Item No. 2 The Town Clerk advised the Board that a copy of the minutes of the previous meeting has been placed on their desk in the Council Chamber.

Item No. 3 Councilman Kornecki presented the following resolution and moved its adoption:

RESOLVED, that Elmer C. Mesner be reinstated and employed by the Town of Cheektowaga as a GRADE I Operator and assigned to Disposal Plants 3 and 5 and subject to the orders of Albert J. Kamm, Town Engineer at a salary of \$4200. per year payable in semi-monthly payments.

Seconded by Councilman Wroblewski and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak	Voting <u>Aye</u>
Councilman	Joseph M. Trojanosky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES: 6

NOES: 0

ABSENT: 1

37

Item No. 4 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, the Board of Fire Commissioners of Pine Hill District No. 5 have requested the installation of water hydrants at Avery and Herbert Avenues and Avery and Pennock Avenue, also on Pine Park (this is a new street that runs from Pennock to Avery, perhaps the best place would be at the curve).

BE IT RESOLVED that the Erie County Water Authority be requested to install said hydrants as above set forth.

Seconded by Councilman Bystrak.

AYES -6-

ABSENT -1-

22
28

Item No. 5 Councilman Bystrak presented the following resolution and moved its adoption:

WHEREAS, the Board of Fire Commissioners of Walden Fire District No. 2 of the Town of Cheektowaga, have requested the Town Board to contract with the Erie County Water Authority to locate a hydrant at the southeast corner of Abeles and Vincent Streets, and relocate the present hydrant located on Harlem Road, near Walden, to a position at Harlem Road and Walden Terrace; and

BE IT FURTHER RESOLVED, that the Erie County Water Authority be requested to install said hydrant at the southeast corner of Abeles and Vincent Streets; and

BE IT FURTHER RESOLVED, that the Town Board request the Erie

County Water Authority to relocate the present hydrant located on Harlem Road, near Walden, to a position at Harlem Road and Walden Terrace, without expense to the Town of Cheektowaga.

Seconded by Councilman Trojanosky.

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Stanley Bystrak,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>

AYES -6-

ABSENT -1-

Item No. 6 Councilman Trojanosky presented the following resolution and moved its adoption:

WHEREAS, there has been pending for some time a dispute between Fago Brothers and the Town of Cheektowaga, New York, in connection with the contract entered into between Fago Brothers and the Town of Cheektowaga for the construction of the Como Park, Transit Road water line, and

WHEREAS, according to the interpretation of the contract by Nussbaumer, Clarke and Velzy, Consulting Engineers and Albert J. Kamm, Town Engineer, there is due the Town of Cheektowaga from Fago Brothers the sum of \$1380.22, and

WHEREAS, there exists in the contract a conflicting rate in connection with gravel backfill, wherein it is provided that the contractors shall receive \$5.00 per cubic yard and in another version of the contract only \$2.50 per cubic yard of said backfill is requested, and

WHEREAS, negotiations have been carried on between the parties for several months and Fago Brothers have agreed to settle the Town's claim against them, for the sum of \$800.00, and

WHEREAS, there is a disputed question of fact involved, as to which provision of the contract is binding on the parties and that it is in the best interest of the Town of Cheektowaga, New York to settle said claim without suit.

BE IT RESOLVED that the offer to compromise said claim by Fago Brothers be accepted, and be it further

RESOLVED, that upon receipt of said sum from Fago Brothers the Supervisor be authorized to execute and deliver to them a general release, releasing said contractors of all responsibilities under the aforementioned contract, and be it further

RESOLVED that said contract be considered completely performed in accordance with the plans and specifications aforementioned.

Seconded by Councilman Wroblewski and duly put to a vote, which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Stanley Bystrak,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Henry Nagel,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>

AYES -6-

NOES -0-

ABSENT -1-

Item No. 7 Councilman Kornecki presented the following resolution and moved its adoption:

WHEREAS, Robert Reick received injuries in an accident not occurring in the performance of his duties and such injuries incapacitated him from working and under the sick leave ordinance, he is entitled compensation from the period January 1st, 1956 to January 15th, 1956.

BE IT RESOLVED that the Supervisor be and he is hereby authorized to pay Robert Reick his usual salary for said period of time.

Seconded by Councilman Wroblewski.

AYES -6-

ABSENT -1-

TO: TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, NEW YORK, and

SUPERINTENDENT OF HIGHWAYS OF

SAID TOWN

The petition of the FOISSET CORPORATION, a domestic corporation with its principal office and place of business at 1368 Sycamore Street, Buffalo, New York, respectfully shows:

THAT your petitioner is the owner of all the lands abutting Gilbert and Holland Avenue, as shown on Map Cover Number 1362 from the west line of Beach Road as now laid out and the east line of the Ontario Thruway and,

WHEREAS, THE FOISSET CORPORATION has filed with the approval of the Town Board, the Town Engineer, and the Superintendent of Highways of the Town of Cheektowaga, Cover Map Number 1938, covering the same areas and has deeded to the Town of Cheektowaga the new street named Laurentian Drive, and,

WHEREAS, these portions of Gilbert Avenue and Holland Avenue as shown on Map Cover Number 1362 running from the west line of Beach Road as now laid out and the east line of the Ontario Thruway have been abandoned by proceedings conducted by the Town Board of the Town of Cheektowaga pursuant to Section 205 of the Ontario Thruway Laws of the State of New York and,

WHEREAS, the petitioner requested and obtained from the County of Erie a deed conveying these portions of Gilbert and Holland Avenue to the Town of Cheektowaga,

WHEREFORE, your petitioner respectfully requests that the Town Board of the Town of Cheektowaga convey to the petitioner these portions of Gilbert Avenue and Holland Avenue.

Dated: March 1st, 1956

THE FOISSET CORPORATION

BY Sigmund A. Kidowski

STATE OF NEW YORK)

COUNTY OF ERIE)

SIGMUND A KIDOWSKI, being duly sworn, deposes and says that he is the Secretary of THE FOISSET CORPORATION, and that it is the petitioner herein, that he has read the foregoing petition and knows the contents thereof; that the same is true to the knowledge of deponents, except as to the matters therein stated to be alledged on information and belief, and that as to those matters they believe it to be true.

Subscribed and sworn to before me this 1st day of March, 1956.

Sigmund A. Kidowski

Notary Public, Erie County, New York

Councilman Kornecki presented the following resolution and moved its adoption:

WHEREAS THE FOISSET CORPORATION has petitioned this Town Board for a deed conveying those portions of Gilbert Avenue and Holland Avenue as shown on Cover Map Number 1362 between the westerly line of Baltic Avenue as now laid out and the easterly line of the Ontario Thruway and,

WHEREAS, THE FOISSET CORPORATION is the owner of all the abutting property and has filed with the approval of this Board, Cover Map Number 1938 and has conveyed to the Town of Cheektowaga the new street known as Laurentian Drive as shown on said Cover Map Number 1938, and,

WHEREAS the Town of Cheektowaga has abandoned those portions of Gilbert Avnue and Holland Avenue,

NOW THEREFORE BE IT RESOLVED, that the Supervisor be authorized to execute and deliver a deed conveying to the FOISSET CORPORATION from the Town of Cheektowaga, on behalf of the Town of Cheektowaga, New York, those portions of Gilbert Avenue and Holland Avenue as shown on Cover Map Number 1362 lying between the westerly line of Baltic Avenue as now laid out and the easterly line of the Ontario Thruway as now laid out.

Seconded by Councilman Wroblewski and duly put to a vote, which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Joseph M. Trojanosky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES -6-

NOES -0-

ABSENT -1-

Item No. 9 Councilman Bystrak presented the following resolution and moved its adoption:

RESOLVED that the New York State Gas and Electric Company be authorized to make the following Lighting installations:

- (1) Pole No. 2 - Change from 1,000 Lumen to 2,500 Lumen on Zoerb St.
- (2) Zoerb Street - Pole No. 4 - Install 2,500 Lumen.
- (3) Pleasant Pkwy. - Pole No. 7 - Install 2,500 Lumen, and

BE IT FURTHER RESOLVED to install 4,000 Lumen Lights on Pole Nos. 12 and 16 on Clinton Street.

Seconded by Councilman Wroblewski and duly put to a vote which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Stanley Bystrak,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>

AYES -6-

ABSENT -1-

Item No. 10 Councilman Wroblewski presented the following resolution and moved its adoption:

RESOLVED that the Chief of Police be and he is hereby authorized to install "No Parking" signs on the north side of Schoedel Avenue between Long Avenue and Andrews Street.

BE IT FURTHER RESOLVED, that the Chief of Police be authorized to erect "No Parking" signs in front of Bellvue School and also stop signs at Mapleview Road and Birkdale Street to stop for Birkdale Street, also a stop sign on Hillside Avnue and Birkdale Street to Stop for Birkdale Street.

BE IT FURTHER RESOLVED that two "No Parking" signs be placed on the west side of Hyland Avenue and two on the east side of Hyland Avenue at the Fire House.

Seconded by Councilman Kornecki.

AYES -6-

ABSENT -1-

Item No. 11 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, it is necessary for the Attorney for the Board Approving Firm, Kenneth W. Kitzinger, Supervisor Benedict T. Holtz and Town Clerk Keaneth T. Hanley to go the City of New York to execute bonds of the Town of Cheektowaga in the sum of \$950,000.00, be it

RESOLVED, that their reasonable expense be paid from the funds of Sewer District No. 5.

Seconded by Councilman Kornecki.

CARRIED: AYES -5-

NAYES -1-(Councilman Bystrak) ABSENT -1-(Jos. A. Neibert)

Item No.12
its adoption:

Councilman Trojanosky presented the following resolution and moved

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WHEREAS, emergency repairs were required on Wanda Street in Sanitary Sewer District No. 2 and the Town Engineer entered into an agreement with Straco Inc., to furnish materials and labor to perform said work at a cost of \$893.97,

BE IT RESOLVED, that the voucher therefore in the above mentioned amount be approved and ordered paid.

Seconded by Councilman Wroblewski.

Carried: AYES -6- NAYES -0- ABSENT -1-

6
24

Item No. 13
its adoption:

Councilman Trojanosky presented the following resolution and moved

WHEREAS, emergency repairs were required on Stradtman Road in Sanitary Sewer District No. 3 and the Town Engineer entered into a agreement with Straco Inc., to furnish the material and labor to perform said work at a cost of \$1,300.25, be it

RESOLVED, that the voucher therefore in the above mentioned amount be approved and ordered paid.

Seconded by Councilman Wroblewski.

CARRIED AYES -6- ABSENT -1-

6
20

Item No. 14
its adoption:

Councilman Wroblewski presented the following resolution and moved

RESOLVED, that the Supervisor be authorized to execute on behalf of the Town of Cheektowaga application for approval of Recreation Project of New York State Youth Commission.

Seconded by Councilman Nagel.

CARRIED AYES -6- ABSENT -1-

16

Item No. 15

RE-ZONING GRANTED-CARLTON W. HASSELBACK- RESIDENCE TO 1ST INDUSTRIAL

LEGAL NOTICE

WHEREAS the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Carlton W. Hasselback for the rezoning of premises from Residential District to First Industrial District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residential District to First Industrial Dis-

trict the property hereinafter described, be it

RESOLVED that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to First Industrial District be and the same is hereby confirmed and approved, be it

RESOLVED by this Town Board that the ordinance adopted December 21, 1942 and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential Dis-

trict to First Industrial District.

DESCRIPTION

Beginning at a point 226 ft. West of Union Road and bordering on the South line of Walden Ave Thence North Westerly along said South Highway line to a point 674 ft. distant from starting point, thence Westerly a distance of 497 ft. to a point, thence Southerly from said point a distance of 191 ft. Thence Easterly a distance of 1125 feet to the point of beginning.

Dated: March 5, 1956.

KENNETH T. HANLEY,
Town Clerk, Town of Cheektowaga,
Erie County, New York

x

The above notice was posted and published as according to law.

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STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

CHARLOTTE AND THADDEUS F. NOWACKI, Petitioners, do hereby certify that the following is a true and correct copy of the proceedings of the Zoning Board of Appeals and the Town Board of Cheektowaga, New York, in the matter of the rezoning of the premises from Residential District to Business District of the property hereinafter described and of the Zoning Map and Ordinance accordingly, and that the Zoning Board of Appeals, having rendered its decision in favor of the application of the petitioners to remove from Residential District to Business District the property hereinafter described, be it recalled, that the decision of the Zoning Board of Appeals granting the application of the petitioners to remove from Residential District to Business District the same is hereby confirmed and approved, be it recalled, by the Town Board of Cheektowaga adopted December 22nd, 1956, and as amended by the Zoning Ordinance, be and the same hereby is amended by the Zoning Map as set forth in the following description of the property that of Residential District to Business District.

DESCRIPTION:
Lots 1 and 2, north side, subdivision No. 122 and the westerly portion of subdivision lot No. 124, Cheektowaga, Erie County, New York, as shown on the Zoning Map of Cheektowaga, New York, adopted March 8, 1956.

WITNESSETH:
KENNETH T. HANLEY,
Town Clerk, Town of Cheektowaga, New York.

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 22nd day of March, 1956, and the last insertion being on the 22nd day of March, 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

MAR 20 1956, 19.....

Kenneth T. Hanley
Notary Public in and for Erie County

hn 11096-C8

The above notice was posted and published as according to law.

Item No. 17 Councilman Wroblewski moved, seconded by Councilman Trojanosky, that the Town Clerk be authorized and directed to issue building permits on applications processed by the Petitions Committee on 2/25/56, after same have been approved by the Building Inspector. 3/3/56

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CARRIED AYES -6-

ABSENT -1-

The Town Board
Town of Cheektowaga
Cheektowaga, New York

RE: U.S. Rubber Reclaiming Co., Inc. - Cheektowaga
Plant Odors

Gentlemen:

Further, with reference to the above matter and more particularly, with reference to the letter we wrote you on February 10, 1956 concerning the orders for hydro-precipitator air-scrubbers, copies of which orders we attached to said letter, we wish to assure you that no rubber reclaiming equipment will be installed in the proposed addition to the plant until such time as these air-scrubbers have been installed on the three RECLAIMATORS in the present plant.

Respectfully,

G. H. Peterson
President

The order of the court granting the building permit to the U.S. Rubber Reclaiming Co., Inc., permits that company to erect a building only. It was agreed in court, and later confirmed in writing by the company, that no rubber reclaiming equipment will be placed in the new buildings until such time as air scrubbers have been installed on the three reclamators in the present plant.

The equipment above referred to has already been ordered and it will be installed as soon as it arrives, under the supervision of the Town's expert, John C. Quinlan, and the Erie County Health Chemist, William Millerschoen.

The deadline for this installation is May 1st, 1956, and unless the rubber company installs the necessary machinery and equipment, before that time, the pending action for an injunction will be immediately brought to trial.

The U.S. Rubber Reclaiming Co., Inc., must eliminate the obnoxious smoke and fumes emanating from its plant and do so immediately. The Town will not permit any further delay beyond May 1st, 1956. We will receive a weekly report from the Town expert, as to the progress made in installing the new equipment, which we have been advised by our experts, will completely consume the odors emanating from the rubber company's property.

Item No. 18 Councilman Wroblewski presented the following resolution and moved its adoption.

WHEREAS, the TOWN OF CHEEKTOWAGA, and R.J. PERFETTO CORPORATION, a corporation organized and existing under the Laws of the State of New York, have entered into an Agreement wherein and whereby the said R.J. PERFETTO CORPORATION, has agreed to construct a highway within the bounds of Medina Street, beginning at the intersection of Medina Street with the North line of Dingens Street and extending in a Northerly direction a distance of Six Hundred Ninety (690) feet, and,

WHEREAS, the TOWN OF CHEEKTOWAGA, is now holding the sum of Three Thousand Seventy Five (\$3,075.00) Dollars, previously deposited by the said R.J. PERFETTO CORPORATION, for the purpose of assuring the acceptable completion of approximately Seven Hundred (700) feet of roadway constructed on Alaska Street, in the said Town of Cheektowaga, and,

WHEREAS, by the said Agreement the said sum is to be transferred to an account for the assurance of the satisfactory completion of Medina Street, as aforesaid, and,

WHEREAS, the said deposit together with Escrow deposits to be held by The Western Savings Bank of Buffalo, at the rate of Two Hundred Fifty (\$250.00) Dollars, per house, constructed on Medina Street, shall constitute a fund to assure a compliance in all respects with the Agreement to construct a highway within the bounds of Medina Street, as aforesaid,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute the annexed Agreement, between the said TOWN OF CHEEKTOWAGA, and the said R.J. PERFETTO CORPORATION, on behalf of the said TOWN OF CHEEKTOWAGA, and be it further,

RESOLVED, that Medina Street, commencing at its point of intersection with the North line of Dingens Street and extending in a Northerly direction, a distance of Six Hundred Ninety (690) feet be accepted as a Town highway, under the jurisdiction of the Town Highway Superintendent, and be it further,

RESOLVED, that the Town Attorney be and he hereby is authorized and directed to record a Deed to said highway, properly executed and acknowledged, by the said R.J. PERFETTO CORPORATION, in the Office of the Clerk of the County of Erie, and be it further,

RESOLVED, that the sum of Three Thousand Seventy Five, (\$3,075.00) Dollars, now held by the TOWN OF CHEEKTOWAGA, as a fund for the successful completion of Alaska Street, be transferred as an account for the completion of Medina Street, as provided for by the said Agreement, and subject to the terms and conditions thereof, and be it further

RESOLVED, that since adequate provision is made for remedial work in Alaska Street, by the said Agreement, that The Western Savings Bank of Buffalo, be authorized to release certain Escrow deposits now being held by them against houses previously constructed by the said R.J. PERFETTO CORPORATION, on the said Alaska Street.

Seconded by Councilman Kornecki and duly put to a vote, which resulted as follows:

Supervisor	Benedict T. Holtz,	Voting <u>Aye</u>
Councilman	Stanley R. Bystrak,	Voting <u>Aye</u>
Councilman	Henry J. Nagel,	Voting <u>Aye</u>
Councilman	Felix T. Wroblewski,	Voting <u>Aye</u>
Councilman	Joseph Trojanosky,	Voting <u>Aye</u>
Councilman	Joseph Kornecki,	Voting <u>Aye</u>

AYES -6-

NOES -0-

ABSENT -1-

AGREEMENT

This Agreement made this 24th day of February, 1956.

BY & BETWEEN: The Town of Cheektowaga, a Municipal corporation, organized and existing under the Laws of the State of New York, with its office and principal place of business, in the County of Erie and State of New York, hereinafter referred to as the party of the first part,

AND: R.J. PERFETTO CORPORATION, a Corporation organized and existing under the Laws of the State of New York, with its office and principal place of business, at 695 Prospect Avenue, in the City of Buffalo, County of Erie and State of New York, hereinafter referred to as the party of the second part,

WITNESSETH

WHEREAS, THE party of the Second Part, is the owner, in Fee Simple, of certain real property abutting both sides of Medina Street, in the Town of Cheektowaga, commencing at the intersection of Medina Street with the North line of Dingens Street and extending northerly a distance of approximately Six Hundred Ninety (690) feet, and more particularly described and distinguished as Subdivision Lots Number Nineteen (19) through Forty Two (42) inclusive, under a certain Map filed under Cover No. 1861, and

WHEREAS, the party of the Second Part, has constructed sanitary sewers in said highway and is about to enter into a Contract with the ERIE COUNTY WATER AUTHORITY, for the construction of a water line in said highway, and

WHEREAS, the party of the Second Part, is about to commence construction of the highway itself and,

WHEREAS, the party of the Second Part, has requested that the TOWN OF CHEEKTOWAGA, to accept as a Town highway, the said Medina Street, commencing at the intersection of Medina Street with the North line of Dingens, and extending in a Northerly direction a distance of Six Hundred Ninety (690) feet, and

Item No. 1 contd. WHEREAS, the party of the second part has agreed to enter into a Contract with the TOWN OF CHEEKTOWAGA, to construct the said Streets so that the same will comply with the specification of the Town Highway Department and the regulations of the Town of Cheektowaga, and

WHEREAS, the party of the first part is now holding the sum of Three Thousand Seventy Five (\$3,075.00) Dollars, previously deposited by the party of second part, to assure the acceptable completion of approximately Seven Hundred (700) feet of roadway constructed on Alaska Street in the said Town of Cheektowaga, and

WHEREAS, the Western Savings Bank of Buffalo, having committed itself to finance twenty four (24) houses to be constructed on Medina Street, by the party of the second part has agreed to withhold Two Hundred Fifty (\$250.00) Dollars from the permanent mortgage on each of the said houses as additional security to the Town of Cheektowaga for the assurance of the acceptable completion of the paving on the said portion of Medina Street,

NOW THEREFORE, in consideration of the premises and the mutual covenants and promises hereinafter contained,

IT IS COVENANTED AND AGREED, as follows:

FIRST: That, the party of the second part agrees to construct the said Highway in Medina Street, commencing at its intersection with the North line of Dingens Street and extending in a Northerly direction at a distance of Six Hundred Ninety (690) feet and it further agrees, where necessary to re-construct the foundation of said highway and complete the same so that the highway will conform in every respect with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga,

SECOND: IT IS FURTHER AGREED, that the sum of Three Thousand Seventy Five (\$3,075.00) Dollars, now held by the party of the first part, as a Escrow deposit to assure the successful completion of Alaska Street be transferred to an account for the assurance of the successful completion of Medina Street.

THIRD: That, the deposit provided for in the Second paragraph hereof, together with Escrow deposits held by The Western Savings Bank of Buffalo, at the rate of Two Hundred Fifty (\$250.00) Dollars, per house constructed on Medina Street, shall constitute a fund out of which the party of the first part may draw such sums as are necessary to complete the said highway so that the same complies in every respect with the minimum specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, in the event that the party of the first part defaults in this agreement.

FOURTH: IT IS FURTHER AGREED, that in the event that the fund, as provided for in the last paragraph hereof, is insufficient to pay all of the costs and expenses incurred by the party of the first part, in completing said highway, upon the breach of this Contract by the party of the second part, that then and in that event the party of the second part hereby agrees to pay any sum required in excess of the said Escrow fund.

FIFTH: The said paving of Alaska Street, having been completed just prior to the winter months of 1955-1956, and the party of the second part having previously agreed with the said party of the first part to repair damage caused to the said Alaska Street as a result of weather conditions and settling; it is further agreed that in the event the party of the second part defaults on that agreement, or in the event that it fails to make such corrections in said Alaska Street as may be required by the Town highway Superintendent, that then in that event so much of the deposit being held by the party of the first part, as may be necessary may be applied to that purpose,

SIXTH: Upon filing with the TownBoard of the Town of Cheektowaga, an executed copy of this Agreement, together with proof by The Western Savings Bank of Buffalo, as to the facts pertaining to the said Bank withholding a Two Hundred Fifty (\$250.00) Dollar Escrow per constructed house, as alleged in the premises hereof and upon delivery to it of a Deed to that portion of Medina Street covered by this Agreement, it is agreed that the party of first part does hereby accept the said highway as a Town Highway, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 24th day of February, 1956.

TOWN OF CHEEKTOWAGA

By: _____
Supervisor
R.J. PERFETTO CORPORATION
By.: Ralph J. Perfetto
President

STATE OF NEW YORK)
COUNTY OF ERIE) SS..
CITY OF BUFFALO)

On this 24th day of February, Nineteen Hundred and Fifty Six, before me personally came, BENEDICT HOLTZ, to me known, who, being by me duly sworn, did depose and say that he reside in the Town of Cheektowaga, New York, and that he is the Supervisor of the TOWN OF CHEEKTOWAGA, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK)
COUNTY OF ERIE) SS..
CITY OF BUFFALO)

On this 24th day of February, Nineteen Hundred and Fifty Six, before me personally came RALPH J. PERFETTO, to me known, who, being by me duly sworn, did depose and say that he resides at 695 Prospect, Buffalo, New York, and that he is the President of the R.J. PERFETTO CORPORATION, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order;

Arthur G. Baumeister
Notary Public State of New York

Item No. 19 Councilman Nagel presented the following resolution and moved its adoption:

WHEREAS, the Town of Cheektowaga and Nuncio Cardarelli and Gildo Baldassi, d/b/a Easton Contracting Company have entered into an agreement wherein the said NUNCIO CARDARELLI and GILDO BALDASSI have agreed to build a foundation and place the topping on Markus Drive, commencing at Pine Ridge Road and extending in an easterly direction approximately 1260 feet as shown on a map filed in the Erie County Clerks' Office under Cover No. 1885, and has filed a Surety Bond in the sum of Twelve Thousand Six Hundred Dollars (\$12,600.00) conditioned that they will comply in all respects with the aforementioned agreement, be it

RESOLVED, that the Supervisor be authorized to execute the annexed agreement between Nuncio Cardarelli and Gildo Baldassi d/b/a Easton Contracting Company and the Town of Cheektowaga, on behalf of the Town of Cheektowaga, New York, and be it further

RESOLVED, that Markus Drive commencing at Pine Ridge Road, and extending in an easterly direction approximately 1260 feet be accepted as a Town Highway under the jurisdiction of the Town Highway Department,

That the Town Attorney be and he is hereby authorized and directed to record in the Erie County Clerks' Office deed to said highway.

Seconded by Councilman Kornecki and duly put to a vote which resulted as follows:

Supervisor Benedict T. Holtz	Voting AYE
Councilman Wroblewski	" "
Councilman Bystrak	" "
Councilman Nagel	" "
Councilman Kornecki	" "
Councilman Trojanosky	" "

CARRIED: AYES: -6-

ABSENT: -1-

This agreement made this 5th day of March, 1956, by and between the Town of Cheektowaga, a municipal corporation of the State of New York, with their offices and principal place of business in the County of Erie and State of New York, party of the first part and Nuncio Cardarelli and Gildo Baldassi, doing business under the name and style of Easton Contracting Company with their offices and principal place of business at No. 2965 Genesee Street, Cheektowaga, New York, parties of the second part;

W I T N E S S E T H

WHEREAS, the parties of the second part are the owners of the abutting property on Markus Drive, running easterly off Pine Ridge Road approximately 1260 feet as shown on Parkview Estates Subdivision, being part of Lot No. 34, Township 11, Range 7 Town of Cheektowaga, and according to a map filed in the Erie County Clerks Office under Cover No. 1885

WHEREAS, the parties of the second part are desirous and constructing the foundation and the topping for the highway on Markus Drive as above described and has also constructed in said highways, sanitary sewers, and

WHEREAS, the parties of the second part have requested the Town of Cheektowaga to accept, as Town Highway, Markus Drive as above described, and are willing to enter into a contract with the Town of Cheektowaga, New York to place the foundation and topping on said streets and complete the same so that the same will comply with the specifications of the Town of Cheektowaga, New York, it is hereby

AGREED, that the parties of the second part agrees to place foundation and topping on Markus Drive running easterly off Pine Ridge Road a distance of approximately 1260 feet as shown on Map Cover No. 1885. It is further agreed, that the parties of the second part agree where necessary, to reconstruct the foundation of said highway and complete the same so that said highway will conform in every respect with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, it is further UNDERSTOOD AND AGREED that the parties of the second part will furnish the party of the first part, a surety bond, executed by a Bonding Company authorized to do business in the State of New York, in the sum of \$12,600 said Bond to provide that the parties of the second part will in all respects comply with the terms and conditions of this Agreement and the accompanying resolution of the Town Board on or before September 1, 1956 in the event that the parties of the second part fail to live up to the terms and conditions of this Agreement, then the party of the first part is authorized to complete said highways so that the same complies in every respect with the minimum specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, New York, and all expenses incurred by it in completing said highway shall be paid by the parties of the second part and its surety, and in the event said sum of \$12,600 is insufficient to pay such cost, then the parties of the second part hereby agrees to pay any sum required to excess of that amount, it is however

AGREED, that the maximum liability of the Surety Company is limited to the sum of \$12,600.

Upon filing with the Town Board and accepting copy of this agreement and the Surety Bond, it is agreed that the party of the first part does hereby accept said highway as Town Highway, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

NUNCIO CARDARELLI, SECOND PARTY

GILDO BALDASSI, SECOND PARTY

BENEDICT T. HOLTZ, SUPERVISOR OF THE TOWN OF CHEEKTOWAGA, NEW YORK

Item No. 20
its adoption:

Councilman Kornecki presented the following resolution and moved

RESOLVED, that the County of Erie be requested to convey to the Town of Cheektowaga, New York, for highway purposes, that part of Gilbert and Holland Avenues lying between the westerly line of present Beach Road and the easterly line of lands taken by the State of New York for the Ontario Thruway; and

BE IT FURTHER RESOLVED, that that portion of these two streets be abandoned, pursuant to the provisions of the Highway Law and conveyed to the Kidd Kott Construction Company Inc., who in return will convey Laurentian Drive, as shown on Map Cover 1938 to the Town of Cheektowaga, New York, the abandonment of said streets having been heretofore approved by the Town Highway Superintendent and the Town Engineer, said streets being re-located as shown on said map cover 1938.

Seconded by Councilman Wroblewski.

CARRIED: AYES: -6-

ABSENT: -1-

Item No. 21 Communication read from J. Eugene McMahon relating to property located at the north-west corner of Rosary Blvd. and Maryvale Drive, to be used for business purposes. Ordered referred to the Petitions Committee, Highway Superintendent, and the Town Attorney.

Item No. 22 Councilman Korneck moved, seconded by Councilman Wroblewski, that all claims presented at this meeting for audit be approved and that the Town Clerk be authorized and directed to draw a warrant on the Supervisor for payment of same. (Warrant No. 462 to Warrant No. 594, inclusive, drawn on the Supervisor).

Item No. 23 Councilman Wroblewski moved, seconded by Councilman Kornecki, to adjourn.

SEAL

Kenneth T. Hanley
Kenneth T. Hanley, Town Clerk.

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in the said Town of Cheektowaga on the 19th day of March, 1956, at 7:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Benedict T. Holtz	Supervisor
Henry J. Nagel	Councilman
Felix T. Wroblewski	"
Joseph Kornecki	"
Joseph Trojanosky	"
Stanley R. Bystrak	"
ABSENT: Joseph A. Neibert	"

Also present were: Town Clerk Kenneth T. Hanley; Town Attorney George B. Doyle; Town Engineer Albert J. Kamm and Chief of Police John Mersmann.

Item No. 2 The Town Clerk advised the Town Board that a copy of the minutes of the previous meeting has been placed on their desk in the Council Chambers.

Item No. 3 Communication read from the Cheektowaga Post No. 2429 V.F.W. relating to their Annual Field Days to be held July 16th to July 21st, 1956. Ordered referred to the Chairman of the Petitions Committee.

Item No. 4 Communication read from William Shores, President of the Beverly Hills Association advising the Town Board that their organization wishes to go on record to opposing any construction of yards or to the resting or feeding of domestic animals in the Town by the New York Central Railroad Company.

Item No. 5 Petition presented for the Extension of Urban Fire and Water District. Ordered referred to the Assessors for a property check.

Item No. 6 Councilman Wroblewski moved, seconded by Councilman Kornecki, that the request of the Cheektowaga Chamber of Commerce to use the Town Park for its Annual Egg Hunt, be granted.

Item No. 7 Councilman Bystrak moved, seconded by Councilman Trojanosky, that the request of Dr. Louis Vendetti, Town Health Officer, to attend a meeting in Rochester, N.Y. on April 5, 1956, be granted.

Item No. 8 Councilman Wroblewski moved, seconded by Councilman Trojanosky, that the Town Clerk be authorized and directed to issue building permit on applications processed by the Petitions Committee on March 10, 1956 and March 17, 1956, after same have been approved by the Building Inspector. CARRIES: AYES: -6- ABSENT: -1-

Item No. 9 Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, Cayuga Creek a water course under the jurisdiction of the Army Engineers and the New York State Soil Conservation Department overflows its banks in the Town of Cheektowaga, New York, and when it does so, causes many thousands of dollars in damage, and

WHEREAS, floods have occurred along the bank of the Cayuga Creek in the Town of Cheektowaga, New York, for the past several years, and this condition has been called to the attention of the Army Engineers and the New York State Soil Conservation Department, but nothing has been done to remedy the condition,

BE IT RESOLVED, that an application be made to the Army Engineers and the New York State Soil Conservation Department for a survey to ascertain what can be done to remedy the condition complained of and that funds be made available to deepen the channel of said creek and do such other changes as are necessary to relieve the flood conditions, that a certified copy of this resolution be sent to the Army Engineers, foot of Bridge Street, Buffalo, New York, New York State Soil Conservation Department, East Aurora, New York, and Honorble John R. Pillon, House of Representatives, Washington, D.C.

Seconded by Councilman Kornecki and duly put to a vote which resulted as follows:

Supervisor Benedict T. Holtz	Voting AYE
Councilman Stanley R. Bystrak	" "
Councilman Felix T. Wroblewski	" "
Councilman Henry J. Nagel	" "
Councilman Joseph Trojanosky	" "
Councilman Joseph Kornecki	" "

CARRIED: AYES: -6-

ABSENT: -1-

NOTICE OF PUBLIC HEARING-PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING ORDINANCE OF THE TOWN OF CHEEKTOWAGA

LEGAL NOTICE

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in said Town of Cheektowaga, New York on the 19th day of March, 1956 at 7:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT:

- Benedict T. Holtz, Supervisor
- Stanley R. Bystrak, Councilman
- Henry J. Nagel, Councilman
- Felix T. Wroblewski, Councilman
- Joseph Trojanosky, Councilman
- Joseph Kornecki, Councilman

ABSENT:

- Joseph A. Neibert, Councilman
- Councilman Kornecki presented the following resolution and moved its adoption:

WHEREAS, it is believed to be in the public interest to amend Section 16 of the Zoning Ordinances of the Town of Cheektowaga, New York, by adding thereto Paragraph 2, to provide as hereinafter set forth, be it

RESOLVED, that pursuant to the provisions of the Town Law, the Town Board shall meet at the Town Hall, corner of Union Road and Broadway, in said Town, on the 2nd day of April, 1956, at 2:30 o'clock P. M., Eastern Standard Time, for the purpose of considering the advisability of adding to Section 16, Paragraph 2, to provide,

as follows:

Notwithstanding the foregoing provisions relative to obtaining the written consent of property owners as therein provided, the Town Board, may, without such written consents, grant a permit to operate a public garage or gasoline filling station on property zoned for business purposes on property abutting on any county or state highway in said township outside the village limits of the Village of Sloan and the Village of Depew, if it be in the public interest to do so, taking into consideration the general character of the neighborhood and its possible affect upon the flow of traffic.

That at such public hearing all persons interested in the subject matter shall be given an opportunity to be heard, and be it further

RESOLVED AND ORDERED, that the Town Clerk be and he is hereby directed to publish a certified copy of this resolution in the DEPEW HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, or cause to be posted conspicuously on a signboard maintained by him at

the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Trojanosky and duly put to a vote which resulted as follows:

- Supervisor Holtz, voting Aye
- Councilman Bystrak, voting Aye
- Councilman Nagel, voting Aye
- Councilman Wroblewski,

- voting Aye
- Councilman Trojanosky, voting Aye
- Councilman Kornecki, voting Aye
- State of New York)
- Erie County)

Office of the Clerk of the) ss:
Town of Cheektowaga)

This is to certify that I KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19th day of March, 1956 and the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand (seal) and affixed the seal of said Town this 19th day of March, 1956.

KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

Posted as follows on the 23rd day of March , 1956:

- 1- Town Hall Bulletin Board;
- 2- Forks Fire Hall Bulletin Board-Broadway at Union Road;
- 3- U-Crest Fire Hall-Clover Place and Evergreen Street;
- 4- Pine Hill Fire House-Genesee Street at Normandy Avenue;
- 5- Rescue Fire Hall- Pine Ridge Road.

40

Depew
Cheektowaga
Erie County
New York
March 22, 1956

NEW YORK } ss.:
ERIE

from the head of the department, to be absent.

When an employee reports sick he must immediately contact Dr. Louis A. Vendetti, Health Doctor of the Town of Cheektowaga, New York, for a physical examination. Dr. Vendetti is ordered and directed to file with the Town Board a written report of the physical condition of the employee.

An employee reporting sick must report to the head of his department one hour before his starting time.

Any person violating the provisions of this ordinance shall be subject to suspension or dismissal.

That at such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and

BE IT FURTHER RESOLVED, that the Town Clerk be and he is

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy,

was inserted and published therein once a week for

one week, the first insertion being on the

22nd day of March, 1956, and

the last insertion being on the 22nd day of

March, 1956 and that not

more than six days intervened between any two publi-

cations thereof.

Richard G. Bennett

Sworn to before me this _____ day of

_____ 19____

Wendell T. Hanley
Notary Public in and for Erie County

STATE OF NEW YORK
COUNTY OF ERIE

At a meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in said Town on the 19th day of March, 1956 at 7:30 o'clock P.M., Eastern Standard Time, there were:

- President: T. Holtz, Supervisor
- Members: R. Byrtek, Councilman
- Henry J. Nagel, Councilman
- Paul T. Wroblewski, Councilman
- Joseph Trojansky, Councilman
- Joseph Kordecki, Councilman

Joseph A. Nubert, Councilman
Councilman Ernest presented the following resolution and moved its adoption:

RESOLVED, that pursuant to the provisions of the Town Law, the Town Board shall meet at the Town Hall, corner of Union Road and Broadway, in said Town, on the 2nd day of April, 1956, at 2:30 o'clock P. M., Eastern Standard Time, for the purpose of considering the advisability of adding to Section 16, Paragraph 2, to provide, as follows:

Notwithstanding the foregoing provisions relative to obtaining the written consent of property owners as therein provided, the Town Board may, without such written consent, grant a permit to operate a public garage or parking filling station on property zoned for business purposes on property abutting on any county or state highway in said township outside the village limits of the Village of Eden and the Village of Depew, if it be in the public interest to do so, taking into consideration the general character of the neighborhood and its possible effect upon the flow of traffic.

That at such public hearing all persons interested in the subject matter shall be given an opportunity to be heard, and be it further

RESOLVED AND ORDERED, that the Town Clerk be and he is hereby directed to publish a certified copy of this resolution in the DEPEW HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Tyofonky and duly put to a vote which resulted as follows:

- Supervisor Holtz, voting Aye
- Councilman Byrtek, voting Aye
- Councilman Nagel, voting Aye
- Councilman Wroblewski, voting Aye
- Councilman Trojansky, voting Aye
- Councilman Kordecki, voting Aye

Sworn to before me

on 11096-08

NY

This is to certify that I KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolutions now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19th day of March, 1956 and the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 19th day of March, 1956.

KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

Item No. 10-Cont'd Hereto attached is a copy of the Notice published in the Cheektowaga Sun:

STATE OF NEW YORK }
 COUNTY OF ERIE } ss.:

EDWIN K. GROSS

being duly sworn, deposes and says that he is the

PUBLISHER

of

The Cheektowaga Sun

a public newspaper published in the Town of Cheektowaga, Erie County, New York, that notice of which the

annexed printed slip taken from said newspaper, is a copy,

inserted and published therein once a week for

one week, the first insertion being on the

4 day of March, 1956, and

last insertion being on the 24 day of

March, 1956, and that not

more than six days intervened between any two publi-

cations thereof.

Edwin K. Gross

Sworn to before me this 26 day of

March, 1956

Kenneth T. Hanley

Notary Public in and for Erie County

...Trojanoski, voting Aye; Councilman Nagel, voting Aye; Councilman Wroblewski, voting Aye; Councilman Trojanoski, voting Aye; Councilman Kornecki, voting Aye.

STATE OF NEW YORK, ERIE COUNTY, Office of the Clerk of the TOWN OF CHEEKTOWAGA. This is to certify that I, KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19 day of March, 1956, and that the same is a correct and true transcript of such original resolution and the same is hereby certified to.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 19 day of March, 1956.

KENNETH T. HANLEY,
 Clerk of the Town Board, Town of Cheektowaga, N. Y.

STATE OF NEW YORK
COUNTY OF ERIE

WHEREAS, it is believed to be in the public interest to amend Section 18 of the Zoning Ordinances of the Town of Cheektowaga, New York, by adding thereto Paragraph 2, to provide as hereinafter set forth, be it

RESOLVED, that pursuant to the provisions of the Town Law, the Town Board shall meet at the Town Hall, corner of Union Road and Broadway, in said Town, on the 2nd day of April, 1956, at 2:30 o'clock P.M., Eastern Standard Time, for the purpose of considering the advisability of adding to Section 18, Paragraph 2, to provide, as follows:

Notwithstanding the foregoing provisions relative to obtaining the written consent of property owners as therein provided, the Town Board may, without such written consents, grant a permit to operate a public garage or gasoline filling station on property zoned for business purposes on property abutting on any county or state highway in said township outside the village limits of the Village of Bevan and the Village of Deper, if it be in the public interest to do so, taking into consideration the general character of the neighborhood and the possible effect upon the flow of traffic.

That at such public hearing all persons interested in the subject matter shall be given an opportunity to be heard, and be it further

RESOLVED AND ORDERED, that the Town Clerk be and he is hereby directed to publish a certified copy of this resolution in the CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers of general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date be post, or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Trojansky and duly put to a vote which resulted as follows: Supervisor Holtz, voting Aye; Councilman Bystrak, voting Aye; Councilman Nagel, voting Aye; Councilman Wroblewski, voting Aye; Councilman Trojansky, voting Aye; Councilman Kornecki, voting Aye.

STATE OF NEW YORK, ERIE COUNTY, Office of the Clerk of the TOWN OF CHEEKTOWAGA: This is to certify that I, KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga, in said County of Erie, on the 19 day of March, 1956, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In witness whereof, I have hereunto set my hand and affixed the seal of said Town this 19 day of March, 1956.

KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

State of New York

Erie County, New York, Town Hall, in said town of Cheektowaga, on the 19th day of March, 1956, at 7:30 o'clock P. M., Eastern Standard Time, there were:

PRESENT: Benedict T. Holtz, Supervisor; Stanley E. Bystrak, Councilman; Henry J. Nagel, Councilman; Felix T. Wroblewski, Councilman; Joseph Trojanewski, Councilman; Joseph Kordecki, Councilman.

ABSENT: Joseph A. Neibert, Councilman.

Councilman Kordecki presented the following resolution and moved its adoption:

WHEREAS, it is believed to be in the public interest to amend Section 18 of the Zoning Ordinances of the Town of Cheektowaga, New York, by adding thereto Paragraph 2, to provide as hereinafter set forth, be it

RESOLVED, that pursuant to the provisions of the Town Law, the Town Board shall meet at the Town Hall, corner of Union Road and Broadway, in said Town, on the 2nd day of April, 1956, at 8:30 o'clock P. M., Eastern Standard Time, for the purpose of considering the advisability of adding to Section 18, Paragraph 2, to provide, as follows: Notwithstanding the foregoing provisions relative to obtaining the written consent of property owners as therein provided, the Town Board may, without such written consent, grant a permit to operate a public garage or gasoline filling station on property zoned for business purposes on property abutting on any county or state highway in said township outside the village limits of the Village of Slean and the Village of Depew, if it be in the public interest to do so, taking into consideration the general character of the neighborhood and its possible effect upon the flow of traffic.

That at such public hearing all persons interested in the subject matter shall be given an opportunity to be heard, and be it further

RESOLVED AND ORDERED, that the Town Clerk be and he is hereby directed to publish a certified copy of this resolution in the DEPEW HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date be past, or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Trojanewski and duly put to a vote which resulted as follows:

Supervisor Holtz, voting aye; Councilman Bystrak, voting aye; Councilman Nagel, voting aye; Councilman Wroblewski, voting aye; Councilman Trojanewski, voting aye; Councilman Kordecki, voting aye.

Norman J. Ronald

of the City of Buffalo, New York, being duly sworn, deposes and says that he is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of the BUFFALO EVENING NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein Once ~~twice~~ on the 22nd day of March 19 56

Norman J. Ronald

Sworn to before me this 22nd day of March 19 56

Eleanor M. Yax
 Notary Public, Erie County, N. Y.
 My Commission Expires March 30, 1956

State of New York

Eric County, New York
Town Hall, in said Town of Cheektowaga, on the 19th day of March, 1934, at 7:30 o'clock P. M., Eastern Standard Time, there were:
PRESENT: Benedict T. Holtz, Supervisor; Stanley E. Bystrak, Councilman; Henry J. Nagel, Councilman; Felix T. Wroblewski, Councilman; Joseph Trajnosky, Councilman; Joseph Kornecki, Councilman.

ABSENT: Joseph A. Neibert, Councilman.
Councilman Kornecki presented the following resolution and moved its adoption.

WHEREAS, it is believed to be in the public interest to amend Section 12 of the Zoning Ordinances of the Town of Cheektowaga, New York, by adding thereto Paragraph 2, to provide as hereinafter set forth, be it

RESOLVED, that pursuant to the provisions of the Town Law, the Town Board shall meet at the Town Hall, corner of Union Road and Broadway, in said Town, on the 2nd day of April, 1934, at 2:30 o'clock P. M., Eastern Standard Time, for the purpose of considering the advisability of adding to Section 12, Paragraph 2, to provide, as follows:

Notwithstanding the foregoing provisions relative to obtaining the written consent of property owners as therein provided, the Town Board may, without such written consents, grant a permit to operate a public garage or gasoline filling station on property zoned for business purposes on property abutting on any county or state highway in said townships outside the village limits of the Village of Sloan and the Village of Depew, if it be in the public interest to do so, taking into consideration the general character of the neighborhood and its possible effect upon the flow of traffic.

That at such public hearing all persons interested in the subject matter shall be given an opportunity to be heard, and be it further

RESOLVED AND ORDERED, that the Town Clerk be and he is hereby directed to publish a certified copy of this resolution in the DEPUY HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Trajnosky and duly put to a vote which resulted as follows:

Supervisor Holtz, voting aye; Councilman Bystrak, voting aye; Councilman Nagel, voting aye; Councilman Wroblewski, voting aye; Councilman Trajnosky, voting aye; Councilman Kornecki, voting aye.

STATE OF NEW YORK
ERIC COUNTY
Office of the Clerk of the Town of Cheektowaga
This is to certify that L. KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Eric, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga, in said County of Eric, on the 19th day of March, 1934, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and official seal at said Town Hall, on this 19th day of March, 1934.
L. Kenneth T. Hanley,
Clerk of the Town Board,
Town of Cheektowaga, N. Y.

NOTICE OF PUBLIC HEARING-PROPOSED SICK LEAVE ORDINANCE AMENDMENT

LEGAL NOTICE

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in said Town of Cheektowaga, New York on the 19th day of March, 1956 at 7:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT:

- Benedict T. Holtz, Supervisor
- Henry J. Nagel, Councilman
- Felix T. Wroblewski, Councilman
- Stanley R. Bystrak, Councilman
- Joseph Kornecki, Councilman
- Joseph Trojanosky, Councilman

ABSENT:

Joseph A. Neibert, Councilman
Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, this Town Board on the 16th day of April, 1951, duly enacted a sick leave ordinance and it is believed that it be in the public interest to amend the same as hereinafter set forth.

BE IT RESOLVED that pursuant to the provisions of the Town Law of the State of New York, the Town Board of the Town of Cheektowaga, New York, shall meet at the Town Hall, corner of Union Road and Broadway in said Town on the 2nd day of April, 1956 at 2:30 o'clock P.M., Eastern Standard Time, for the purpose of considering the advisability of amending the sick leave ordinance by adding thereto the following:

SICK LEAVE ORDINANCE

In order for an employee to be compensated for a holiday, he must report and work the day preceding the holiday as well as the day following unless he has authorized sick leave or authority from the head of the department to be absent.

When an employee reports sick he must immediately contact Dr. Louis A. Vendetti, Health Doctor of the Town of Cheektowaga, New York, for a physical examination. Dr. Vendetti is ordered and directed to file with the Town Board a written report of the physical condition of the employee.

An employee reporting sick must report to the head of his department one hour before his starting time.

Any person violating the provisions of this ordinance shall be subject to suspension or dismissal.

That at such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and

BE IT FURTHER RESOLVED, that the Town Clerk be and he is hereby ordered and directed to publish a certified copy of this resolution in the DEPEW HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hear-

ing, and that on or before said date he post, or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Bystrak, and duly put to a vote which resulted as follows:

Supervisor Holtz, voting Aye
Councilman Nagel, voting Aye
Councilman Wroblewski,

Councilman Bystrak, voting Aye
Councilman Kornecki, voting Aye
Councilman Trojanosky, voting Aye
State of New York)

Erie County)
Office of the Clerk of the)
Town of Cheektowaga)

This is to certify that I KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19th day of March, 1956 and the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 19th day of March, 1956.

KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

Posted as follows on the 23rd day of March, 1956:

- 1- Town Hall Bulletin Board;
- 2- Forks Fire Hall Bulletin Board-Broadway at Union Road;
- 3- U-Crest Fire Hall-Clover Place and Evergreen Street;
- 4- Pine Hill Fire Hall-Genesee Street and Normandy Avenue;
- 5- Rescue Fire Hall-Pine Ridge Road.

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STATE OF NEW YORK
 COUNTY OF ERIE

As a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall in said Town of Cheektowaga, New York on the 19th day of March, 1956 at 7:30 o'clock P.M., Eastern Standard Time, there were:

PRESENT:

Benedict T. Holtz, Supervisor
 Henry J. Nagel, Councilman
 Felix T. Wroblewski, Councilman
 Stanley R. Bystrak, Councilman
 Joseph Kordecki, Councilman
 Joseph Trojanski, Councilman

ABSENT:

Joseph A. Nebert, Councilman
 Councilman Wroblewski present and the following resolution / and moved its adoption:

WHEREAS, this Town Board on the 16th day of April, 1951, duly passed a sick leave ordinance and it is believed that it is in the public interest to amend the same as hereinafter set forth.

BE IT RESOLVED that pursuant to the provisions of the Town Law of the State of New York, the Town Board of the Town of Cheektowaga, New York, shall meet at the Town Hall, corner of Union Street and Broadway in said Town on the 2nd day of April, 1956 at 7:30 o'clock P.M., Eastern Standard Time, for the purpose of considering the advisability of amending the sick leave ordinance by adding thereto the following:

SICK LEAVE ORDINANCE

In order for an employee to be compensated for a holiday, he must report and work the day preceding the holiday as well as the day following unless he has authority called sick leave or authority

given the head of the department to be absent.

When an employee reports sick he must immediately contact Dr. Louis A. Vendetti, Health Doctor of the Town of Cheektowaga, New York, for a physical examination. Dr. Vendetti is ordered and directed to file with the Town Board a written report of the physical condition of the employee.

An employee reporting sick must report to the head of his department one hour before his starting time.

Any person violating the provisions of this ordinance shall be subject to suspension or dismissal. That at such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and

BE IT FURTHER RESOLVED, that the Town Clerk be and he is hereby ordered and directed to publish a certified copy of this resolution in the DEPUEW HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Bystrak, and duly put to a vote which resulted as follows:
 Supervisor Holtz, voting Aye
 Councilman Nagel, voting Aye
 Councilman Wroblewski, voting Aye

Councilman Bystrak, voting Aye
 Councilman Kordecki, voting Aye
 Councilman Trojanski, voting Aye
 State of New York)
 Erie County)
 Office of the Clerk of the)
 Town of Cheektowaga)

That is to certify that I KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19th day of March, 1956 and the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 19th day of

March, 1956.
 KENNETH T. HANLEY,
 Clerk of the Town Board, Town of Cheektowaga, N. Y.

Not
 m 11098-01

STATE OF NEW YORK } ss.:
COUNTY OF ERIE

State of New York)
Erie County)
Office of the Clerk of the)
Town of Cheektowaga)
This is to certify that I KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19th day of March, 1956 and the same is a correct and true transcript of such original resolution and the whole thereof.
In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 19th day of March, 1956.
KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

LEGAL NOTICE

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Charlotte and Theodore F. Nowacki for the rezoning of premises from Residential District to Business District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision on the application of the

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for *one* week, the first insertion being on the *22nd* day of *March*., 1956, and the last insertion being on the *22nd* day of *March*., 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

Kenneth T. Hanley
Notary Public in and for Erie County

Item No. 11-Cont'd
Cheektowaga Sun:

Hereto attached is a copy of the Notice published in the

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

EDWIN K. GROSS

being duly sworn, deposes and says that he is the

PUBLISHER

of

The Cheektowaga Sun

a public newspaper published in the Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 24 day of March, 1956, and the last insertion being on the 24 day of March, 1956, and that not more than six days intervened between any two publications thereof.

Edwin K. Gross

contact Dr. Louis A. Health Doctor of the Town of Cheektowaga, New York. Dr. Health is ordered and directed to file with the Town Board a written report of the physical condition of the employee. An employee reporting sick, must report to the head of his department one hour before his starting time. Any violation of the provisions of this ordinance shall be subject to suspension or dismissal. Such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and
BE IT FURTHER RESOLVED, that the Town Clerk be and he is hereby ordered and directed to publish a certified copy of this resolution in the DEFEW HERALD.

Sworn to before me this 26 day of

March, 1956

Genevieve T. Hanley

Notary Public in and for Erie County

STATE OF NEW YORK
COUNTY OF ERIE

Joseph A. Neibert,
Clerk of the Town Board,
do hereby certify that the following resolution was passed by the Town Board of the Town of Cheektowaga, New York, on the 18th day of April, 1951.

RESOLVED, that pursuant to the provisions of the Town Law of the State of New York, the Town Board of the Town of Cheektowaga, New York, shall meet at the Town Hall, corner of Union Road and Broadway in said Town on the 22nd day of April, 1951 at 2:30 o'clock P.M. (Eastern Standard Time) for the purpose of considering the advisability of amending the existing ordinance by adding thereto the following:

SICK LEAVE ORDINANCE
In order for an employee to be compensated for a holiday, he must report and work the day preceding the holiday as well as the day following unless he has authorized sick leave or authority from the head of the department to be absent. When an employee reports sick he must immediately contact Dr. Louis A. Vendetti, Health Doctor of the Town of Cheektowaga, New York, for a physical examination. Dr. Vendetti is ordered and directed to file with the Town Board a written report of the physical condition of the employee. An employee reporting sick must report to the head of his department one hour before his starting time. Any person violating the provisions of this ordinance shall be subject to suspension without pay. That at such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and

RES IT FURTHER RESOLVED, that the Town Clerk be and he is hereby ordered and directed to publish a certified copy of this resolution in the DEFEW HERALD, A CHEEKTOWAGA NEWS, THE CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, at a signboard maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.

Seconded by Councilman Bystrak and duly put to a vote which resulted as follows: Supervisor Holtz, voting Aye; Councilman Nagel, voting Aye; Councilman Wroblewski, voting Aye; Councilman Bystrak, voting Aye; Councilman Korniecki, voting Aye; Councilman Trojanosky, voting Aye.

STATE OF NEW YORK, ERIE COUNTY, Office of the Clerk of the TOWN OF CHEEKTOWAGA: This is to certify that I, KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19 day of March, 1951, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 19 day of March, 1951.

KENNETH T. HANLEY,
Clerk of the Town Board, Town of Cheektowaga, N. Y.

March, 1956 at 1:30 o'clock P. M. Eastern Standard Time, there were:
PRESENT: Supervisor Holtz, Councilman; Henry J. Nagel, Councilman; Felix T. Wroblewski, Councilman; Stanley J. Bystrak, Councilman; Joseph Korwacki, Councilman; Joseph Trejnosky, Councilman.

ABSENT: Joseph A. Nelbert, Councilman.
Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, this Town Board on the 16th day of April, 1951, duly enacted a sick leave ordinance and it is believed that it be in the public interest to amend the same as hereinafter set forth:

BE IT RESOLVED that pursuant to the provisions of the Town Law of the State of New York, the Town Board of the Town of Cheektowaga, New York, shall meet at the Town Hall, corner of Union Road and Broadway in said Town on the 2nd day of April, 1956 at 2:30 o'clock P. M., Eastern Standard Time, for the purpose of considering the advisability of amending the sick leave ordinance by adding thereto the following:

SICK LEAVE ORDINANCE
In order for an employee to be compensated for a holiday, he must report and work the day preceding the holiday as well as the day following unless he has authorized sick leave or authority from the head of the department, to be absent.
When an employee reports sick he must immediately contact Dr. Louis A. Vendetti, Health Doctor of the Town of Cheektowaga, New York, for a physical examination. Dr. Vendetti is ordered and directed to file with the Town Board in a written report of the physical condition of the employee.
An employee reporting sick, must report to the head of his department one hour before his starting time.

Any person violating the provisions of this ordinance shall be subject to suspension or dismissal. That at such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and

BE IT FURTHER RESOLVED, that the Town Clerk be and he is hereby ordered and directed to publish a certified copy of this resolution in the DEPEW HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, or cause to be posted conspicuously on a sign-board maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution.
Seconded by Councilman Bystrak and duly put to a vote which resulted as follows:

Supervisor Holtz, voting aye; Councilman Nagel, voting aye; Councilman Wroblewski, voting aye; Councilman

Norman J. Ronald

of the City of Buffalo, New York, being duly sworn, deposes and says that he is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of the BUFFALO EVENING NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein Once ~~twice~~ on the 22nd day of March 19 56

Norman J. Ronald

Sworn to before me this 22nd day of March 19 56

Eleanor M. Yax
Notary Public, Erie County, N. Y.
ELEANOR M. YAX
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1956

March, 1956 at 7:30 o'clock P. M. Present: Benedict T. Holts, Supervisor; Henry J. Nagel, Councilman; Felix T. Wroblewski, Councilman; Stanley E. Bystrak, Councilman; Joseph Kordecki, Councilman; Joseph Trojanosky, Councilman.

ABSENT: Joseph A. Nelbert, Councilman.

Councilman Wroblewski presented the following resolution and moved its adoption:

WHEREAS, this Town Board on the 19th day of April, 1951, duly enacted a sick leave ordinance and it is believed that it be in the public interest to amend the same as hereinafter set forth. BE IT RESOLVED that pursuant to the provisions of the Town Law of the State of New York, the Town Board of the Town of Cheektowaga, New York, shall meet at the Town Hall, corner of Union Road and Broadway in said Town on the 2nd day of April, 1956 at 8:30 o'clock P. M., Eastern Standard Time, for the purpose of considering the advisability of amending the sick leave ordinance by adding thereto the following:

SICK LEAVE ORDINANCE In order for an employee to be compensated for a holiday, he must report and work the day preceding the holiday as well as the day following unless he has authorized sick leave or authority from the head of the department, to be absent. When an employee reports sick he must immediately contact Dr. Louis A. Vendetti, Health Doctor of the Town of Cheektowaga, New York, for a physical examination. Dr. Vendetti is ordered and directed to file with the Town Board a written report of the physical condition of the employee. An employee reporting sick, must report to the head of his department one hour before his starting time.

Any person violating the provisions of this ordinance shall be subject to suspension or dismissal. That at such public hearing all persons interested in the subject matter thereof shall be given an opportunity to be heard; and

BE IT FURTHER RESOLVED, that the Town Clerk be and he is hereby ordered and directed to publish a certified copy of this resolution in the DEPUE HERALD & CHEEKTOWAGA NEWS, the CHEEKTOWAGA SUN, and the BUFFALO EVENING NEWS, newspapers having general circulation in the said Town, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing, and that on or before said date he post, or cause to be posted conspicuously on a sign board maintained by him at the entrance of the Town Clerk's Office, a certified copy of this resolution. Seconded by Councilman Bystrak and duly put to a vote which resulted as follows:

Supervisor Holts, voting aye; Councilman Nagel, voting aye; Councilman Wroblewski, voting aye; Councilman Bystrak, voting aye; Councilman Kordecki, voting aye; Councilman Trojanosky, voting aye.

STATE OF NEW YORK ERIE COUNTY Office of the Clerk of the TOWN OF CHEEKTOWAGA (SEAL) This is to certify that I, KENNETH T. HANLEY, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 19th day of March, 1956 and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on the 2nd day of April, 1956. Kenneth T. Hanley, Clerk of the Town Board, Town of Cheektowaga, N. Y.

NEW YORK March 30, 1956

Item No. 12
adoption:

Councilman Kornecki presented the following resolution and moved its

WHEREAS, the Chief of Police has notified the Town Board that two (2) new Police Cars are needed, be it

RESOLVED, that his request be granted and that the Town Clerk be directed to publish the annexed Notice to Bidders in the Depew Herand and Cheektowaga News and The Cheektowaga Sun, having a general circulation in the Town of Cheektowaga, in connection with the said police automobiles, and be it further

RESOLVED, that the Town Board meet on the 2nd day of April, 1956, at 2:30 o'clock P.M., E.S.T., at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

Seconded by Councilman Trojanosky.

CARRIED: AYES: -6- ABSENT: -1-

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires separate sealed bids for two (2) Police Automobiles, fully equipped for use in the Police Department.

The detailed specifications may be examined at the office of the Town Clerk, where the same are on file.

Copies of the specifications are made available for all prospective bidders. Sealed bids must be received not later than 2:30 o'clock P.M. on April 2nd, 1956, at which time they will be publicly opened by the Town Board at a Public Meeting called for that purpose to be held at the Town Hall, corner Union and Broadway, Cheektowaga, New York.

The Town of Cheektowaga reserves the right to reject any and all bids or to waive technical defects in bids if it be in the public interest of the Town of Cheektowaga to do so.

This notice is to be published by direction of the Town Board of the Town of Cheektowaga, New York.

Dated: March 19, 1956.

KENNETH T. HANLEY,

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Town Clerk

POLICE DEPARTMENT SPECIFICATION FOR CARS

Car : 1956 Two-door Sedan-Deluxe or Equivalent.
Make : To be decided by the Town Board.
Color : Black (Others with special arrangement w/the Chief of Police or Supervisor.)
Horsepower : 160 or better.
Generator : Low cut-in for Police work.
Transmission : Automatic Type.
Brakes : Hydraulic - 11" Dia., Heavy Duty.
Rear Springs : Heavy duty.
Rims : 5" short spoke steel disc.
Tires : 670 x 15 - 6 Ply; tubeless type (Black).
Equipment : Directional lights, arm rests, right hand sun visor, oil filter, oil bath air cleaner.
Heater & Defroster : Fresh air - air flo - type.
Upholstering : Vinyl type plastic.
Windshield Wipers : Electric.
Lettering : As required by the Chief of Police. (2 Cars only.)

The bids submitted will be for 2 cars individually or in any combination of series.

No Cars will be traded in.

The two cars will be delivered at a date specified by the Town Board within 30 days or sooner after the bids are accepted.

The Town Board may accept or reject any or all bids or accept any bid that it desires.

- 1- Town Hall Bulletin Board;
- 2- Forks Fire Hall-Broadway and Union Road;
- 3- U-Crest Fire Hall-Clover Place and Evergreen Street;
- 4- Pine Hill Fire Hall-Genesee Street at Normandy
- 5- Rescue Fire Hall-Pine Ridge Road.

Hereto attached is a copy of the Notice published in the Depew Herald-Cheektowaga News:

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires separate sealed bids for two (2) Police Automobiles, fully equipped for use in the Police Department.

The detailed specifications may be examined at the office of the Town Clerk, where the same are on file.

Copies of the specifications are made available for all prospective bidders. Sealed bids must be received not later than 2:30 o'clock P.M. on April 2nd, 1956, at which time they will be publicly opened by the Town Board at a Public Meeting called for that purpose to be held at the Town Hall, corner Union and Broadway, Cheektowaga, New York.

The Town of Cheektowaga reserves the right to reject any and all bids or to waive technical defects in bids if it be in the public interest of the Town of Cheektowaga to do so.

This notice is to be published by direction of the Town Board of the Town of Cheektowaga, New York.
Dated: March 19, 1956.

KENNETH T. HANLEY,
Town Clerk

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for *one* week, the first insertion being on the ... *22nd* day of ... *March* 1956, and the last insertion being on the *22nd* day of *March* 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

March 22 1956

....., 19.....

Kenneth T. Hanley
Notary Public in and for Erie County

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

EDWIN K. GROSS

being duly sworn, deposes and says that he is the

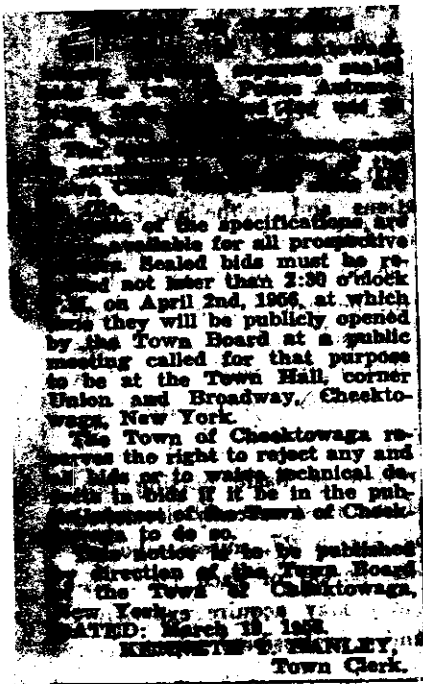
PUBLISHER

of

The Cheektowaga Sun

a public newspaper published in the Town of Cheektowaga,
Erie County, New York, that notice of which the
annexed printed slip taken from said newspaper, is a copy,
was inserted and published therein once a week for
one week, the first insertion being on the
24 day of March, 1956, and
the last insertion being on the 24 day of
March, 1956, and that not
more than six days intervened between any two publi-
cations thereof.

Edwin K. Gross



Sworn to before me this 26 day of

March, 1956

Genevieve T. Hanley

Notary Public in and for Erie County

Item No. 13
adoption:

Councilman Korneck presented the following resolution and moved its

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WHEREAS, the Chief of Police has notified the Town Board that two (2) new car radios will be needed for installation in two new police cars, be it RESOLVED, that his request be granted and that the Town Clerk be directed to publish the annexed Notice to Bidders in the Depew Herald-Cheektowaga News, and the Cheektowaga Sun, having a general circulation in the Town of Cheektowaga, in connection with the said radios, and be it further

RESOLVED, that the Town Board meet on the 2nd day of April, 1956, at 2:30 o'clock P.M., Eastern Standard Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

Seconded by Councilman Trojanosky. CARRIED: AYES: -6- ABSENT: -1-

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires separate sealed bids for two (2) car radios, fully equipped, for use in the Police Department.

The detailed specifications may be examined in the office of the Town Clerk, where the same are on file.

Copies of the specifications are made available for all prospective bidders. Sealed bids must be received not later than 2:30 o'clock P.M. on April 2nd, 1956, at which time they will be publicly opened by the Town Board at a public meeting called for that purpose to be at the Town Hall, corner Union and Broadway, Cheektowaga, New York.

The Town of Cheektowaga reserves the right to reject any and all bids or to waive technical defects in bids if it be in the public interest of the Town of Cheektowaga to do so.

This notice is to be published by direction of the Town Board of the Town of Cheektowaga, New York.

Dated: March 19, 1956.

KENNETH T. HANLEY,
Town Clerk

Posted as follows on the 23rd day of March, 1956:

- 1- Town Hall Bulletin Board;
- 2- Forks Fire Hall-Broadway and Union Road;
- 3- U-Crest Fire Hall-Clover Place and Evergreen Street;
- 4- Pine Hill Fire House-Genesee Street at Normandy;
- 5- Rescue Fire Hall-Pine Ridge Road.

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POLICE RADIO**INTENT**

It is the intent of these specifications to describe radio equipment for the Department of Police, Town of Cheektowaga.

GUARANTEE

All equipment hereinafter specified shall be fully guaranteed by the vendor against mechanical or electrical defects. Any defects which may occur as the result of either faulty design or workmanship within one year of the date of completion of the installation, with the exception of radio tubes, and certain selectivity specifications, shall be fully corrected by the vendor, without expense to the purchaser. All parts and components shall be of a type that complies with the R.M.A. proposals and constructed and assembled in accordance with good engineering practice.

PATENTS

The successful bidder shall agree to defend at their own expense, all suits alleging infringement on any United States patent by reason of the use or resale of any apparatus, or antenna furnished user, and will save the purchaser harmless from all expense of defending said suits and from all payments which may be assessed against the purchaser on account of such infringement.

DELIVERY DATE

All bidders will indicate guaranteed delivery date of equipment as indicated on bid sheet. Delivery of all equipment shall be made within 60 days.

LICENSING

All equipment shall be approved by the Federal Communications Commission and shall meet every requirement for the type of service specified. Design and specifications, both mechanical and electrical, shall be on file with the Communications Commissions.

QUANTITY

4 Two way mobile transmitter-receivers for 6 or 12 volt D.C. operation.

SPECIFICATIONS

Complete two way mobile radio stations for operation on 159.09 MC. These stations to be complete with Transmitters, Receivers, microphone, control box and cables and all mounting hardware.

DESIGN

The two way mobile units to be furnished shall consist of a transmitter receiver and power supply, all contained in one metal housing equipped with lock and key.

The transmitter shall have an output of 25 watts. It shall be powered by a non polarized dual interrupter type power supply with selenium rectifier. It must operate on either positive or negative polarity and have adequate power to operate the transmitter at rated load. The crystal for the transmitter must have a guarantee. It must also have a built in low pass filter to eliminate interference to other services.

The receiver shall have an audio output of 1.5 watts into a 3.5 ohm load with less than 10% distortion.

Sensitivity shall be less than .5NV by RETMA or 20 DB quieting method. Adjacent channel selectivity shall be maintained and guaranteed for life of the equipment.

All spurious response including image to be at least 100 CB down. Temperature range to be minus 30 to plus 60 degrees centigrade ambient.

Frequency stability plus or minus .002 over the temperature range.

All crystals to be guaranteed.

The power supply shall consist of a non polarized dual interrupter type with selenium rectifier.

The transmitter receiver to operate on either 6 or 12 volts D.C. without external or internal wiring changes or the use of additional external plugs or cables.

Control head to have volume control, squelch control and ON and OFF switch.

Microphone to be of high quality, press to talk and to be equipped with retractable cord.

The equipment shall be of the type to be mounted in the trunk of the car.

These units will replace the same number of similar General Electric units now in use. The bidder is expected to accept a unit for unit trade-in.

These units are available for bidders to view and inspect on arrangements with the Chief of Police.

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

The Town of Cheektowaga...
by request...
two (2) car radios, fully equipped,
for use in the Police Department.
The detailed specifications may
be examined in the office of the
Town Clerk, where the same are
on file.
Copies of the specifications are
made available for all prospective
bidders. Sealed bids must be received
not later than 2:30 o'clock P.M.
on April 2nd, 1956, at which time

[REDACTED]

The Town of Cheektowaga reserves the right to reject any and all bids or to waive technical defects in bids if it be in the public interest of the Town of Cheektowaga to do so.

This notice is to be published by direction of the Town Board of the Town of Cheektowaga, New York.

Dated: March 19, 1956.
KENNETH T. HANLEY,
Town Clerk

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for
..... 07th week, the first insertion being on the
..... 22nd day of March, 1956, and
the last insertion being on the 22nd day of
..... March, 1956, and that not
more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this day of

....., 19.....

Kenneth T. Hanley

Notary Public in and for Erie County

Item No. 13-Cont'd
Cheektowaga Sun:

Hereto attached is a copy of the Notice published in the

STATE OF NEW YORK
COUNTY OF ERIE

} ss.:

EDWIN K. GROSS

being duly sworn, deposes and says that he is the

PUBLISHER of

The Cheektowaga Sun

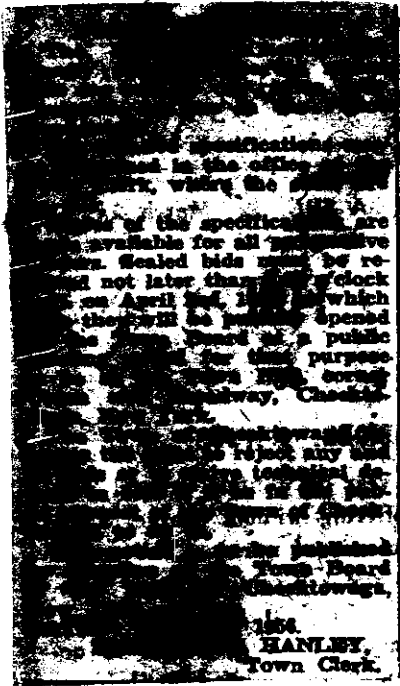
a public newspaper published in the Town of Cheektowaga,
Erie County, New York, that notice of which the
annexed printed slip taken from said newspaper, is a copy,
was inserted and published therein once a week for
one week, the first insertion being on the
24 day of March, 1956, and
the last insertion being on the 24 day of
March, 1956, and that not
more than six days intervened between any two publi-
cations thereof.

Edwin K. Gross

Sworn to before me this 26 day of

March, 1956

Henri J. Hanley
Notary Public in and for Erie County



STATE OF NEW YORK
COUNTY OF ERIE

ss.:

... of the petition of C. Arthur Roberts Inc. for the rezoning of premises from Residential District to First Industrial District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residential District to First Industrial District the property hereinafter described, be it

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to First Industrial District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 31, 1942, and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to First Industrial District.

DESCRIPTION

Described as Town of Cheektowaga, Part of Lot 7B, Township 11, Range 2 being 2.76 acres of vacant

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for

..... *one* week, the first insertion being on the

..... *22nd* day of *March*., 1956, and the last insertion being on the

..... *22nd* day of *March*....., 1956, and that not more than six days intervened between any two publications thereof

Richard G. Bennett

Sworn to before me this day of

MARCH 23 1956

19.....

Kenneth Stanley

Notary Public in and for Erie County

hn 11096-C8

The above Notice was posted on the Town Hall Bulletin Board on the 23rd day of March, 1956.

STATE OF NEW YORK
COUNTY OF ERIE

... considering the application of C. Arthur Roberts Inc. for the rezoning of premises from Residential District to First Industrial District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residential District to First Industrial District the property hereinafter described, be it

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to First Industrial District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 31, 1942, and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to First Industrial District.

DESCRIPTION

Described as Town of Cheektowaga, Part of Lot 78, Township 11, Range 7, being 6.85 acres of vacant land...

on the west side of the railroad right of way.

Dated: March 19, 1956.
KENNETH T. HANLEY,
Town Clerk, Town of Cheektowaga, New York

Kenneth
Notary

hn 11096-C8

The above Notice was given on the 23rd day of March, 1956.

LEGAL NOTICE

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Frank P. Kick and Edward Wauerzyniak for the rezoning of premises from Residential District to Business District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residential District to Business District the property hereinafter described, be it

RESOLVED, that the decision of

the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to Business District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 21, 1942, and as now amended entitled "Zoning Ordinances", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to Business District.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie

and State of New York, being part of Lot Number 24, Township 11, and Range 7 of the Holland Land Company's Survey, more particularly described as being Lot Number 41 as set forth on a certain map or survey on file in the Erie County Clerk's Office under Map Coyer No. 1210, to which map or survey reference is hereby made, said Lot being 35 feet in front and rear more or less, by about 105 feet in depth more or less.

Dated: March 19, 1956.

KENNETH T. HANLEY,

Town Clerk, Town of Cheektowaga, New York

The above notice was posted on the Town Hall Bulletin Board on the 23rd day of March, 1956.

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Frank P. Kick and Edward Wauerzyniak for the rezoning of premises from Residential District to Business District of the property hereinafter described and changing the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residential District to Business District the property hereinafter described, be

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to Business District be and the same is hereby confirmed and approved, be it

ORDERED, by this Town Board that the Ordinance adopted December 21, 1953, and as now amended entitled "Zoning Ordinances", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to Business District.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 24, Township 11, and Range 7 of the Holland Land Company's Survey, more particularly described as being Lot Number 41 as set forth on a certain map or survey on file in the Erie County Clerk's Office under Map

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

Depew Cheektowaga
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a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 22nd day of March, 1956 and the last insertion being on the 22nd day of March, 1956 and that not more than six days intervened between any two publications thereon

Richard G. Bennett

Sworn to before me this day of

1956 22 1956

19.....

Kenneth Stanley

Notary Public in and for Erie County

hn 11096-C8

STATE OF NEW YORK
COUNTY OF ERIE

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Frank P. Kick and Edward J. Sauerzyniak for the rezoning of premises from Residential District to Business District of the property hereinafter described and changing the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residential District to Business District the property hereinafter described, be

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to Business District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 21, 1952, and as now amended entitled "Zoning Ordinances", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to Business District.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 24, Township 11, and Range 7 of the Holland Land Company's Survey, more particularly described as being Lot Number 41 as set forth on a certain map or survey on file in the Erie County Clerk's Office under Map Cover No. 1210, to which map or survey reference is hereby made, said Lot being 35 feet in front and rear more or less, by about 105 feet in depth more or less.

Dated: March 19, 1956.

KENNETH T. HANLEY,

Town Clerk, Town of
Cheektowaga, New York

Lot No - 79 - 10 - 7

LEGAL NOTICE

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Alice Handrulis, Nicholas Bodnar & Elizabeth Bodnar for the rezoning of premises from Residential District to Business District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly.

and WHEREAS, the Zoning Board of Appeals having rendered its decision granting the application of the petitioner to rezone from Residen-

tial District to Business District the property hereinafter described, be it

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to Business District be and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 21, 1942, and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to

change the following described property from that of Residential District to Business District.

DESCRIPTION

Part of Lot No. 78, Township 11, Range 7 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots 37 and 40, as shown on maps filed in the Erie County Clerk's Office under Cover Numbers 1383 and 1476. (Harlem Road and Viola Avenue).

Dated: March 19, 1956.

KENNETH T. HANLEY.

Town Clerk, Town of Cheektowaga, New York

The above Notice was posted on the Town Hall Bulletin Board on the 23rd day of March, 1956:

STATE OF NEW YORK
COUNTY OF ERIE

ss.:

LEGAL NOTICE

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Alice Handrulis, Nicholas Bodnar & Elizabeth Bodnar for the rezoning of premises from Residential District to Business District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision approving the application of this

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to Business District and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 21, 1942, and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to Business District.

DESCRIPTION 79-10-7
Part of Lot No. 23, Township 24, Range 3 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots 37 and 40, as shown on maps filed in the Erie County Clerk's Office under Case Numbers 1383 and 1476. (H-10-7)

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 22nd day of March, 1956 and the last insertion being on the 22nd day of March, 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

Sworn to before me this _____ day of

MAR 21 1956

19

Glen T. Hanley

Notary Public in and for Erie County

hn 11096-C8

STATE OF NEW YORK
COUNTY OF ERIE

ss.:

WHEREAS, the Zoning Board of Appeals held a public hearing for the purpose of considering the application of Alice Handrulis, Nicholas Bodnar & Elizabeth Bodnar for the rezoning of premises from Residential District to Business District of the property hereinafter described and amending the Zoning Map and Ordinance accordingly, and

WHEREAS, the Zoning Board of Appeals having rendered its decision approving the application of the

RESOLVED, that the decision of the Zoning Board of Appeals granting the application of the petitioner to rezone premises from Residential District to Business District and the same is hereby confirmed and approved, be it

RESOLVED, by this Town Board that the Ordinance adopted December 21, 1942, and as now amended entitled "Zoning Ordinance", be and the same hereby is amended by changing the Zoning Map so as to change the following described property from that of Residential District to Business District.

DESCRIPTION 79-10-7
Part of Lot No. 33, Township 24, Range 3 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots 37 and 40, as shown on maps filed in the Erie County Clerk's Office under Cover Numbers 1383 and 1475. (Harlem Road and Viola Avenue).

Dated: March 19, 1956.
KENNETH T. HANLEY,
Town Clerk, Town of Cheektowaga, New York

m22

RICHARD G. BENNETT

being duly sworn, deposes and says that he is the

PUBLISHER

of the

Depew Cheektowaga
Herald and News

a public newspaper published at Depew, Town of Cheektowaga, Erie County, New York, that notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for one week, the first insertion being on the 22nd day of March, 1956 and the last insertion being on the 22nd day of March, 1956, and that not more than six days intervened between any two publications thereof.

Richard G. Bennett

day of

19

Kenneth T. Hanley

Notary Public in and for Erie County

hn 11096-C8

Item No. 17 Councilman Korneck presented the following resolution and moved its adoption:

WHEREAS, Nussbaumer, Clarke and Velzy, Consulting Engineers of the Town of Cheektowaga, New York, have recommended revisions to be made at the Geo. Urban Pumping Station as set forth in Change Order No. 1, attached hereto,

BE IT RESOLVED, that said Change Order be approved and the contract between the Town of Cheektowaga and the Pitt Construction Company be amended in accordance with said Change Order. Amount of said Change Order is \$920.00.

Seconded by Councilman Wroblewski.

CARRIED: AYES: -6- ABSENT: -1-

Hereto attached is a copy of said Change Order

CHANGE ORDER NO. 1
Town of Cheektowaga, New York
George Urban Pumping Station

Contractor

The Pitt Construction Co.

Engineers

Nussbaumer, Clark & Velzy

Description of Change:

Furnish all labor and material necessary to revise the chlorinizer in the pumping station to include the following:

- 1) Necessary additional chlorinizer parts.
- 2) Required solution pipe and hose and appurtenances to feed solution to outside diversion chamber.
- 3) Control equipment revision.
- 4) Air piping revision.
- 5) Water piping revision.

Reason for Change:

Chlorination of raw sewage at the George Urban Pumping Station will provide odor control in the primary treatment processes at Sewage Treatment Plant Number 5.

Amount of Change:

The total amount of this change order equals \$920.00

Date:

Recommended by:

Nussbaumer, Clarke & Velzy

By: Nussbaumer

Date: 3/16/56

Approved:

By: Town of Cheektowaga

Date: 3-19-56

Item No. 18 Councilman Kornecki presented the following resolution and moved its adoption:

51

WHEREAS, Nussbaumer Clarke and Velzy, Consulting Engineers of the Town of Cheektowaga, New York, have recommended certain changes in the chlorination of raw sewage at the Geo. Urban Pumping Station as set forth in Change Order No. 2, attached hereto,

BE IT RESOLVED, that the contract between the Town of Cheektowaga, New York and the Pitt Construction Company be amended in accordance with said Change Order. Amount of said Change order being \$931.00.

Seconded by Councilman Wroblewski.

CARRIED: AYES: -6- ABSENT: -1-

Hereto attached is a copy of said Change Order

Change Order No. 2
Town of Cheektowaga, New York
George Urban Pumping Station

Contractor:

The Pitt Constructor Co.

Engineers

Nussbaumer, Clarke & Velzy

Description of Change:

Furnish all labor and material necessary to install 6" steel pipe encasing chlorine solution piping from the chlorinator in the pumping station to the outside diversion chamber, to include trench excavation and backfill, breaking through concrete walls where required, grading and seeding, and general clean up operations.

Reason for Change:

Chlorination of raw sewage at the George Urban Pumping Station will provide odor control in the primary treatment processes at Sewage Treatment Plant Number 5.

Amount of Change:

The total amount of this change order equals \$931.00.

Date:

Recommended by:

NUSSBAUMER, CLARKE & VELZY

By:

Nussbaumer

Date:

3/16/56

Approved:

By:

Town of Cheektowaga

Date:

3-19-56

Item No. 19 Councilman Wroblewski moved, seconded by Councilman Kornecki, WHEREAS, emergency repairs were required to replace broken pipe on Old Seaton Road east of Woodland Terrace and the Town Engineer authorized Stracco Inc., to make the needed repairs and replacements at a cost of \$806.03 be it

RESOLVED, that the voucher in the amount of \$806.03 payable to Stracco Inc., be approved and ordered paid.

CARRIED: AYES -6- ABSENT -1-

Item No. 20 Councilman Nagel presented the following resolution and moved its adoption.

WHEREAS, The TOWN OF CHEEKTOWAGA, and ANTHONY SCAMURRA, have entered into an Agreement wherein and whereby the said ANTHONY SCAMURRA, has agreed to construct a highway within the bounds of Farmingdale Road, beginning at the intersection of Farmingdale Road with the Northerly line of Fairhaven Drive (formerly Babcock Parkway) and extending in a Northerly direction, a distance of Five Hundred Sixty Five (565) feet, and

WHEREAS, the said ANTHONY SCAMURRA, has deposited with the TOWN OF CHEEKTOWAGA, the sum of Twenty Five Hundred (\$2,500.00) Dollars, on condition that he comply in all respects with the Agreement, as aforesaid, and

WHEREAS, the said deposit together with Escrow deposits to be held by the Western Savings Bank of Buffalo, at the rate of Two Hundred Fifty (\$250.00) Dollars, per house, constructed on Farmingdale Road, shall constitute a fund to assure compliance in all respects with the Agreement to construct a highway within the bounds of Farmingdale Road, as aforesaid.

NOW THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute the annexed Agreement between the said TOWN OF CHEEKTOWAGA, and the said ANTHONY SCAMURRA, on behalf of the said TOWN OF CHEEKTOWAGA, and be it further,

RESOLVED, that Farmingdale Road, commencing at the intersection of Farmingdale Road with the Northerly line of Fairhaven Drive, (formerly Babcock Parkway), and extending in a Northerly direction, a distance of Five Hundred Sixty Five (565) feet be accepted as a Town highway, under the jurisdiction of the Town Highway Superintendent, and be it further,

RESOLVED, that the Town Attorney be and he hereby is authorized and directed to record a Deed to said highway, properly executed and acknowledged, by the said ANTHONY SCAMURRA, in the Office of the Clerk of the County of Erie, and be it further,

RESOLVED, that the sum of Two Thousand Five Hundred (\$2,500.00) Dollars, now held by the TOWN OF CHEEKTOWAGA, as a fund for the successful completion of Farmingdale Road, be held as provided for by said Agreement and subject to the terms and conditions thereof,

Seconded by Councilman Wroblewski and duly put to vote, which resulted as follows:

Supervisor	Benedict T. Holtz	Voting	<u>AYE</u>
Councilman	Stanley R. Bystrak	Voting	<u>AYE</u>
Councilman	Henry J. Nagel	Voting	<u>AYE</u>
Councilman	Felix T. Wroblewski	Voting	<u>AYE</u>
Councilman	Joseph Trojanosky	Voting	<u>AYE</u>
Councilman	Joseph Kornecki,	Voting	<u>AYE</u>

AYES -6-

NOES -0-

ABSENT -1-

AGREEMENT

This Agreement, made this 13th day of March, 1956.

BY & BETWEEN: THE TOWN OF CHEEKTOWAGA, a Municipal corporation, organized and existing under the Laws of the State of New York, with its office and principal place of business, in the County of Erie and State of New York, hereinafter referred to as the party of the first part,

AND: ANTHONY SCAMURRA, residing at _____, in the Town of Cheektowaga, County of Erie and State of New York, hereinafter referred to as the party of the second part,

WITNESSETH:

WHEREAS, the party of the Second Part, is the contract purchaser, of certain

real property, abutting on both sides of Farmingdale Road, in the Town of Cheektowaga, said Farmingdale Road being formally Roelofs Road, commencing at the intersection of Farmingdale Road with the Northerly line of Fairhaven Drive, formerly Babcock Parkway, then extending Northerly a distance of approximately Five Hundred Sixty Five (565) feet, and more particularly described and distinguished as Subdivision Lots Numbers Two Hundred Sixty Three (263) through Two Hundred Seventy One (271) and Two Hundred Seventy Four (274) on the West side of Farmingdale Road and Subdivision Lots Numbers Three Hundred Twelve (312) through Three Hundred Eighteen (318) inclusive, and Subdivision Lot Number Two Hundred Seventy-Five (275) on the East side of Farmingdale Road, under a certain Map filed in Erie County Clerk's office, under Cover No. 1628, and

WHEREAS, the party of the Second Part, is about to enter into a contract, with the ERIE COUNTY WATER AUTHORITY, for the construction of a water line in said highway, and

and WHEREAS, the sanitary sewer has been constructed in and along said highway,

WHEREAS, the party of the Second Part, is about to commence construction of the highway itself, and

WHEREAS, the party of the Second Part, has requested that the TOWN OF CHEEKTOWAGA, accept as a Town highway, the said Farmingdale Road, commencing at the intersection of the Northerly line of Fairhaven Drive with the Westerly line of Farmingdale Road, and extending in a Northerly direction, a distance of Five Hundred Sixty Five (565) feet, and

WHEREAS, the party of the Second Part has agreed to enter into a Contract, with the TOWN OF CHEEKTOWAGA, to construct the said Street, so that the same will comply with the specifications of the Town Highway Department and the regulations of the Town of Cheektowaga, and

WHEREAS, the party of the Second Part deposits herewith the sum of Two Thousand Five Hundred (\$2,500.00) Dollars, with the Party of the First Part, to assure the acceptable completion of approximately Five Hundred Sixty Five (565) feet of Farmingdale Road, and

WHEREAS, the Western Savings Bank of Buffalo, having committed itself to finance eleven (11) houses, to be constructed on Farmingdale Road, by the party of the Second Part, has agreed to withhold the sum of Two Hundred Fifty (\$250.00) Dollars, from the final draw on each of the Building Loan Mortgages, on said houses as additional security to the TOWN OF CHEEKTOWAGA, for the assurance of the acceptable completion of the paving on the said portion of Farmingdale Road,

NOW THEREFORE, in consideration of the premises and the mutual covenants and promises hereinafter contained,

IT IS COVENANTED AND AGREED, as follows:

FIRST: That, the party of second part agrees to construct the said highway in Farmingdale Road, commencing at its intersection with the Northerly line of Fairhaven Drive and extending in a Northerly direction a distance of Five Hundred Sixty Five (565) feet, and

IT IS FURTHER AGREED, where necessary to reconstruct the foundation of the said highway and complete the same, the said highway will conform in every respect with the specifications of the Town Highway Department and the regulations of the TOWN OF CHEEKTOWAGA,

SECOND: IT IS FURTHER AGREED, that the sum of Two Thousand Five Hundred (\$2,500.00) Dollars, deposited herewith, by the party of the second part, shall be an Escrow deposit to assure the successful completion of Farmingdale Road.

THIRD: THAT, the deposit provided for in the second paragraph hereof, together with Escrow deposits held by the Western Savings Bank of Buffalo, at the rate of Two Hundred Fifty (\$250.00) Dollars, per house, constructed on Farmingdale Road, shall constitute a fund out of which the party of the first part may draw such sums as part necessary to complete the said highway so that the same complies in every respect with the minimum specifications of the Town Highway Department and the regulations of the TOWN OF CHEEKTOWAGA, in the event that the party of the second part defaults in this agreement.

Item No. 20 cont'd.

FOURTH: IT IS FURTHER AGREED THAT in the event that the fund provided for in the paragraph hereof, is insufficient to pay all the cost and expenses incurred by the party of the first part completing said highway, upon the breach of the contract by the party of the second part, that then, in that event, the party of second part hereby agrees to pay any sum required in excess of the said Escrow fund.

FIFTH: Upon filing with Town Board of the TOWN OF CHEEKTOWAGA, an executed copy of this agreement, together with proof by the Western Savings Bank of Buffalo, as to the facts pertaining to the said Bank withholding a Two Hundred Fifty (\$250.00) Dollars Escrow, per constructed house, as alleged in the premises hereof and upon delivery to it of a Deed to that portion of Farmingdale Road, covered by this Agreement, it is agreed that the party of the first part does hereby accept the said Highway as a Town Highway, subject to the jurisdiction of the Town Highway Superintendent.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 13th day of March, 1956.

TOWN OF CHEEKTOWAGA

BY

Supervisor

Anthony Scamurra

STATE OF NEW YORK)
COUNTY OF ERIE) SS..
CITY OF BUFFALO)

On this day of March, Nineteen Hundred and Fifty Six before me personally came, BENEDICT HOLTZ, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, New York, and that he is the Supervisor of the TOWN OF CHEEKTOWAGA, the Corporation described in and which executed the above Instrument; that he knows the seal of the said corporation; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK)
COUNTY OF ERIE) SS..
CITY OF BUFFALO)

On this 13th day of March, Nineteen Hundred and Fifty Six, before me, the subscriber, personally appeared ANTHONY SCAMURRA to me personally known and known to me to be the same person described in and who executed the within Instrument, and he duly acknowledged to me that he executed the same.

Frederick D. Stevens

Notary Public of the State of New York

Item No. 21 Councilman Wroblewski presented the following resolution and moved its adoption:

RESOLVE, to request the New York State Thruway Authority to either fence or pipe the wide and open deep ditch used for drainage purposes in conjunction with the Thruway, this ditch is parallel with Helen Street in Cheektowaga running north and south from Veterans Place south to the Thruway a distance of approximately 800 feet. This ditch is between Helen Street and a new Street named Nendale, it is in the back yards of some 50 homes, the need for protection is needed for safety of children as well as all concerned. Some three years ago the Town Board of Cheektowaga, New York, has had a similar request, we were told then that in the future some action will be taken by the Thruway Authority, however, we feel that the time is now, because many new homes have been built recently and the safety precaution is urgent, We hope and pray that action will be taken immediately to prevent a tragedy.

Seconded by Councilman Bystrak.

CARRIED AYES -6- ABSENT -1-

Item No. 22 The request of Property owners on Cherokee Drive to fence in the U-Crest Ditch was referred to the Supervisor for action.

Item No. 23 Sixty Two persons appeared in protest to various drainage problems in the Town, Ordered referred to the Town Engineer.

Item No. 24 Complaint in the form of a Petition presented to the Board by Mrs. Dorothy Evanz, 168 Wheaton Drive, in relation to flooded basements, flooded impassable street, hazardous and contaminated ditches, on Wheaton Drive, Toelsin Road and Crescent Court. Ordered referred to Town Board and Town Engineer. 53

Item No. 25 Councilman Kornecki moved, seconded by Councilman Bystrak, that all claims presented at this meeting for audit, be approved, and that the Town Clerk be authorized and directed to draw a warrant on the Supervisor for payment of same. (Warrant No. 595 to Warrant No. 703, inclusive, drawn on the Supervisor.) 6

Item No. 26 Councilman Korneck moved, seconded by Councilman Nagel, to adjourn.

SEAL

Kenneth T. Hanley, Town Clerk

Kenneth T. Hanley